

City of Sanford Personnel Policy



Explore. Create. Grow.

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Section 1 Introduction and General Provisions

101 Welcome

Welcome to public service with the City of Sanford. You have been selected to work with the City as a result of your knowledge, experience and training in your chosen field. You are joining other dedicated employees who are providing consistently high levels of service to City residents and taxpayers. It is critical to remember that with our mission of service to the public, we must continually strive for the highest levels of effort, performance and conduct.

City employees form the core of the organization and are its most important resources. Accordingly, the Personnel Policy has been prepared and provided to guide you and your fellow employees in your daily activities, including your responsibilities, rights and benefits as a City of Sanford employee. Your careful attention to this document will help to provide you with a rewarding and satisfying career in City service.

102 Purpose

The purpose of the Personnel Policy is to establish and set forth a uniform and equitable system of personnel administration generally governing employment with the City of Sanford. This policy applies to all positions not covered by collective bargaining agreements, and, as to unionized employees, it applies to any topic that is not specifically covered in the applicable collective bargaining agreement. This policy will supersede any previously existing personnel policy and take effect on.

103 Disclaimer

This personnel policy sets forth some of the general procedures and policies currently in effect at the City of Sanford. Personnel policies and benefits by their nature may change or deviate from what is set forth in this Handbook as they are affected by changes in applicable law, regulations, economic conditions, and the City's business needs. Thus, the City Manager has the authority to change or make exceptions to these policies when necessary for the good of the City and in the exercise of his/her authority under Section 402.4 and other provisions of the 2013 Sanford City Charter. Neither this agreement nor any of its provisions are intended to be part of a contract between the City and any employee, and this personnel policy does not constitute a written contract of employment with any individual or a promise or assurance of continued employment to any individual. The City Manager has the authority to make exceptions to these policies when necessary for the good of the City and in the exercise of his/her authority under Section 402.4 and other provisions of the 2013 Sanford City Charter.

104 Goal of Personnel Management

The goal of personnel management in the City of Sanford is to:

- Provide effectiveness, economy, and productivity in delivering services to the citizens of Sanford;
- Encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills;
- Provide reasonable assurances that the duties and responsibilities of employees and the City alike are respected;
- Afford reasonable treatment to all individuals desiring to enter City service and whenever possible to provide opportunity for advancement in City service on the basis of skill, effort and performance, as determined through competitive process;
- Provide that employees are treated reasonably according to these policies in all personnel processes;
- Expect that employees shall use their best efforts to fulfill their obligations to the City and its citizens.

105 Non-Discrimination

The City shall administer and implement these policies in a manner that shall not discriminate unlawfully against any person because of race, color, religion, sex, national origin, ancestry, age, sexual orientation (including gender identity and expression) or physical or mental disability, genetic information, pregnancy status, whistleblower status, military/veteran status, or any other protected class identified by state or federal law.

106 Americans with Disabilities Act (ADA) and Related Requests for Accommodation

The City of Sanford is committed to providing reasonable accommodations to allow individuals with known disabilities who are otherwise qualified to perform the essential functions of the job, as defined by federal and state law under applicable laws and regulations, and enjoy equal access to the workplace. The municipality's intent is to ensure that every request for an accommodation, due to disability, is promptly and properly reviewed. Sanford is committed to following the requirements of the ADA and all appropriate federal and/or state laws, rules and regulations. When an employee is unable to work or limited in terms of work capacity due to a pregnancy-related condition, the City of Sanford will treat such employees in the same manner as other employees unable to or limited in their ability to work.

All requests for accommodations or any concerns about an employee's ability to perform the essential functions of his or her job are to be directed by the employee or supervisor to the Human Resource Director for consideration and review. The review of the request may, include an informal meeting(s), and may include an

evaluation and determination of the scope of the disability and, if appropriate, requests for medical documentation, examinations and/or opinions.

106.1 The employee or the employee's immediate supervisor shall contact the Human Resources Director for assistance in requesting an accommodation. No department or individual may grant any accommodation, except on a short term or emergency basis, without first receiving approval of the Human Resource Director. If an employee's supervisor makes the request for accommodation on behalf of the employee, the employee must then work with the Human Resource Director directly. Only that information absolutely necessary shall be shared with the employee's supervisor.

