

**City of Hallowell  
PERSONNEL POLICY**

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## **ARTICLE I: SCOPE AND PURPOSE**

1.1 **Purpose:** It is the purpose of the City Council, in prescribing this Personnel Policy, to establish and set forth a uniform and equitable system of personnel administration for the City of Hallowell. These rules and subsequent modifications shall supersede the previous policy.

In order to assure that the most appropriate rules and guidelines are established for the particular circumstances in which the City is operating, the rules and benefits set forth in this manual may be changed at any time when the City Council determines changes are advisable. The Personnel Policy is not an employment contract and should not be construed as such.

1.2 **Administration:** Insuring the day-to-day administration of these and any different or subsequent rules and personnel procedures developed pursuant to these rules shall be the function of the City Manager. These rules shall be administered in conformity to the City of Hallowell Charter, City Ordinances and the provisions of state and federal statutes. It is recognized that there may be a need to establish and maintain departmental rules of conduct and procedures, especially in the public safety area. In the case of conflict between the Personnel Policy and those of a specific department, the Personnel Policy shall be controlling unless the department rules have received the approval of the City Council.

1.3 **Scope:** Subject to the conditions set forth in the City Charter the Hallowell Code of Ordinances, these rules and regulations shall cover all employees. Provisions of the current collective bargaining agreement between the City and its organized employees take precedence over this Personnel Policy for the employees covered by the agreement. Where the collective bargaining agreement is silent on a matter or where there is no established past practice, the provisions of this Personnel Policy apply to both union and non-union employees.

## **ARTICLE II: RECRUITMENT AND EMPLOYMENT, TRANSFER, PROMOTION**

Article VI, Section 1 of the Hallowell City Charter determines the appointing authority for City employees. The Mayor or the City Manager is the appointing authority for all employees as specified in this section of the Charter. All appointments must be confirmed by the City Council

2.1 **Eligibility:** It is the policy of the City Council that all positions in the City of Hallowell be filled by fully qualified people based upon job related criteria. Eligibility for appointment, promotion, or transfer shall therefore be based on such qualifications. It is also the policy of the City Council that persons serving as employees of the City of Hallowell be given a maximum opportunity for advancement.

2.2 **Announcement of Vacancies:** Recruitment notices when appropriate shall be prepared setting forth a basic description of the position, any minimum qualification requirements or education, skill, and experience preferences, application steps to follow, and closing date for submitting materials. Such notices shall affirm City to be an equal employment opportunity employer. Various media may be used as might be expected to bring notice of vacancies to an adequate number of qualified applicants and to further the City's Affirmative Action objectives. The media used may include, but are not limited to, newspapers of general circulation, professional journals, and online employment sites. All recruitment notices shall be posted on the City Hall bulletin board.

2.3 **Application for Employment:** Applications for employment with the City shall be made on a standard application form or by the submission of a resume, and completing other such forms as may be prescribed. Applications and resumes shall be accepted only during the time period set forth in the recruitment notices, except when extended by the City Manager.

2.4 **Probationary Period:** All persons appointed, promoted, or transferred within the City, except police officers, shall serve a probationary period of six (6) months. The probationary period for police officers shall be one (1) year. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause without the right to file a grievance as set forth in Article XVII.

- A. An employee shall be retained beyond the end of the probationary period and granted permanent status only if the department head affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status.
- B. A full-time employee who is transferred or promoted and does not meet or otherwise comply with the work standards of the new position shall be transferred to the previous position held, if possible, or to another position to which he or she is deemed to qualify, if one is available. Reasonable efforts shall be made to schedule such transfers so as to protect the employee's job security.

2.5 Affirmative Action: The City of Hallowell is committed to providing equal employment opportunities for all persons making application to the City and for equity of treatment and advancement opportunities for its employees. The City of Hallowell therefore sets forth a policy of nondiscrimination in hiring, employment, and personnel actions based upon religion, age, sex, marital status, race, color, ancestry, national origin, physical or mental disability, except as a bona fide occupational qualification.

2.6 Beginning Rate of Pay: The beginning rate of pay for a new employee of the City will normally be between the low and mid-range for the employee's classification. Prior experience and education of the new employee will be evaluated to determine the appropriate beginning rate of pay. For the City Manager to authorize a rate above the mid-range for the new employee, it would require approval from the City Council's Personnel Committee.

2.7 Salary Increases: Salary increases will be granted to City employees at the beginning of the City's fiscal year. Union employees will receive an increase based on the effective collective bargaining agreement. The salary increases to non-union employees will be determined by the City Manager and City Council during the annual budget process.

2.8 Promotions to Fill Vacancy Considerations: Vacancies in positions within a department above the entrance level shall be filled by promotion whenever, in the judgment of the City Manager, it is in the best interests of the City to do so. When promoting within the department, appropriate consideration shall be given to the applicant's qualifications, record of performance and seniority.

