

City of Annapolis



Rules & Regulations

OF THE PERSONNEL SYSTEM

Issued
JULY 1992

CITY OF ANNAPOLIS
RULES AND REGULATIONS OF THE PERSONNEL SYSTEM

<u>Section Number</u>	<u>Major Sections</u> <u>Title</u>	<u>Page Number</u>
1	General Provisions	1
2	Application for Employment Provisions	5
3	Employment Provisions	9
4	Classification and Pay Provisions	13
5	Miscellaneous Rules and Employment Conditions	18
6	Employee Benefit Programs	30
7	Code of Conduct and Disciplinary Provisions	52
8	Grievance and Appeal Procedures	64

INTRODUCTION

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

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

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

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

PREFACE

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

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

Special Notes:

- The personal pronouns he, his, and him used in these Rules and Regulations are to be interpreted to include both sexes. They are used merely for convenience and are not to be considered as any adverse reflection of either sex. When communication is directed toward either sex separately, words such as he and she and male and female will be used.
- These Rules and Regulations are not an employment contract. Nothing contained herein is intended to create or become an employment contract between the City and any person for the purposes of employment, promotions, or for the providing of any benefit.
- Any questions concerning the interpretation and application of these Rules and Regulations shall be referred to the Personnel Department for resolution.
- The City retains the right to establish, change, modify, or make exceptions to these Rules and Regulations when necessary
- If any direct conflicts exist between policies and procedures included in the Rules and Regulations and a current City labor agreement, the terms and conditions of the labor agreement shall take precedence for employees in classifications represented by a bargaining agent, whether the rights and benefits are greater or less than those provided in the Rules and Regulations.

AMERICANS WITH DISABILITIES ACT

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

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

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

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

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

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

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

WHAT IS, AND IS NOT, A DISABILITY?

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

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

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

Intellectual: Persons who are developmentally delayed.

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

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

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

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

The following are not disabilities as defined by the ADA:

- Minor, non-chronic conditions of short duration such as sprains, infections, broken limbs, pregnancy, etc.
- Current illegal use of drugs.
- “Sexual behavior disorders” i.e. transvestites, homosexuals, bisexuals, pedophiles, etc.
- Compulsive gambling, tobacco addiction, kleptomania, pyromania, and obesity (except in rare circumstances).

WHO IS COVERED BY THE ADA?

The law prohibits discrimination against:

1. Qualified individuals with disabilities.
2. Persons who have a known association or relationship with disabled individuals. For example, a person who does volunteer work with AIDS patients.
3. Individuals with records of such physical or mental impairment. For example, a cancer patient in remission.
4. Individuals regarded as having such an impairment. For example, a person disfigured by a burn accident.

WHAT IS COVERED BY THE ADA?

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

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

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

WHAT ACTIONS CONSTITUTE DISCRIMINATION?

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

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

WHAT ARE PENALTIES FOR DISCRIMINATION?

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

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

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

Punitive damages are not available against state or local governments.

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

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

INTRODUCTION

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

OVERVIEW OF LEGAL OBLIGATIONS

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

ILLEGAL DRUG USE

- “Current drug use” applies to the illegal use of drugs that has occurred recently enough to indicate that the individual is actively engaged in such conduct. Employers may seek reasonable assurances of no current drug use, including asking the applicant/employee to show participation in a drug treatment program or results of a drug test.
- “An employer, such as a law enforcement agency, may also be able to impose a qualification

standard that excludes individuals with a history of illegal use of drugs if it can show that the standard is job-related and consistent with business necessity.”

THE AMERICANS WITH DISABILITIES ACT

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

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

HIRING

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

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

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

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

CONTINUING EMPLOYMENT

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

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

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

REASONABLE ACCOMMODATIONS

What is a “reasonable accommodation” under the Act?

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

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

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

CIVIL LIABILITY

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

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

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

CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

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

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

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

SEXUAL HARASSMENT POLICY

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

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

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

If you think you are being sexually harassed:

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

SUBSTANCE ABUSE POLICY

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

- 1) As a condition of employment, unlawful manufacture, distribution, dispensation, possession, or use of any controlled dangerous substance, as defined in Article 27 of the Annotated Code of Maryland, in the workplace is prohibited and violators are subject to dismissal charges and procedures. Further, it shall be the duty of the employee to report to the City any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- 2) All persons hired for positions with the City of Annapolis are required to undergo a Drug Screening Test as part of pre-employment/employment processing. Initial positive results trigger a comprehensive confirmatory test upon which final employment decisions are based.
- 3) Substance abuse also includes alcohol and employees are prohibited from consuming alcoholic beverages during work hours which shall include, but not be limited to, an employee's lunch period, nor shall they have in their possession any open alcoholic beverage in or on City property. Employees shall not be allowed to report to work if the odor of an alcoholic beverage can be detected.
- 4) During the course of employment, should reasonable suspicion exist to indicate possible abuse and/or impairment from proper and safe performance of duties, employees may be subject to testing for substance abuse.
- 5) Employees subject to reasonable suspicion, who are confirmed through authorized testing (including confirmatory tests) to be users of controlled dangerous substances, will be referred to counselors at external agencies for evaluation and, if necessary referred to appropriate outpatient or inpatient treatment facilities. It shall remain the policy of the City of Annapolis to encourage rehabilitation and return to the work force.

- 6) Counseling, referral and treatment programs are available to all City of Annapolis employees and are coverage by the City's health plan through specific riders covering alcohol, drug, and psychological counseling and treatment. These riders are maintained by the City for the exclusive use of its employees.
- 7) Employees who have successfully completed rehabilitation and treatment and been returned to full duties in the workplace, are expected to remain free of substance abuse. Employees who fail to maintain a drug-free status and again become subject to positive testing during the term of their employment, will subject to dismissal charges and procedures.

SECTION 1: General Provisions

SECTION 1: GENERAL PROVISIONS

1-1 Purpose

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

1-2 Administration of the Personnel System

The Personnel Director shall be responsible for the administration and maintenance of the Personnel System. Amendments, changes or revisions of the Rules and Regulations shall be promulgated by the Personnel Director. Upon enactment, any changes or revisions shall be forwarded to the Mayor, Council, all City departments, and others as appropriate.

1-3 General Terms Used in the Personnel System

A. Definitions

1. Active Pay Status - A status in which an employee receives pay from the City of Annapolis for working his regularly scheduled work hours or while on paid leave.
2. Anniversary Date of Classification - The date an employee begins employment in a classification and the same month and day in following years of uninterrupted employment in that classification.
3. Anniversary Date of Employment - The date an employee begins employment and the same month and day in the following years of uninterrupted employment.
4. Certification - The referral of an applicant's name appearing on an eligibility list to a City department in order that the applicant be considered to fill a position vacancy in that department.
5. Civil Service Board - The Civil Service Board is composed of citizens of Annapolis appointed by Mayor and confirmed by City Council. The Board shall hear and review appeals filed by classified employees who have been dismissed, demoted or suspended in excess of ten(10) consecutive working days.