2.9 Filling Vacancies Other Than Promotion: If a vacancy exists which cannot be appropriately filled by promotion, the department head, with approval of City Manager, may fill such position as will be of the best interest of the City.

2.10 Employment of Members of the Immediate Family: The City discourages the employment of individuals to work in a direct or indirect line of supervision with an employee who is a member of the individual's immediate family. Immediate family shall include: spouse, parents, children, parents-in-law, brother-in-law, sister-in-law, step-parents, step-children, foster parents, foster children and significant other living in the same household, siblings, grandparents and grandchildren.

In any case, a member of an employee's immediate family shall not evaluate the employee's job performance and any such evaluations shall be conducted by the next level of supervisor.

### **ARTICLE III: TYPES OF APPOINTMENTS**

3.1 The following types of appointments may be made to the City service in conformity with the rules established:

A. Regular Full Time: A regular full-time employee works the standard work week of 40 hours on a continuing basis (indefinite). He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by these rules, and State or federal law.

B. Regular Part Time: An employee in this classification works less than the standard work week but more than 20 hours per week, on a continuing basis (indefinite). He/she is subject to all personnel rules and regulations and receives all benefits and rights in proportion to the average hours worked per week as provided by these rules. This classification shall only be assigned at the City Manager's discretion. Additional benefits may be granted by the City Council.

C. Temporary Employees: Temporary employees work on a non-permanent basis usually within a limited time frame. They are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority and may be terminated for any reason at any time,

D. Student: These appointments are on an "internship basis" and afford students majoring in fields of value to the City an opportunity to gain work experience. Such appointments are for a definite period of time, typically less than four months.

Compensation and conditions of employment are typically worked out in accordance with the internship program of the student's college or university and applicable portions of the City's personnel rules. Student employees have the same status as probationary employees and can be terminated for any reason at any time.

E. Limited Term Employment: Limited-term appointments are made when a special project requires the addition of employees for a specific time, or to fill a position of an employee on a leave of absence.

F. Seasonal Employment: An appointment to work for a specific season (may work standard work week or less) and with the expectation of being laid off at the end of the season for which appointed; by definition, a seasonal appointment is for a period of less than six months.

G. On-Call Employment: An appointment that renders a specific type of service to the City (such as fire-fighting or snowplowing) on an irregular basis and only in response to a specific call to service from the City. Periods of service normally involve only a few hours.

H. Contractual Employment: An appointment that by agreement or contract identifies the provision of a specific service or function that is limited in quantity or length of time. The terms of the employment arrangement shall be embodied in the agreement or contract.

#### **ARTICLE IV: STANDARD WORK WEEK/OVERTIME**

4.1 **Standard Work Week:** The standard work week shall be forty (40) hours per week, 12:01 a.m. Monday to midnight on the following Sunday, and shall normally occur between 8:00 a.m. and 5:00 p.m. Monday through Friday. Some employees due to their responsibilities or requirement to attend night or weekend meetings shall work a flexible schedule, but mostly averaging the standard number of work hours.

4.2 **Rest and Meal Breaks:** Each employee shall be entitled to a rest break of fifteen (15) minutes duration in the morning and afternoon and a lunch break (non-paid) of one hour. Police and Highway employees shall be entitled to the same two breaks of fifteen (15) minutes duration and a lunch break of ½ hour per shift.

4.3 **Overtime:** This section does not apply to salaried employees. For purposes of this section "hours worked" shall include hours actually worked and vacation, comp time or personal leave time.

- A. All hours worked after forty hours of the work per week shall be compensated at a monetary rate of one and one-half (1½) times the base hourly rate of the affected employee; or with compensatory time at one and one-half times the overtime hours at the request of the employee and with the approval of the City Manager. Compensatory time earned under this section shall be a maximum of one hundred and sixty (160) hours. Compensatory time may not be used except to fill out a standard 40 hour work week.
- B. Overtime work must be authorized by an appropriate supervisor or by the City Manager.
- C. Salaried, FLSA (Fair Labor Standards Act) exempt employees shall not receive overtime compensation either in the form of pay or compensatory time off. The City Manager may, however, grant reasonable periods of time off to such personnel whenever he feels such time is warranted.

## **ARTICLE V: BENEFITS**

5.1 **Retirement:** The City provides the option of participation in the Maine Public Employees Retirement System (MPERS) and/or in a City-sponsored deferred compensation plan with a maximum employer contribution of 8.5% in one plan or a combination of both plans. Participation in either plan is optional. Participation in the MPERS currently requires an employee contribution of 6.5% of gross salary and an employer contribution of 5.3%, with vesting occurring after five (5) years of participation. City contributions to the deferred compensation plan will match what the employer contributes up to the maximum level described above.

5.2 **Social Security:** In addition to the Maine State Retirement System or deferred compensation plan, the City participates jointly with employees in Social Security payments. Participation is mandatory.

5.3 **Health Insurance:** The City participates in a comprehensive health insurance plan for both individual and family coverage. The City pays 100% of the employee insurance coverage and 50% of the family coverage.

5.4 **Workers' Compensation:** The City provides Workers' Compensation coverage which provides income and other benefits covering occupationally incurred disabilities to all employees.

5.5 **Group Life Insurance:** The City provides group term life insurance to eligible employees as part of the health insurance policy. Option for insuring spouse or family is available at the employee's expense.

5.6 **Unemployment Compensation:** The City participates in an unemployment compensation system through which eligible employees may receive unemployment benefits.

5.7 **Carrier/Benefit Levels:** Nothing in this Article is intended to restrict the City in its selection of carriers or benefit levels.

5.8 **Dental:** The City participates in a comprehensive dental plan for employees and their families. The City pays 100% for the employee's coverage and 50% of the family coverage.

5.9 **Vision:** The City participates in a comprehensive vision plan for employees and their families. The City pays 100% for the employee's coverage and 50% of the family coverage.

## ARTICLE VI: HOLIDAYS

6.1 Subject to these rules, the following holidays shall be paid holidays for regular employees. Regular part-time and seasonal employees shall receive a prorating on their holiday pay in accordance with the employee's regularly scheduled work week hours.

New Years' Day  
Martin Luther King Day  
Washington's Birthday  
Patriot's Day  
Memorial Day  
Independence Day

Labor Day  
~~Columbus-Indigenous Peoples' Day~~  
Veteran's Day  
Thanksgiving & following Friday  
Christmas Day

6.2 The City's holiday observances coincide with those identified by Maine State Government for its employees.

6.3 A person on a leave of absence without pay shall not be entitled to holiday pay.

6.4 Holiday pay shall be in addition to regular pay for hours/time actually worked. Employees working on a holiday shall receive regular hourly pay plus their applicable holiday pay, except that employees who are required to work on Thanksgiving Day (midnight Wednesday to midnight Thursday) and Christmas Day (midnight Christmas Eve to midnight Christmas) shall be compensated at one and one-half times their regular hourly pay for time worked on those days, in addition to their holiday pay.

**ARTICLE VII: VACATION**

7.1 Vacation privileges are available to regular full-time and part-time employees only. Regular full-time employee shall earn vacation with pay as described below. Regular part-time employees shall receive a prorating of the schedule below to be calculated in accordance with the employee's regularly scheduled work week hours.

<u>Continuous Years of Service</u>	<u>Vacation Time Off</u>
One (1) to Five (5) Years	Eighty (80) Hours
Six (6) to Ten (10) Years	One Hundred and Twenty (120) Hours
Eleven (11) or more Years	One Hundred and Sixty (160) Hours

7.2 Vacations shall be granted at such time or times as shall be mutually agreeable to the employees and their department leads. Vacation shall not be accrued in excess of 400 hours as of December 31 for Public Works employees and July 1 for all other employees, except by specific authorization by the City Manager.

## **ARTICLE VIII: SICK LEAVE AND DISABILITY**

8.1 The City provides a sick leave benefit, as set forth below, for regular full-time employees unable to work due to physical illness or incapacity. Regular part-time employees shall have their sick leave benefit prorated to conform to their workweek.

8.2 Sick Leave: Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position, and for personal medical or dental appointments.

- A. Employees may be eligible for paid sick leave when there is a sickness or disability involving a member of the immediate family which requires the employee's personal care and attendance, provided that requiring the employee to report to work could cause a serious hardship on the member of the immediate family suffering from the illness or disability. The determination as to whether or not there exists a hardship and the amount of sick leave that may be used for this purpose shall be at the sole discretion of the City Manager.
- B. If requested, the employee shall furnish the City Manager with a statement from his/her attending physician validating the reason for the absence.
- C. Sick leave may be used in increments not smaller than one hour nor greater than eight (8) consecutive days. Accumulated sick leave in increments greater than eight (8) days may be used for legitimate (non-job related) illness or injury.
- D. Sick leave shall accrue at the rate of eight (8) hours for each calendar month of service ~~accumulative to a maximum of 240 hours~~. For the purpose of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month. There shall be no compensation for accrued sick time upon separation.
- E. Sick leave usage shall be recorded regularly on the payroll. The City Manager shall review all sick leave records periodically and shall investigate any cases which indicate abuse of the privilege.