6. Classification - A job category comprising a group of related positions sufficiently similar in general duties and responsibilities to be given the same title and pay range.
7. Classified Status - An employment status given to a full-time employee who has successfully completed an initial probationary period and is filling a classified position.
8. Classified Position - A full-time authorized position which is not designated as exempt.
9. Demotion - A change in an employee's classification to one which has a lower entry hourly wage rate.
10. Dismissal - Disciplinary separation from City employment.
11. Eligibility List - A rank-ordered list, by examination score, of names of all applicants who have passed an examination for a specific classification.
12. Examination - Any instrument, process, or procedure used to assess the relative qualification of individuals to perform the duties of a specific classification.
13. Exempt Status - An employment status given to employees who are not classified, such as part-time, temporary, initial probationary, management and other classifications as determined by management.
14. Full Time - Appointment to a position that requires a working schedule of (35) hours or more a week.
15. Job Description - A written description of the essential characteristics and duties of a classification. Responsibilities, examples of tasks, desirable knowledge, skills and abilities, and qualifications needed to perform the work and included in a job description.
16. Layoff - A reduction of employees due to lack of work, funds, or other causes not pertaining to employee performance.

- list.
17. Layoff List - A list of employees separated from employment due to a layoff.
 18. Overtime - Overtime is paid in accordance with Fair Labor Standards Act.
 19. Part-time - Appointment to an exempt position that usually requires a working schedule of twenty-eight (28) work hours or less per week.
 20. Pay Range - The minimum to maximum wage or salary rates which are assigned to a particular classification.
 21. Performance Evaluation - A written assessment of an employee's job performance by the employee's supervisor.
 22. Position - A group of job duties and responsibilities requiring the full-time or part-time employment of one(l) person. A position relates to the duties assigned and not to the employee performing those duties.
 23. Probationary Employee - A full-time employee, upon initial employment, serving a trial working period. An employee is classified after successful completion of the initial probationary period. Another probationary period is required for employees promoted, demoted or transferred.
 24. Promotion - A change in an employee's classification to one which has a higher entry hourly wage rate.
 25. Recall - An offer of reinstatement to former employees who are on a layoff
 26. Reemployment - Hiring a former employee as a new employee.
 27. Reinstatement - An action returning a former employee to City service without loss of his continuous employment status.
 28. Retirement - The act of separating from City employment for the purpose of receiving pension benefits upon fulfilling eligibility criteria of the applicable retirement system.
 29. Suspension - A disciplinary absence from work without pay as directed by management.

30. Temporary Employee - An exempt employee appointed for a special project, program, grant or other work for a short duration.
31. Transfer List- By classification, a list of employees who have advised they wish to move to another department, or within the same department, without changing their classification.

1-4 Personnel Records and Reports

- A. The Personnel Department shall establish and maintain comprehensive personnel records of all employees. Files maintained by the Personnel Department are the official personnel records for all employees.
- B. An employee may inspect his personnel record during the normal office hours of the Personnel Department and may include in his file a written and signed refutation of any material he considers to be detrimental.
- C. All requests for information concerning past or present employees shall be directed to and processed by the Personnel Department.

SECTION 2: Application for Employment Provisions

SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS

2-1 General Policy

There shall be no discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of political or religious Opinions or affiliations, or because of race, color, creed, sex, age, national origin, or any other document factors.

As part of the commitment of the City to the principles of equality of opportunity, the Personnel Department will continue furthering efforts to reach the goals of the City's Affirmative Action Plan.

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

2-2 Recruitment and Examination Announcements

All recruitment notices and announcements of examinations for positions shall be issued by the Personnel Department for the purpose of posting in the Personnel Office, on official City bulletin boards and in other appropriate places. When recruitment is conducted for persons not employed by the City, advertisements may be placed in both the general and minority media. The announcement shall specify the title and salary range of the classification, the qualifications necessary or desirable for the performance of work, the place and manner of making application, a closing date for consideration of applications, if applicable, and other essential information.

2-3 Employment Application Form

Applications for employment shall be made on forms prescribed by the Personnel Department. Such forms shall require information covering training, experience, and other pertinent information. Each application must be signed by the person applying, and the truth of the statements contained therein certified by the applicant's signature. The City shall require such proof of age, education, experience, and other claims as may be appropriate. Applications shall not be considered if not filed by the announced closing date for receiving applications for a particular position. Any exceptions to this require the approval of the Personnel Director.

2-4 Disqualification for Employment

The City shall reject an applicant who does not possess the minimum qualification required for the position or fails to pass any examination for that position. Failure to meet the physical requirement for a particular job as determined by the City's designated physician will also result in disqualification. Fraudulent conduct or false statements by an applicant, or by others at his request or with his knowledge, in any application or examination, shall be cause for the is qualification of such applicant from an examination, removal of his name from all eligibility lists, or termination from City employment.

2-5 Examination Procedures

- A. Whenever a vacancy exists or is contemplated for a Civil Service position, the Personnel Department shall prepare selective criteria and/or administer competitive examinations to determine the relative qualifications of applicants for the position. In classifications where vacancies frequently occur, continuous recruitment examinations may be administered. All examinations will be designed to fairly and impartially assess the merit, fitness, experience and other qualifications of an applicant to perform the duties of the classification. Examinations may consist of one or more of the following:
1. Written examination
 2. Oral examination
 3. Performance examination
 4. Medical examination
 5. Evaluation of training and experience
 6. Performance in present classification
 7. Length of time in present classification
 8. Any other applicable criteria which will fairly assess the abilities of individuals to perform the duties required for the position.
- B. An employee shall suffer no loss of pay for participation in examinations for Civil Service positions.
- C. Sound measurement techniques and procedures shall be used in the scoring of examinations and determining the relative ranking of candidates. At the City's discretion, final scores shall be determined by the score achieved in any single element, or by combining scores achieved in any or all of the individual elements of the total process in accordance with the weight established for each element.

- D. The retake of an examination shall be limited to those examinations administered solely for entrance level positions. An applicant for an entrance level position may retake an examination after two weeks have elapsed from the time the examination was initially taken. An examination may be taken a third time after two weeks have elapsed from the first retake. No additional retakes shall be allowed until one year has elapsed from the date of the last retake. An applicant may retain his original score on his examination, if achieved within one calendar year, or may accept the score of a retake, at his discretion. Examinations designated as promotional shall not be retaken until the eligibility list for that position has expired.
- E. Department Directors and certain other employees are considered exempt and are not employed in classified service positions. Appointments to these positions are made by the Mayor. Resumes submitted by applicants for these positions are evaluated based upon criteria established for that position, with the most qualified applicants proceeding to subsequent stages in the selection process. Subsequent evaluation may consist of structured interviews, assessment centers, reference checks, or any other criteria which fairly and impartially assess suitability to perform the duties of the position.