## **ARTICLE IX: LEAVES OF ABSENCE**

9.1 **Bereavement Leave:** An employee may be excused from work for up to five (5) work days because of death in his/her immediate family and shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral. Leave for one (1) work day may be granted to employees at the sole discretion of the City Manager for attendance at funerals of persons other than immediate family.

9.2 **Leave Without Pay:** A regular employee may be granted a leave of absence without pay by the City Manager for a period deemed necessary by the employee for the purpose of the leave, but not in excess of six (6) months. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a granted leave, at the discretion of the City Manager. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue City benefits for the duration of the leave by assuming the employer's contribution. Vacation and sick leave will not continue to accrue during the leave.

9.3 **Military Leave:** City employees who are members of the National Guard/Military Reserve and who are required to perform active duty for training will be granted active duty training leave. This leave shall apply to temporary duty orders, or to active duty orders, recall or any other activating orders issued by the military to Military Reservists or National Guard personnel. The City shall extend the rights and benefits of military leave for not less than six (6) months, however, periods in excess of six (6) months may be granted if circumstances warrant. Upon ending military leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave, or an equivalent position with the same employee benefits and pay as existed prior to the commencement of said leave.

9.4 **Jury Duty:** An employee summoned to jury duty will be excused from his/her work for the required period necessary to perform this duty. If the jury is excused prematurely from duty during the time of service, the employee is expected to report for work as usual. While on jury duty, an employee shall receive his/her full regular pay and benefits and shall turn over to the City any jury pay received.

## **ARTICLE X: SEPARATION**

10.1 **Layoff:** Regular full-time and part-time employees may be laid off at any time, without recourse to the grievance procedures, by the City Manager, for lack of work, elimination of the position, or lack of funds. All employees must be furnished a statement, in writing, setting forth the reasons for the layoff no less than two weeks prior to the effective date of the layoff. Laid-off employees who are brought back to work within one year do not lose their continuous service benefits.

10.2 Separation: Any employee wishing to leave City employment in good standing, shall provide the department head with written notice of intent to terminate employment ten (10) working days prior to such termination. Upon separation the City shall pay all wages owed as well as earned vacation pay due to the employee, if any, on the next regular pay day. The City Manager may request that a resigning employee fill out a voluntary questionnaire to help with evaluation of employment practices and benefits.

10.3 Benefits by Termination/ Separation: Benefits accrued from length of service are forfeited when an employee is terminated for cause or voluntarily leaves City employment. If any employee who voluntarily leaves City employment is re-employed at a later date, length of service rights begin to accrue from the date he/she is re-employed. Separation from service because of sickness does not affect accrued rights, if an employee returns to work when recuperated.

## **ARTICLE XI: EMPLOYEE CONDUCT**

11.1 Employees to be Courteous, Polite: All City employees shall be responsible for providing municipal services to the public in a courteous and polite manner.

11.2 Acceptance of Gifts Regulated: Acceptance of money or gifts by an employee when given under circumstances indicating the hope or expectation of receiving better treatment than that accorded to the public in general is prohibited and may result in immediate dismissal.

11.3 Appearance: Wearing apparel shall be that which will maintain the dignity of a public office. All employees are required to be clean, hair properly and reasonably groomed, and clothes neat and clean.

11.4 Outside Employment Regulated: All City employees who engage in outside employment shall do so only with the understanding and acceptance that their primary duty, obligation and responsibility is to the City.

All City policemen, fire fighters and public works employees are subject to call at any time for emergencies, special assignment for overtime duty, and no outside employment may infringe on this obligation.

11.5 Sickness / Injuries Incurred during Outside Employment: Upon employment by the City, each employee waives and releases the City from any labor expense or costs because of any injury or sickness incurred by reason of employment accepted by such employee other than as an employee of the City. Also upon employment by the City, the employee releases the City from any claim for salaries, wages or other benefits during any absence caused by such injury or sickness.

11.6 Employees Used in Emergency Work to Live Near City: No member of the police department, fire department or those members of the highway department who do emergency work shall live more than twenty (20) miles, by the nearest highway, from the City Hall.

11.7 Attendance: Employees shall be at their respective places of work at the appointed starting time. All employees shall keep daily attendance records to be submitted weekly to the accounting department and furnish to the City Manager such periodic reports as he/she shall request. Time cards must be approved and signed by the employee's immediate supervisor.

It is the responsibility of employees to see that their immediate supervisor is advised of the reason for absence, not previously arranged for, within two (2) hours of the beginning of the unexpected absence.

11.8 Absence without Leave: No employee may absent himself/herself from duty without the permission of his/her supervisor or department head. Any employee

absenting himself/herself without the permission of his/her supervisor may be subject to disciplinary action for the first offense and may be discharged from the service for the second offense. After three (3) consecutive days of absence without leave, the City Manager may declare the position vacant and the employee automatically waives all rights to his/her position.

11.9 Confidentiality Policy: During the course of their duties, employees for the City of Hallowell are privy to information about citizens, clients and other individuals and entities which is sensitive and should be kept confidential. Examples include, but are not limited to, information about labor relations, personnel actions, and welfare recipients. City employees are expected to respect the confidential nature of such information. At no time may an employee disseminate confidential information or use it for his or her own or a third party's competitive advantage.

This prohibition applies not only during City employment but at any time after termination as well.

11.10 Smoking Policy: The City of Hallowell's smoking policy mirrors the current rules of the Maine Center for Disease Control and Prevention authorized under 22 MRSA, section 1541 et seq. City employees must comply with these "Rules Relating to Smoking in Public Places" adopted by the Maine Department of Health and Human Services and the Maine Center for Disease Control and Prevention.

Hallowell city owned parks and open spaces are declared tobacco-free 24 hours a day, 365 days a year, and restricts the use of any tobacco product, including but not limited to cigarettes, cigars, electronic smoking devices, and chewing tobacco, on, in, or at any athletic facility, playground, or park.

11.11 Off-Duty Conduct: Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems with the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

11.12 Speeches and Public Statements by City Employees: Department Leads and other members of the administrative staff are called upon from time to time to address the press, service clubs, and groups on various phases of City operations. This activity is extremely helpful in interpreting the City problems to the citizens and is of aid and assistance to the City Council and the City Manager.

In order that the City Manager may be informed of the various subjects that are being discussed by the staff at such meetings, the Manager's Office will be notified ahead of the time when the meeting or event will be occur.

## **ARTICLE XII: POLICY ON HARASSMENT**

It is the policy of the City of Hallowell that all employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

### **Sexual Harassment**

- (1) Sexual harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his or her job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.
- (2) Specific conduct which is prohibited includes, but is not limited to:
  - (a) Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
  - (b) Unwelcome sexual flirtations, advances or propositions;
  - (c) Verbal or written abuse of a sexual nature;
  - (d) Graphic verbal comments about an individual's body;
  - (e) Sexually degrading words used to describe an individual; and
  - (f) The display in the workplace of sexually suggestive objects or pictures; and
  - (g) Any romantic or sexual relationships between supervisors and subordinates.
- (3) Any employee who believes he or she has been the subject of sexual harassment should report the alleged act to the City Manager.
- (4) Any supervisor or employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

### **Verbal Harassment**

Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic material having such an effect, are prohibited. Any employee who believes he or she has been the subject of such harassment should report the alleged conduct to the City Manager or other appropriate management. Any supervisor or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

### **Mandatory Training**

Regular full and part-time employees, including reserve officers of the Police Department and on-call employees of the Fire Department, are required to have annual sexual harassment training. New employees are required to have sexual harassment training within the first six months of their employment. The City Manager will provide information to employees regarding how to complete this training requirement.

## **ARTICLE XIII: DISCIPLINARY ACTION**

13.1 **Disciplinary Action:** Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action including discharge in and of itself; however, the action to be taken depends on the seriousness of the incident and of the employee's past performance and conduct. Regular employees shall be disciplined for cause. Cause to be determined by the City Manager.

13.2 **Appeal:** An employee who feels that he/she has been treated unfairly shall have access to the grievance procedure as outlined in Article XV of these Regulations.

### **13.3 Drug and Alcohol Abuse Policy:**

#### **Purpose and Goal**

The City of Hallowell is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

#### **Covered Workers**

Any individual who conducts business for the City, is applying for a position or is conducting business on the City's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to management, supervisors, full-time employees, part-time employees, temporary employees, limited term employees, seasonal employees, student(s), and on-call employees.

#### **Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the City. Therefore, this policy applies during all working hours, whenever conducting business or representing the City, while on call, paid standby and while on City property.

#### **Prohibited Behavior**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants or be under the influence of alcohol, illegal drugs or intoxicants. While at work, employees may also not be under the influence of legal drugs (prescription or not) which impair their ability to perform the essential functions of the job or which threaten safety.

### Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify the City in writing within five calendar days of the conviction. The City will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

### Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious. In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply. If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### Assistance

The City of Hallowell recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- (1) Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- (2) Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- (3) Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### Confidentiality

All information received by the City through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

### Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Observe employee performance
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

#### Communication

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

All employees will receive a written copy of the policy.

13.4 Drug & Alcohol Testing Policy: City employees who hold a position that requires a commercial driver's license are subject to the City's drug and alcohol testing policy and a copy of the City's policy will be provided to them upon hire. The City's drug and alcohol testing policy is in compliance with federal law and regulations in accordance with Title 49 CFR Part 382 regarding drug and alcohol testing for employees in positions requiring a Commercial Driver's License (CDL) and defined as safety sensitive.