2-6 Eligibility Lists

- A. An examinee who achieves a passing score on a competitive examination shall be placed on the eligibility list for that classification, according to his examination score. An employee requesting a transfer within the same classification shall be placed at the top of the eligibility list for the classification and no examination is required. Honorably discharged veterans of the United States military services shall be given preference in appointment, promotion and reemployment in accordance with applicable laws.
- B. An examinee's name shall remain on the eligibility list for a period of one (1) year. The Personnel Director may, in writing, extend the entire list beyond that date. In no event will an eligibility list be in effect for more than two (2) years.
- C. Whenever a Civil Service position is established or becomes vacant, the Personnel Department shall certify to the requesting department five (5) names of persons for each vacancy, in descending score order, plus all persons on the transfer list for that classification.

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

2-7 Preemployment Medical Examinations

An applicant selected for employment, including but not limited to those being reemployed, recalled, or reinstated, may be required to pass a medical examination and drug screen prior to his employment. The medical examination shall be performed and evaluated by the City's designated physician. In the event a preemployment medical examination cannot be scheduled until after he starts work, he will suffer no loss of pay if the examination is scheduled during his normal shift hours.

2-8 Employment of Relatives (Nepotism)

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

SECTION 3: Employment Provisions

SECTION 3: EMPLOYMENT PROVISIONS

3-1 Probationary Period

A. All entrance or promotional appointments to Civil Service positions shall be in a probationary status. This trial working period shall be utilized to closely observe an employee's work in an effort to secure the most effective adjustment to his position. An exempt status employee does not serve a probationary period.

B. Duration of Probationary Period

1. A probationary period for an employee in most Civil Service positions shall be a minimum of twelve (12) months for entrance and promotional appointments. A probationary period may, at management's discretion, be extended for six (6) months to allow for additional observation of an employee whose job performance is considered marginal and who may otherwise not successfully pass his probationary period. Extensions of this nature shall be shown on an employee's performance evaluation form conducted prior to the expiration of his twelve (12) month probationary period. Additionally, the employee must be advised that his probationary period is being extended prior to the expiration of the normal probationary period. A final performance evaluation form shall be completed and forwarded to the Personnel Department prior to completion of his probationary period indicating whether he is to be classified, terminated or demoted.
2. Exceptions may be approved by the Personnel Department for classifications which require special training, licenses and certifications.
3. An employee who transfers to another department in the same classification shall be required to complete a three (3) month probationary period.
4. Cumulative absences of thirty (30) calendar days or more and any suspensions from scheduled work shall be added to a probationary period. Departments are responsible for computing, adjusting and documenting adjusted probationary periods.

3-2 Termination or Demotion of a Probationary Employee

- A. A probationary employee who has never attained Civil Service status in any classification may be terminated or demoted at the discretion of his department director. Grievance and appeal procedures are not available to an employee who has never attained Civil Service status in any classification.
- B. A Civil Service employee serving a probationary period as a result of a promotion or transfer who is found to be unable or unwilling to perform the duties of the Position shall be returned to his prior position if it is vacant, or he may be transferred to a vacant position with the same job classification, subject to approval of the concerned department director(s). The department shall provide written notice specifying the reasons for failure to pass the probationary period. If there is no job vacancy or he is not transferred, he will be terminated and placed at the top of the eligibility list for his prior classification for a period of six (6) months. A Civil Service employee may appeal his termination or demotion action directly to the Civil Service Board if he feels that the action is improper.

3-3 Civil Service Status

Civil Service status results from satisfactorily completing the Probationary period in a specific classification. Once an employee passes his initial probationary period, he becomes a classified employee and receives all applicable benefits and rights as provided by the Rules and Regulations of the Personnel System.

3-4 Exempt Status

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

- A. Temporary (Short-Term)

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

B. Part-time

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

C. Management

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

3-5 Employee Performance Evaluations

A. General Provisions

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

B. Intent of Performance Evaluation

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

C. Frequency of Performance Evaluations

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

D. Performance Evaluation Rating Procedure

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

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

SECTION 4: Classification and Pay Provisions

SECTION 4: CLASSIFICATION AND PAY PROVISIONS

4-1 Classification Provisions

A. Purpose of the Classification Plan

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

B. Classification Plan Administration and Maintenance

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

C. Job Descriptions

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

4-2 Position Reclassification (Job Audit)

- A. Positions may be reclassified when evidence supports the fact that officially assigned duties and responsibilities of a continuing nature are not consistent. A department director may request a review of a position. Classification studies may result in a Position upgrade, downgrade, lateral reclassification or Confirmation that the position is currently classified appropriately.

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

4-3 Result of Reclassification

- A. Reclassification to a New or Revised Classification

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

- B. Reclassification to a Higher Pay Grade

Should an employee be reclassified to an existing classification with a higher entry pay, such change shall be considered a promotion.

- C. Reclassification to the Same Pay Grade

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

- D. Reclassification to a Lower Pay Grade

Should an employee be reclassified to an existing classification with a lower entry pay, he shall be treated in accordance with demotion procedures.

4-4 Pay Provisions

- A. Purpose of the Pay Plans

The Civil Service and Exempt pay plans shall be implemented, maintained, and administered by the Personnel Department as the primary component is the City's compensation program. The pay plans shall provide the basis of compensation for all employees.

The Civil Service Pay Plan shall include:

1. Tables of basic pay rates
2. Schedules of pay grades for each title in the classification plan consisting of the minimum and the maximum hourly rate and any applicable pay steps.
3. A description of applicable pay progression, pay differential, and other compensation policies.

B. Amendment of the Pay Plans

Amendments to the pay plans shall be considered when changes in responsibilities of work, cost of living, availability of labor supply, prevailing rates of pay, the City's financial condition, or other pertinent economic consideration warrant such action. After consultation with department directors and other concerned parties, the Personnel Director may implement amendments to the pay plans.

C. Pay Rates for New Appointees

Entrance appointments to Civil Service positions shall be made at the minimum pay rate of the assigned pay range. Written requests by department directors for a pay rate above the minimum of the range shall only be approved for exceptional reasons and must have the prior authorization of the Personnel Director, or his designee.

4-5 Personnel Actions

A. Promotion

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

4. Pay Grade and Hourly Pay Rate

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

2. Classification Date and Probationary Period

A promoted employee who previously held permanent Civil Service status shall retain all permanent status rights and privileges during the probationary period.