13.5 Disciplinary Actions: The reasons listed below may be grounds for dismissal, suspension without pay or reprimand, but are not intended to be all exclusive. Disposition of a disciplinary action will be documented:

- A. Drinking on the job or arriving to work while under the influence of intoxicating beverages or drugs or bringing same on the job.
- B. Failure to follow the orders of one's work managers.
- C. Being habitually late or tardy.
- D. Failure to perform the duties of one's position properly.

- E. Negligent or willful damage to City property.
- F. Inability to get along with fellow employees.
- G. Conviction or admission of theft or any felony.
- H. Failure to comply with these Personnel Rules or departmental safety and work regulations.
- I. Intentional falsification of time records or claims for leave.
- J. Material misrepresentation on application for employment.
- K. Failure to obtain or maintain certifications or licenses (including motor vehicle license) necessary to perform job.

13.6 Suspension for Disciplinary Reason; Appeal to City Council: When in the judgment of the department lead an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay for a period not exceeding seven (7) days with the approval of the City Manager.

A suspended employee may not request a hearing before the City Council unless the suspension is for more than seven (7) working days, or unless the employee has already received a previous suspension within one (1) year immediately prior thereto.

13.7 Dismissal Authorized Notification: A regular employee may be dismissed or whenever in the judgment of the department lead, the employee's work or misconduct so warrants, providing approval is received from the City Manager.

When the City Manager approves such action, a written notification containing a statement of the substantial reasons for the action shall be filed with the employee and City Council.

The employee shall be notified not later than the effective date of the action. The notice shall inform the employee that he/she shall be allowed five (5) calendar days, not including Saturdays, Sundays or legal holidays, from the effective date of the action to file a reply with the City Manager and City Council and to request a hearing before the City Council under Article XIV.

13.8—Exit Interview: The City Manager shall offer the employee an informal exit interview upon termination of employment for any reason. It is at the discretion of the City Manager whether to include Department Leads and / or Work Supervisors in the interview.

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## **ARTICLE XIV: APPEALS TO THE CITY COUNCIL**

14.1 Recourse of Department Leads Following Dismissal: Department leads with regular status shall have recourse to the City Council in case of dismissal by the City Manager.

14.2 City Council to Schedule Public Hearing: If an employee files a reply and requests a hearing within ten (10) days after notice of dismissal, the Mayor or City Council shall schedule a hearing within ten (10) calendar days from the date of receipt of request. All hearings shall be open to the public, if requested by the employee.

14.3 Hearing to be Informal: In conducting a hearing authorized by this Article, the proceedings shall be informal and it shall be assumed that the action complained of was taken in good faith unless proven otherwise.

14.4 Reinstatement Following Evidence of Improper Dismissal: If the City Council finds the action of the City Manager was based on political, religious or racial prejudice, or that the City Manager failed to follow the proper procedure outlined for dismissal or demotion or that the employee was dismissed with prejudice, the employee shall be reinstated to his/her former position without loss of pay.

14.5 City Council Authority to Request Witnesses for Hearings; Action upon Refusal to Appear: During the course of any investigation or hearing, the City Council or the City Manager may request any employee of the City to attend and give witness.

14.6 City to Keep Records: The City of Hallowell shall maintain adequate records of the proceedings of personnel meetings to provide a written statement of its decision regarding the appeal.

## **ARTICLE XV: GRIEVANCE PROCEDURES**

15.1 Policy: A grievance is a dispute between any employee and the City concerning the interpretation or application of the terms of these Personnel Rules and Regulations. Excluded for from consideration of grievance are those matters pertaining to management's judgments of qualifications and/or performance relating to: hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal performance evaluations.

15.2 Procedures: Any employee who perceives a grievance as defined shall, within five (5) working days, bring such grievance to the attention of their department lead and they shall attempt to settle or resolve the matter within three (3) working days thereafter.

If the matter is not resolved to the satisfaction of the employee, the employee may bring the matter to the attention of the City Manager for his/her consideration by submitting a written statement setting forth the specific nature and details of the grievance. The City Manager shall have five (5) working days in which to consider the matter and render a decision in writing.

## **ARTICLE XVI: POLITICAL ACTIVITIES**

No employee shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties with the City. Employees shall comply with relevant state or federal statutes relating to municipal employees' political activity.