B. Demotion

1. Effect of Demotion on Pay

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

- a. Demotion will not result in a pay increase.
- b. Pay will not exceed the maximum hourly rate of the pay grade designated for the lower classification.
- c. An employee demoted for disciplinary reasons shall receive the hourly pay rate in the lower range which would place him in the same relative position had he progressed from the minimum of the pay range assigned to the higher classification.
- d. An employee demoted for nondisciplinary reasons to a lower classification shall retain his current hourly pay rate or the maximum of the pay range assigned to the classification, whichever is lower.
- e. The Personnel Director may approve administrative exceptions to the demotion pay policy upon the submission of a written request from a department director detailing any extenuating circumstances.

2. Demotion Approvals and Appeal

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

C. Transfers

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

4-6 Overtime/Compensatory Time

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

4-7 In accordance with negotiated Labor Contracts.

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

SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

5-1 Departmental Rules

Each department may promulgate and implement departmental rules based upon operational needs and requirements as a Supplement to the Personnel Management System Rules and Regulations

5-2 Hours of Work

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

5-3 Attendance

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

5-4 Pecuniary Interest

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

5-5 General Appearance, Work Attire, and City Uniforms

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

5-6 Double Employment

No City employee may engage in or have employment involving more than one full-time position with the City of Annapolis. Double employment for part-time employees must receive prior approval from the Personnel Department.

5-7 Outside Employment

- A. Employees may engage in outside employment during of f- duty hours when such employment does not, in any way, interfere or create a potential conflict of interest with their City employment. An employee who wishes to engage in any outside employment, including self employment, shall provide information concerning his proposed activities to his department director for approval, prior to engaging in outside employment.
- B. An employee who wishes to engage in outside employment shall make arrangements to be relieved from his outside employment duties if and when called for duty by the City.
- C. All injuries sustained while engage in outside employment must be reported to the employee's supervisor prior to his next scheduled working day. An employee may not use City Workers' Compensation benefits or accumulated extended illness leave for sickness or injury sustained while engaged in outside employment.

5-8 Participation in Employee Organizations

- A. City employees have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization.
- B. Eligible City employees shall have the right to be represented by an employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their employer in the determination of the terms and conditions of their employment, and to be represented in the determination of grievances.
- C. It is the intent of the City that nothing in this section shall be construed to either encourage or discourage the organization of employees.
- D. Employees who are covered under a labor agreement shall also be subject to the Rules and Regulations of the Personnel System. If any direct conflicts occur between the labor agreement and the Rules and Regulations of the Personnel System, the labor agreement shall take precedence. The labor agreement shall be the governing document in all cases even though the rights or benefits may be greater or lesser than provided for in the Rules and Regulations.

5-9 City Equipment

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

5-10 Address and Telephone Number

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

5-11 Political Activity

No City employee shall take any active part in political campaigns or other political activities during duty hours. Employees having questions concerning political activities should consult the City Law Office.

5-12 Solicitation of Contributions, Memberships, or Business

- A. The solicitation of contributions, memberships, or business among employees of the City shall not be permitted on City property during the employee's working time except for charity drives and promotions specifically authorized by the City.
- B. Employee organizations, their members, agents, representatives, or persons acting on their behalf are prohibited from soliciting employees during working hours. This section shall not be construed to prohibit solicitation by employee organizations during the employee's lunch period or in such areas not specifically devoted to the performance of the employee's official duties.

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

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

5-14 Use of City Vehicles or Privately Owned Vehicles on City Business

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

- G. Employees who are in classifications or positions that require the use of their personal vehicle to carry out assigned duties and who qualify for “dedicated” vehicle and mileage allowance, are responsible for maintaining automobile liability, property damage¹ and personal injury insurance coverage requirements in accordance with provisions contained in the Administrative Policies and Procedures.

5-15 Seniority, Layoff, and Recall Procedures

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

A. Types of Seniority

1. City Seniority

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

2. Classification Seniority

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

3. Seniority Adjustment

- a. City and classification seniority shall continue to accrue during all types of paid leave except for leaves of absence or suspensions without pay which are in excess of thirty (30) consecutive calendar days. Such absences shall cause the seniority dates to be adjusted for an equivalent amount of time.
- b. An employee having a minimum of five years of continuous City seniority shall suffer no loss of City or classification seniority while on a medical leave of absence without pay for a period not to exceed twelve (12) months.

4. Loss of Seniority

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

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

5. Seniority Records

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

B. Layoff Procedures

1. Application

a. Classified Status Employees

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

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

b Exempt Status Employees

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

2. Layoff Criteria

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

3. Transfer Procedures

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

4. Unemployment Compensation

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

C. Recall, Reinstatement and Reemployment Procedures

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

2. An employee reinstated to his prior classification within nine (9) months from the date of layoff, shall receive the same hourly pay rate earned at the time of layoff, and any general wage increases applicable for his classification.
3. An employee on layoff status who applies, and is competitively selected for full-time City employment in any other classification prior to expiration of nine (9) months from the date of layoff, shall be reinstated, resulting in the restoration of prior City seniority, which shall be adjusted if the layoff absence is in excess of thirty (30) consecutive calendar days, and restoration of his extended illness leave account balance.
4. An employee on layoff status who is not recalled and reinstated by the City within nine (9) months from the date of layoff, will be removed from the layoff list and will be ineligible for reinstatement of prior seniority or benefits in the event of reemployment by the City at a later date.

5-16 Resignation

- A. Resignation is the voluntary separation of an employee from employment accomplished by submitting a written or oral notice expressing a desire to end employment with the City. An employee who wishes to leave in good standing shall notify his immediate supervisor at least two (2) weeks before leaving.
- B. An employee who resigns from employment shall not be eligible for reemployment for six (6) months following his date of separation, unless approved by the Personnel Department.

5-17 Disability Separation

An employee may be terminated for disability reasons when medical evidence indicates he is unable to safely or effectively perform the required duties of his position because of a physical, emotional or mental impairment, and no other suitable work is available elsewhere within the City. The City may require a medical examination at its expense, to be performed by physicians of its choice. Such an examination may include physical, emotional or mental evaluations as well as the completion by the employee of a current Personal History and Medical Examination Form. Separations for disability under this section are not considered to be disciplinary terminations.

A. Requesting a Medical Evaluation

1. If an employee is suspected of being disabled or medically impaired to the extent that he cannot safely or effectively fulfill his assignments on a regular basis, the concerned department director shall submit a written request to the Personnel Director to schedule a medical examination to evaluate the employee's fitness for duty. Such examination should attempt to establish the cause, extent, and probable duration of the disability.
2. The department's request shall include the following:
 - a. A copy of the employee's job description.
 - b. A detailed list of the specific tasks that the employee performs along with the physical activities required in his job.
 - c. The employee's attendance record for the prior eighteen (18) month period which shows in detail the specific reasons for each absence from duty. For example, when the employee is absent for medical reasons, the specific type of medical problem should be identified.
 - d. All information available to the department regarding the employee's medical problems or condition.

B. Separation Procedures

1. Upon establishing the existence of medical factors indicating an employee is impaired and/or restricted in performing his job, the concerned department should contact the Personnel Department for the purpose of coordinating and seeking assistance in making a reasonable effort to locate suitable alternate employment elsewhere with the City, if appropriate.
2. Upon approval by the Personnel Director, the concerned department director may terminate an employee for appropriate reasons relating to a medical disability, and excessive absenteeism.

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

5-18 Return of City Property

At the time of separation, and prior to receiving final compensation due, all records, books, assets, uniforms, keys, tools, and other items of City property in an employee's custody, shall be returned to the department. Certification to this effect shall be documented by the employees supervisor. Money or City property due the City because of any shortages shall be collected through appropriate action approved in advance by the Personnel Department.

5-19 Loss of Driver's License

- A. It is a policy requirement that an employee in a classification or position which requires the operation of a motor vehicle possess and maintain a valid motor vehicle operator's license (driver's or chauffeur's) issued by the State of Maryland. The loss of such license and driving privilege shall subject an employee to the Possibility of termination.
- B. An employee required to maintain a valid driver's license who loses his driving privilege for whatever reason (e.g., suspension, expiration, physical loss of driver's license) shall immediately report such loss to his supervisor and shall not be permitted to operate a motor vehicle or motorized equipment on the job until his driving privilege is restored.
- C. Upon timely notification by an employee that he has lost his driving privilege, his department shall have the following options:
 - 1. Make a reasonable effort to reassign him, on a temporary basis, to appropriate non-driving responsibilities, if available, for a period not to exceed forty-five (45) calendar days to provide continuous employment during his efforts to reinstate his driving privilege.
 - 2. Allow him to use any accrued annual leave during the forty-five (45) calendar day period while obtaining reinstatement of his driving privilege.
 - 3. Place him on a temporary leave of absence without pay not to exceed forty-five (45) calendar days.
 - 4. Any exceptions to the above options require the approval of the department director and the Personnel Department.

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

5-20 Substance Testing

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

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

- A. The procedure for drug testing and controlled substance testing will include the following:
1. A blood sample and/or urine specimen will be taken at the designated facility. The sample/specimen will be sealed and chain of custody procedures followed in transporting the sample/specimen to the testing facility. The testing will be done at the expense of the City. The initial screening test will be the EMIT test. In the event that the first test is positive, indicating the presence of a drug, a Gas Chromatography/Mass Spectrometry test using the initial sample/specimen will be conducted to ensure accurate results.
 2. An employee who is tested will be placed on an administrative leave status, with pay, pending the result of the test(s). Departmental “field calendars” will be adjusted to show no employee absence in those cases when a substance test is negative.

3. If the first substance test result is negative, a second test will not be conducted and the employee will be returned to work. If the first test is positive and the second test is negative, the employee will be returned to work. In the event either the first or second test is negative, no disciplinary action related to drug use will be taken, and no record will be placed in an employee's personnel file that the drug testing occurred.
- B. Employees suspected of using or being under the influence of alcohol while on duty will be subject to undergoing a Breathalyzer examination. This test will be administered by qualified City Police Department personnel.
 - C. An employee who admits to being under the influence, or whose final test result is positive, indicating alcohol or substance use, shall be referred to the City's Employee Assistance Program. No disciplinary action shall be taken against the employee for drug or alcohol use if subsequently the employee successfully completes the rehabilitation program prescribed through the Employee Assistance Program, except that Police Department employees are subject to discipline, up to and including discharge, for the first offense of illegal substance or controlled substance use while on or off duty. However, the City can discipline employees for other serious offenses that have been committed relating to actions caused while under the influence of alcohol or drugs. Only one such referral to the Employee Assistance Program shall be permitted.
 - D. Unless the employee admits that he is using or is under the influence of drugs or alcohol prior to the testing, failure to submit to the appropriate test(s) when there is reasonable suspicion that he is under the improper influence of alcohol, illegal drugs or other controlled substances will be cause for disciplinary action against the employee for insubordination.

SECTION 6: Employee Benefit Programs

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

SECTION 6: EMPLOYEE BENEFIT PROGRAMS

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

6-1 Annual Leave

A. Purpose of Annual Leave

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

B. Annual Leave Accrual Rate and Maximum Accrual

Annual leave is accrued based on the number of regularly scheduled hours an employee remains on active pay status and length of service.

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

C. Scheduled and Unscheduled Leave From Work

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

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

D. Personal leave.

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

E. General Provisions

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

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

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

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

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

6-2 Sick Leave

A. Purpose of Sick Leave

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

B. Sick Leave Accrual Rate & Eligibility

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

C. Notification Procedures

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

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

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

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

D. General Provisions

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

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

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

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

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

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

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

E. Donation of Vacation/Sick Leave to Colleague

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

F. Serious Chronic Medical Condition

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

Guidelines for determining eligibility for this benefit are as follows:

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

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

4. Limited duty Assignments

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

Suitable “limited-duty” work must be available within any department in the city.

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

G. Workers Compensation

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

6-3 Holidays Observed by the City

The following eleven (11) holidays are generally observed:

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

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

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

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

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

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

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

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

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

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

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

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

6-4 Funeral Leave

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

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

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

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

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

6-5 Jury Duty

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

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

excused or released by the court.

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

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

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

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

6-6 Compensation Practice for Administrative Hearings and Court Attendance

A. Administrative Hearings

1. Appearance on behalf of the City

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

2. Appearance on behalf of a grievant/appellant

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

B. Court Attendance

1. Appearance on behalf of the City

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

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

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

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

C. Subpoena Fees

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

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

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

D. General Provisions

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

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

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

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

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

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

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

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

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

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

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

6-8 Military Leave

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

A. Military Leave

In accordance with Maryland Statutes, applicable federal law, an employee who is absent from work for military duty, shall be entitled to a leave of absence without loss of pay for such time as he shall be ordered to active or inactive duty training for a period not to exceed two weeks. The annual period is defined as January 1 through December 31.

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

B. Inactive Duty Training (Weekend Drills)

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

C. Recall to Active Military Duty

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

D. Recall to Emergency Active Military Duty

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

E. Reinstatement from Military Service

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

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

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

6-9 Leave of Absence Without Pay

A. Voluntary

The appointing authority may grant requests for leaves of absence without pay for periods not to exceed one year. During the period of absence without pay, no sick or vacation leave is accrued .

At the termination of such leave, the employee shall be reinstated in the civil service system with all previous rights and privileges, earned by the individual up to the previous last day of employment. The appointing authority must notify the Human Resources Department to ensure all benefits are reinstated.