- A. Solicitations and Handbills: No employee may use his/her official authority or position for the purpose of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes. No City employee may distribute pamphlets or handbills, wear buttons or other indicia of support for any particular candidate, political party, or political cause during such times while he/she is performing his/her official functions and duties with the City. Nothing herein shall be construed to prohibit any City employee from participating in the political process during off-duty hours and in his/her capacity as a private citizen.
- B. Political Office: Any City employee may seek election for political office as a member of the City Council, or any other elective office. However, such employee shall be placed on an unpaid leave of absence status from the date candidacy for such position is announced or nomination papers filed and until completion of the election process. During his/her leave of absence, the employee shall not use any official City title in his/her political campaign, or shall such employee's official authority or influence be used to affect the results of the election. If elected to any political office and such office is deemed incompatible with his/her duties as a City employee, such employee shall terminate his/her employment with the City prior to assumption of the elective office.
- C. Classified Service Employees Restricted in Political Activity: Employees shall be selected without regard to political consideration and shall not be required to contribute for any political purpose.

## **ARTICLE XVII: PERFORMANCE EVALUATION**

17.1 Each employee shall be evaluated in accordance with the criteria and procedures set forth in section 17.2. Employees, at a minimum, will be evaluated and provided with feedback on their performance immediately prior to the conclusion of their first six (6) months of employment and every twelve (12) months thereafter.

17.2 Performance Evaluation and Review Plan: (Reserved)

## **ARTICLE XVIII: PERSONNEL RECORDS**

Personnel Records: Appropriate records will be maintained for each employee of the City. An employee may review his/her files, in the presence of the staff member with responsibility for the files, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. So as not to cause unnecessary inconvenience, the employee shall set up an appointment for such a review in advance.

## **ARTICLE XIX: REIMBURSEMENT OF EXPENSES**

Travel Expenses: Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out official City business. Such reimbursement shall be made in accordance with rates allowed by the IRS for mileage, meals and lodging upon submission of a standard expense sheet, signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between the employee's home and the City office, and all mileage shall be calculated from City Hall, 1 Winthrop Street, Hallowell, to and from the destination using a method demonstrated to be accurate by the City Treasurer.

Request for reimbursement for meals, parking fees, lodging and registration fees must be accompanied by receipts of same whenever possible.

## **ARTICLE XX: EMPLOYEE TRAINING AND DEVELOPMENT**

20.1 Employee Development: The City will attempt to make opportunities available to employees within the constraints of the City budget for the further development of specific skills and expertise deemed of mutual benefit to employee and the City.

Reimbursement for costs of required tuition relating to approved academic course work shall be made retrospectively, upon furnishing proof of satisfactory completion of the course. The employee must assume the cost for text books, travel and other related costs.

20.2 Manager to Provide Improvement Training: The City Manager shall encourage the improvement of service by providing employees with opportunities for training, which need not be limited to training for specific jobs, but may include training for advancement and for general fitness for public service.

20.3 Manager Authorized to Allow Compensatory Time to Training Program Participants: The City Manager may authorize compensatory time to employees who are required to participate in authorized training programs which take place outside of the regular work schedule.

### **ARTICLE XXI: SEVERABILITY**

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, this invalidity does not affect other provisions or application of these Rules and Regulations which can be given effect without the invalid provision or application, and for this purpose the provisions of these Rules and Regulations are severable.

## **ARTICLE XXII: COMPUTER USE**

22.1 **Objective:** To provide guidance on appropriate use of electronic mail, Internet, or other means of access to or use of resources made available to City employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the City of Hallowell.

22.2 **Policy:** The City of Hallowell's computer network, Electronic Mail System (e-mail) and Internet connection are designed to facilitate City business and public communications, and to provide for communications among employees. Since no computer system is completely secure, the e-mail/Internet system is not intended to transmit sensitive materials, such as personnel decisions, and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

- A. These computer network, e-mail and Internet systems are the City's property and intended for City business. Although some incidental use of the computer e-mail and Internet access for personal use is expected, it must be understood that such use is a privilege, which may be limited or removed if the privilege is abused, at the discretion of the City. Except for incidental personal use, no part of the system is to be used for employee personal gain or to support or advocate for personal political or social causes. All data and electronic messages within this system are the property of the City. As such, no computer files, or communications of any type through the City's Electronic Mail System or Internet connection can be considered private. Most electronic communications within the City's computer system are public records and are subject to the freedom of access laws.
- B. While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does, it suggest that e-mail is the property right of the employee.
- C. In addition, consistent with any confidential relationships or obligations with clients or program participants that may exist, the City reserves the right to review the contents of the employee's computer files, or e-mail/Internet communications whenever it may deem necessary for business or performance purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other person's e-mail messages or computer files, without proper authorization.
- D. Employees may not provide or use alternative software to access the systems.
  - 1. Employees may be held responsible for any damages caused by unauthorized software, spy ware or viruses they introduce into the system. Please keep note that messages are also subject to network security procedures and spam filters, which may inadvertently isolate or delete valid emails since these functions are not foolproof.