B. Involuntary

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

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

C. Family Leave (Reference Family Medical Leave Act)

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

- a. A newly born or newly adopted child of the employee;
- b. A foster child placed with the employee; or a seriously ill child,

spouse, parent, or legal dependent of the employee.

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

6-10 Accident Prevention and Safety

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

- A. Risk Management Committee
- B. Safety Committee

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

- C. Safety Equipment Devices

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

- D. Reporting System

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

- E. Incident/Liability Report

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

- F. Vehicle Accident Reporting Procedures

In the case of any City-owned vehicle, which is involved in a motor vehicle accident to include boats, an employee operating such vehicle will immediately notify the Police Department and his supervisor who will be dispatched when determined appropriate. In the event his supervisor is

not available, another supervisor from within the concerned department will be dispatched by the department director.

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

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

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

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

G. On-the-Job Injuries

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

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

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

H. Workers Compensation for Injured Employees

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

Full wages will be paid for the complete shift on the day of the on-duty injury if disability results, or for that part of the day spent receiving medical treatment.

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

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

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

I. On-Duty Injury Benefit

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

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

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

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

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

6-11 Leave of Absence With Pay

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

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

The use of leave under this Act applies to any and all paid leave that is earned or accrued prior to and after October 1, 2008.

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

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

6-12 Blood Bank

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

6-13 Rest Breaks

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

6-14 Credit Union

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

6-15 Group Insurance Program

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

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

A full-time employee is eligible to participate in one of the health plans offered and to change

his selection annually during the open enrollment period. Health insurance coverage becomes effective on the first day of the month following date of hire.

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

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

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

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

6-16 Vehicle/Mileage Allowance

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

6-17 Longevity Pay Program

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

6-18 Pension Plans

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

6-19 Employee Assistance Program

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

6-20 Tuition Refund Program

The City encourages employee self improvement. The Human Resources Department is

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

A. Eligibility

Employee must be on a full-time status.

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

B. Courses

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

C. Approval

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

D. Reimbursement

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

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

E. Filing Procedure

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

6-21 Unemployment Compensation

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

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

SECTION 7: Code of Conduct and Disciplinary Provisions

SECTION 7: CODE OF CONDUCT AND DISCIPLINARY

PROVISIONS

7-1 **Purpose**

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

7-2 **Policy**

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

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

7-3 **Disciplinary Actions**

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

B. Disciplinary actions may include:

1. Informal Counseling

- a. Depending upon the circumstances of the case, an employee may receive informal counseling at the discretion of his supervisor to advise him of work deficiencies and/or misconduct.
- b. It is recommended that appropriate notes or other records concerning the time and nature of an informal counseling session be maintained by the supervisor within the department to document action taken.

2. Oral Warning

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

3. Written Reprimand

- a. To document a written reprimand, an Employee Notice (memo) shall be issued specifically defining the nature of the infraction under either the Code of Conduct, Rules and Regulation, and/or the appropriate departmental rule. The Employee Notice should include a complete description of the incident of misconduct and refer to specific times, dates, locations, personnel involved, and any rules violated.
- b. The employee's immediate supervisor or other management employee initiates an Employee Notice with the approval of the concerned department director.

4. Suspension

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

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

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

5. Dismissal and Pre-dismissal Hearing

- a. An employee may be dismissed for serious and/or continued misconduct. Employee Notice describing the incident and any rule(s) violated shall be completed and forwarded to the Personnel Department within one (1) workday following the action.
- b. A classified employee has a right to have an informal pre-dismissal hearing before being dismissed. If an employee makes a timely request after notice of his proposed dismissal, his department director, or designee, shall schedule a pre-dismissal hearing to discuss the misconduct and proposed action. The hearing should provide an opportunity to review the case, but need not be elaborate. A classified employee is entitled to oral or written notice of the charges against him, an explanation of the evidence and an opportunity to present his side of the story. After completion of the informal hearing, the department shall take appropriate action and notify the employee.

7-4 Application of Disciplinary Measures

- A. Employees are expected to abide by the City Code of Conduct and all established departmental policies, and may be disciplined for violation of either City or departmental rules and regulations.
- B. In recognition of the fact that employee disciplinary and work records differ, and that each instance of misconduct may vary in some respects from similar actions, the City retains the right to treat each disciplinary occurrence on an individual basis without creating a precedent for resolving other cases of misconduct which may arise in the future.
- C. Every possible act of misconduct cannot be specifically identified in the Rules and Regulation. As such, Code of Conduct offenses are to be interpreted broadly. Explanations more closely describing the specific act of misconduct may be provided by the department director. Illustrative examples given in any rule are not intended to restrict the regulation, and do not limit the general application of the rule. If a specific instance of misconduct is not appropriately represented by an established rule in the Code of Conduct, the department director may describe the misconduct and take appropriate disciplinary action. The disciplinary procedures are not to be construed as a limitation upon the retained management rights of the City, but are to be used as a guide to assist management in determining an appropriate type and level of discipline to be administered.
- D. When formally disciplined, an employee shall be given documented notice of his misconduct or work deficiencies. Such employee should also be provided with notice of the consequences of further misconduct or the lack of immediate corrective action. The department is responsible for informing the employee of any grievance and appeal rights by so noting on the appropriate form. Documentation of all formal disciplinary actions shall be included in the employee's official personnel record in the Personnel Department.
- E. The employee's signature is requested on the Employee Notice to acknowledge receipt, and does not indicate his agreement with the provisions of the disciplinary action. If he refuses to sign, it should be so indicated by management on the Employee Notice in the area reserved for the employee's signature.

- F. When imposing disciplinary measures on a current charge, supervisors will not take into consideration prior infractions of the City of departmental rules and regulations which occurred more than eighteen (18) months previously. However, within the context of progressive discipline, the final personnel action of dismissal from employment cannot be considered corrective or rehabilitative in nature since the employment relationship is terminated. In such instances where progressive discipline has failed to achieve an employees compliance with expected standards of behavior, and a decision to dismiss him is under consideration, it is appropriate to review his entire employment record with the City.
- G. An employee may be dismissed as a chronic offender of the Code of Conduct or departmental rules when he has been issued four (4) disciplinary actions resulting in a Report of Oral Warning or an Employee Notice within an eighteen (18) month period.
- H. As a uniform guideline, these procedures provide recommended progressive disciplinary actions for continued misconduct of the same or generally related nature; however, the recommended disciplinary action may be modified by management, including either lesser or more severe discipline, when extenuating circumstances are found to exist. In such instances where a disciplinary action to be administered is not in accordance with the recommended action for an offense(s), the department director will document the reasons for the disciplinary modification.

7-5 Code of Conduct

- A. For purposes of this Code of Conduct, offenses are typically associated in one of three general categories:
 - 1. Attendance Related Misconduct

Attendance related offenses generally refer to absenteeism, tardiness, and all other activities resulting in time away from the work site.
 - 2. Work Related Misconduct

Work related offenses generally refer to neglect of work, mistakes, accidents, and all other activities affecting work site productivity or job performance.
 - 3. Miscellaneous Misconduct

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

- B. An appropriate level of discipline for related violations of offenses in separate groups (Group I, II, and III) shall be determined on a case by case basis upon considering the employee's disciplinary record and the circumstances of the employee's current misconduct. Progressive discipline is applicable for repeat misconduct of the same or of a related nature.
- C. Although offenses of any kind are disruptions of the working environment and cannot be tolerated, some misconduct is more serious and warrants a more severe disciplinary action to correct the situation. The Code of Conduct lists three groups of offenses based upon misconduct. The City has established recommended disciplinary actions for the first, second, third, or more violations of the same or generally similar offense in any particular group. In each group and for each rule, the degree of discipline may vary in consideration of numerous factors which include, but are not necessarily limited to, the following areas:
- the nature and seriousness of the misconduct
 - prior warnings and disciplinary actions for offenses for the same or generally similar nature
 - the employee's length and quality of City employment
 - time intervals between offenses
 - effectiveness of prior disciplinary actions
 - demonstrated willingness to improve
 - overall work performance
 - and disciplinary actions previously administered to other departmental employees with comparable records for the same or similar offenses.

D. Groups of Offenses

**GROUP I OFFENSES AND
RECOMMENDED DISCIPLINARY ACTION**

FIRST VIOLATION	-	ORAL WARNING (Documented on Form)
SECOND VIOLATION	-	EMPLOYEE NOTICE AND A ONE (1) WORK DAY SUSPENSION
THIRD VIOLATION	-	EMPLOYEE NOTICE AND A FIVE (5) WORK DAY SUSPENSION
FOURTH VIOLATION	-	DISMISSAL

WORK RELATED MISCONDUCT

1. Refusal to work overtime, special hours or special shifts, after being scheduled or assigned according to overtime and standby duty policies.
2. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or' performing other than assigned work.
3. Quitting work, wasting time, loitering, or temporarily leaving assigned work area during working hours without permission.
4. Discourtesy to persons with whom the employee comes in contact while in the performance of his duties.
5. Washing up or changing clothes during working hours without specific permission of the supervisor.
6. Productivity or workmanship not up to required standards of performance.
7. Mistakes due to carelessness.
8. Disregarding job duties by loafing or neglecting work during working hours.
9. Violating a safety rule or safety practice.
10. Reporting for work or working while unfit for duty, either mentally or physically.

11. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstration on the job, or similar types or disorderly conduct.
12. Creating or contributing to unsafe and unsanitary conditions, poor personal hygiene or poor housekeeping in the work area.
13. Conducting personal business during work period.
14. Failure to properly wear a complete City uniform as provided by the employee's department, or to display proper City identification as required by departmental rules.

ATTENDANCE RELATED MISCONDUCT

15. Failure to properly report an unavoidable late arrival at work to the supervisor or other designated departmental representative within the time required by departmental policy.
16. Taking more than specified time for meals or rest periods.
17. Habitual failure to punch own time card. (Guide: three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period)
18. Tardiness. (Guide: three(3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period)
19. Chronic absenteeism. (Guide: Three (3) times in any thirty(30) calendar day period, or six (6) times in any ninety (90) calendar day period)

20. Absent without permission or leave (AWOL) **MISCELLANEOUS MISCONDUCT**

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

seriousness, nature and significance of the misconduct.

**GROUP II OFFENSES AND
RECOMMENDED DISCIPLINARY ACTION**

FIRST VIOLATION - EMPLOYEE NOTICE AND A TWO (2) WORK
DAY SUSPENSION

SECOND VIOLATION - DISMISSAL

WORK RELATED MISCONDUCT

1. Provoking or instigating a fight, or actively participating in a fight any time on City property.
2. Threatening, intimidating, coercing or interfering with fellow employees, supervision or the public at any time, including the use of abusive, foul or obscene language.
3. Sleeping during working hours, unless otherwise provided as in the Fire service.
4. Reporting to work while under the influence of alcohol or illegal drugs.
5. Being in possession of intoxicating beverages during the time while on duty including break and/or while on lunch periods.
6. Negligence or omission in complying with the requirements as set forth in the Code of Ethics.
7. Participating in illegal pyramid chain letter organizations, gambling, lottery, or engaging in any other game of chance at any time while on duty.
8. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City, or its Operation.
9. Carelessness which results in an injury, and/or at least \$75 damage or loss of materials, equipment, tools or property or results in a financial liability to the City.
10. Unauthorized distribution of written or printed matter of any description on City premises.
11. Failure to report to the Office of Law a request for information, or receipt of a subpoena from an attorney, law firm, or court of law in connection with City related business.
12. Unauthorized vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises.

13. Use or possession of another employee's tools or equipment without the employee's consent.
14. Refusal to give testimony in City related accident investigations or refusing to attend grievance/appeal hearings when subpoenaed or directed to attend.
15. Failure to report in a timely manner an accident or personal injury in which the employee was involved while on the job.
16. Unauthorized use of City vehicles, equipment or supplies.
17. Driving a motor vehicle while on duty without a valid State of Maryland driver's license (operators or chauffeur's), or failure to report the loss or suspension of a drivers license when an employee is required to drive while on duty.

ATTENDANCE RELATED MISCONDUCT

18. Leaving the job site during regular working hours without per mission
19. Where the operations are continuous, leaving the assigned post at the end of the scheduled shift prior to being relieved by the supervisor or the relieving employee on the incoming shift.
20. Abuse of annual leave or extended illness leave privileges.

MISCELLANEOUS MISCONDUCT

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

**GROUP III OFFENSES AND
RECOMMENDED DISCIPLINARY ACTION**

FIRST VIOLATION - DISMISSAL

WORK RELATED MISCONDUCT

1. Serious neglect in the performance of assigned duties.
2. Deliberately misusing, destroying, damaging, or causing to be damaged any City property or property of any employee.

3. Falsification of personnel or other City records including employment applications, accident records, insurance records, leave records, work records, purchase orders, time sheets, or any other report, record or application.
4. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation, unemployment compensation, health insurance payments, or other benefits, or failure to repay overpayments for which not entitled, in a timely manner.
5. Insubordination by the refusal to perform work assigned, or to comply with written or verbal instructions of the supervisory force including the use of abusive language or behavior directed toward a supervisor or a member of management.
6. The consumption of alcohol while on duty including break and/or while on lunch periods.
7. The possession or use of illegal controlled substances while on duty including breaks and/or while on lunch periods.
8. Serious incompetence or inefficiency in the performance of assigned duties.
9. Receipt from any person of a fee, gift, or other valuable thing in the course of work when such fee, gift, or other valuable thing is given or accepted in the hope or expectation of receiving a favor or better treatment than is accorded other persons, or any violation of the Code of Ethics.
10. Deliberately hitting, shoving, striking or physically abusing a supervisor at any time.
11. Knowingly harboring without proper treatment, a communicable disease, which may endanger the health of other employees.
12. Concerted curtailment or restriction of production or interference with work in or about the City's work stations including, but not limited to, instigating, leading or participating in any walkout, si-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the City as defined in the Charter and Code of the City of Annapolis Chapter 3.32.
13. Participation in prohibited political activity in violation of Maryland Statutes.
14. Failure to obtain and maintain licenses, certifications or other qualifications required for an employee's job.