2. Unauthorized software or downloads (free or purchased), hardware, games, screen savers, toolbars, clipart, music and movie clips, other equipment may compromise the integrity of the City's computer systems and are prohibited.
3. The City, without notice, may remove all unauthorized programs or software, equipment, downloads, or other resources if they could harm systems of performance. If there is any question about whether software or hardware, downloads, etc. are appropriate, it should be forwarded to the City Manager for a determination.

E. The Internet provides City employees with significant access and dissemination of information to individuals around the world. The use of the Internet for access and dissemination is intended to serve City business.

Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the City, and must comply with all state and federal laws.

F. The City does not provide employees with resources or tools to communicate by Instant Messaging (IM) when conducting City business. Employees are not allowed to use IM as a mechanism for personal communication through the City's computer network, and are not allowed to download or install any IM software on City computer hardware.

G. City employees should distinguish between the use of social media sites, such as Facebook and Twitter, for City business versus personal use. Use of social media should not violate any City policies, such as those on harassment prevention.

22.3 General Prohibitions: The City's e-mail and Internet systems may be used only for lawful purposes. The transmission, distribution, or storage of any information, data, or material in violation of any applicable law or regulation or this policy is prohibited. Without limitation of the foregoing, it is prohibited to create, transmit, distribute or store any information, data, or material which:

- A. Is libelous, defamatory, hateful, or constitutes an illegal threat or abuse, or contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability, or religious beliefs.
- B. Is obscene or constitutes child pornography, contains sexually explicit images or messages, or may be construed as offensive, abusive, or threatening.

- C. Infringes any copyright, trademark, trade secret, or other intellectual property right.
- D. Is solicitation for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations except for incidental personal use.
- E. Is or encourages conduct that would constitute a criminal offense or give rise to civil liability.

22.4 Guidelines: Employees are expected to abide by the generally accepted rules of computing and network etiquette. These include (but are not limited to) the following:

- A. Be polite.
- B. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- C. Do not reveal address or phone numbers of others. Providing both internal and your own personal address or phone number is personal choice but be aware that Internet transmissions can be monitored by others.
- D. Note that electronic mail (e-mail) is not private. Both internal and Internet transmissions can be easily intercepted by others and can be altered en route.
- E. Do not use computers or networks in such a way that you would disrupt their use by others. This includes being aware that you can create significant network traffic and consume scarce computing resources by your use of the Internet. Do not send large files needlessly.
- F. Use only services you have authorization to access.
- G. Always represent yourself as yourself – never someone else.
- H. Do not send un-encrypted confidential or proprietary information over the Internet.
- I. Material that would be considered inappropriate, offensive or disrespectful to others should not be accessed or stored.
- J. Respect copyrights and licenses.
- K. If you identify a security problem, notify the City Manager immediately.

- L. Any malicious attempt to harm or destroy data of another user over the Internet or through other networks will result in disciplinary action. Harassment, such as sending offensive or unwanted e-mail, is prohibited.

22.5 Email: Employees should be aware that when they have deleted a message from their workstation mailbox, it might not have been deleted from the centralized systems. The message may be residing in the recipient's mailbox or be forwarded to other recipients. Furthermore, the message may be stored on the systems backups for an indefinite period. Employees should delete personal messages as soon as possible after reading.

- A. An accumulation of files will degrade system performance and response times. This policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the City's system. Third parties should only be provided access to the system as necessary for their business purpose with the City and only if they abide by all applicable rules.
- B. Individuals who leave employment with the City have no right to the contents of their network drives or e-mail messages and are not allowed access to the e-mail system. Supervisors or management may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the association's business purposes.

22.6 Misuse: The misuse of the Internet or e-mail privileges may be considered sufficient cause for discipline in accordance with the Personnel Policy, and/or other applicable rules or laws.

In addition, in the event of suspected, alleged or actual illegal activity, the City may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

### **ARTICLE XXIII: USE OF CITY ASSETS**

The buildings, equipment, supplies, materials, reputation and status of the City belong to the citizens of Hallowell. No employee, officer, volunteer or citizen is entitled or authorized to take, use, borrow or trade on the property except as is intended for and is available to the general public.

- A. Unless expressly authorized, no person may use City facilities, equipment, supplies, materials or resources for their own personal use or benefit or profit, or authorize such use for the personal or commercial use or profit of others except as is generally available to the public.
- B. No employee shall use or authorize the use of the purchasing power, tax exempt status, municipal discount programs, credit record, authority of their position or other marketplace privilege of the City for any purpose other than official business of the City.
- C. City facilities shall not be used for repair or work on private vehicles. City owned tools, equipment, electronics and other property may not be loaned or borrowed for home or personal use except as generally available to the public. This shall not be construed to exclude personal and private use of office desks, lockers and storage areas, the incidental use of photocopiers, personal computers and similar property of the City, provided such use is incidental and does not interfere with the operations of official business.