ATTENDANCE RELATED MISCONDUCT

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

16. Being absent from duty for a period of three (3) consecutive working days without proper authorization.
17. Failure to return from an authorized leave of absence within three (3) working days from scheduled date of return.

MISCELLANEOUS MISCONDUCT

18. Unauthorized possession or use of firearms, explosives or weapons on City property.
19. Permitting another person to use your City identification card, or using another person's identification card, or altering a City identification card.
20. Use or attempted use of political influence or bribery to secure an advantage of any manner.
21. Theft or removal from City locations without proper authorization any City property or property of any employee.
22. Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his job, his fellow workers, his reputation or goodwill in the community.
23. Conviction or guilt of a felony or a misdemeanor of the first or second degree as defined by Maryland Statutes, or any violation of a City ordinance involving moral turpitude, while either on or off the job.
24. Chronic offender of the Code of Conduct. (Guide: four (4) violations of any departmental or City rule or regulation in an eighteen (18) month period which results in a Report of Oral Warning or an Employee Notice being issued)
25. Violation of a departmental rule which is considered within the Group III level for overall seriousness, nature and significance of the misconduct.

SECTION 8: Grievance and Appeal Procedures

SECTION 8: GRIEVANCE AND APPEAL PROCEDURES

8-1 Policy

1. The City grievance and appeal procedures are established to provide the opportunity for full-time classified employees to present a grievance and seek resolution of the subject matter of the grievance. Both supervisors and employees are encouraged to make every reasonable effort to resolve grievances on an informal basis. The formal grievance and appeal procedures are established in recognition that there will be grievances which may only be resolved after an appeal and review.
2. Only full-time classified employees may utilize the formal grievance and appeal procedure. Grievances involving involuntary demotion, dismissal, or suspension in excess of ten (10) consecutive workdays (normally eighty (80) work hours) may be appealed only by filing directly to the Civil Service Board in a timely manner.
3. Classified employees who are in classifications represented by a labor agreement may utilize either the negotiated grievance procedure or the Civil Service Board.
4. Exempt employees may informally discuss problems or concerns with their supervisors up to and including the department director.

8-2 Grievance Definition

A grievance is defined as a complaint of an adverse action taken against a classified employee as a result of a management interpretation or application of the Rules and Regulations of the City and/or various departmental rules or regulations.

8-3 General Provisions

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

8-4 Grievance Procedure

According to the Charter and Code of the City of Annapolis, Chapter 3.32, Section 3.32.090 “Agreements reached between an employee organization which is the exclusive representative of employees in an appropriate unit and the employer may contain provisions concerning, procedures for consideration and resolution of grievances by arbitration. Those procedures shall be in addition to any grievance procedure already established by the Civil Service Code, and the employee has the right to choose which method of grievance procedure will be utilized. Once an employee has elected to pursue a specific grievance procedure, the employee is bound by the election and subsequently may not choose to follow a different procedure.

8-5 Grievance and Appeal Records Retention and Disposition

- A. Upon receipt, a copy of all City grievance forms filed shall be forwarded to the Personnel Department. A copy of the department director’s answer to the grievance at Step 1 will also be forwarded to the Chairman of the Civil Service Board.
- B. Records, notes, correspondence, decisions and actions shall be maintained in the Personnel Department.
- C. Grievance files shall be maintained by the Personnel Department and the concerned department separately from the employee’s personnel file.

8-6 Civil Service Board

- A. Structure

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

- B. Duties

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

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

Rules and Regulations
Index

Accident Prevention and Safety.....	43-46
Address and Telephone Number.....	20
Administration of the Personnel System	1
Annual Leave	30-32
Application of Disciplinary Measures	55, 56
Attendance	18
Blood Bank	47
City Bulletin Boards	47
City Equipment	20
Civil Service Board.....	65, 66
Civil Service Status.....	10
Classification Provisions.....	13
Code of Conduct	56-63
Compensation Practice for Administrative Hearings and Court Attendance	38-40
Credit Union	47
Departmental Rules.....	18
Disability Separation.....	25, 26
Disciplinary Actions	52-54
Disqualification for Employment	6
Double Employment	19
Eligibility Lists	7
Employee Assistance Program	49
Employee Performance Evaluations	11
Employment Application Form	5
Employment of Relatives (Nepotism)	8
Examination Procedures	6
Exempt Status	10, 11
Funeral Leave	37
General Appearance, Work Attire, and City Uniforms	18
General Policy.....	5
General Provisions.....	64
General Terms Used in the Personnel System.....	1-4
Grievance and Appeal Records Retention and Disposition.....	65
Grievance Definition.....	64
Grievance Procedure.....	65
Group Insurance Program.....	47, 48
Holidays Observed by the City.....	36, 37
Hours of Work	18
In accordance with negotiated Labor Contracts.	17
Jury Duty.....	37, 38
Leave of Absence Without Pay.....	42, 43

Rules and Regulations
Index

Longevity Pay Program	48
Loss of Driver's License	27, 28
Military Leave.....	41, 42
Outside Employment	19
Overtime/Compensatory Time.....	17
Participation in Employee Organizations	19
Pay Provisions.....	14, 15
Pecuniary Interest	18
Pension Plans	48
Personnel Actions	15-17
Personnel Records and Reports	4
Policy	52, 64
Policy Regarding a Civil Summons, Complain or Lay Suit.....	40, 41
Political Activity	20
Position Reclassification (Job Audit)	13
Preemployment Medical Examinations	8
Probationary Period	9
Purpose.....	1, 52
Recruitment and Examination Announcements.....	5
Resignation	25
Rest Breaks	47
Result of Reclassification	14
Return of City Property.....	27
Seniority, Layoff, and Recall Procedures	22-25
Sick Leave.....	32-35
Solicitation of Contributions, Memberships, or Business	20
Statements by City Employees to Attorneys, Lay Firms, or Others	21
Substance Testing	28, 29
Termination or Demotion of a Probationary Employee	10
Tuition Refund Program	49-51
Unemployment Compensation.....	51
Use of City Vehicles or Privately Owned Vehicles on City Business.....	21, 22
Vehicle/Mileage Allowance	48