The Human Resource Director shall work with the employee in completing the ADA process in a timely and efficient manner.

106.2 Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The Human Resource Director shall make the determination of the need to know in consultation with the applicable department.

- If the nature and extent of the disability, and need for accommodation is not obvious, the City may require the employee to present documentation from a health professional concerning the nature of the disability, its functional limitations relevant to the employee's job duties, and the need for reasonable accommodation.
- The employee shall be responsible for the expenses of providing documentation from employee's health professional, which may include the costs of necessary medical examinations needed to render a medical decision. If, upon review, the Human Resource Director determines that an additional medical opinion is necessary, the City shall be responsible for the additional costs.
- Failure to provide necessary medical documentation, and/or failure to submit to an independent medical examination may, result in denial of any request(s) for accommodation(s).

106.3 The Human Resource Director, after consultation and discussion with the employee, must make the following necessary determinations for each ADA accommodation request:

- Establishing the existence of a disability. If this is not apparent, it may require proof of actual diagnosis by an appropriate medical care professional, with appropriate documentation supporting the diagnosis.
- Whether, and to what extent the disability affects the ability of the employee to perform an essential function(s) of the employee's position or enjoy equal access to the workplace.

- The job function(s) the disability impacts.
- The type of accommodation(s) that would be necessary.
- Whether the needed accommodation would be reasonable within the meaning of the law, and will not constitute an undue burden on the City or a direct threat to others.

106.4 The Human Resource Director shall implement the decision through appropriate municipal procedures if the employee is to be accommodated.

106.5 The Human Resource Director shall issue a written response within a reasonable time after the request for accommodation. A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need(s) for additional medical examinations and/or opinions, and so forth.

107 Employee Recommendations

Suggestions for ways to improve City services are encouraged. Employees may submit written recommendations to their Supervisor, Department Head, Human Resource Director or City Manager as appropriate.

108 Equal Employment Opportunity/Affirmative Action

The City of Sanford is committed to compliance with the Equal Employment Opportunity Act and the Affirmative Action plan as voluntarily adopted by the City of Sanford.

109 Response Time Requirement

The City Manager may require that new employees reside within a thirty (30) minute response time, if the City Manager determines that requiring such response time promotes the public health and safety, or improves the administration of City government. Such findings must be included in the job posting for the specific position.

110 Recruitment and Promotion

Prior to public advertising, all available full and part time positions shall first be posted on departmental bulletin boards for a minimum period of five (5) work days. The posting shall include: position available, position description, salary range, minimum qualifications and shift assignments. Current employees are encouraged to apply for any position for which they may be qualified but the City shall not be required to promote an existing employee if in the sole judgment of the appointing authority an outside candidate is more qualified or better satisfies the personnel needs of the City.

111 Job Description

A job description will be prepared for each position. The job description will outline the duties, responsibilities, education, and skill level requirements of the position. Each employee will receive a copy of his or her job description when hired. Each job description should be reviewed periodically as part of the performance appraisal process and if necessary revised to reflect changes in the employee's duties and responsibilities. In addition to job duties enumerated in the job description, employees are required to fulfill duties on an as-needed basis as directed by their supervisor or department head.

112 Anniversary Date/Employment Date

The anniversary date for full time employees hired after 1/1/06 shall be defined as the date of initial appointment to a full time position. For employees in the service of the City on 1/1/06 the anniversary date shall be the date used by the City on 1/1/06. The employee's anniversary date shall be used for determining sick leave and vacation accruals.

113 Record Keeping

Accurately recording time worked is the responsibility of every hourly employee. Every employee must ensure that his/her time card accurately reflects all time actually worked, even if this deviates from the scheduled hours. Federal and State laws require the City of Sanford to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work for non-exempt employees must always be approved the appropriate Department Head before it is performed, but must always be recorded as time worked regardless of the circumstances. An employee may be disciplined for working overtime without obtaining the proper permission in advance.

Altering, falsifying, tampering with time records, or recording time improperly may result in disciplinary action, up to and including termination of employment. If a time adjustment is needed (for example, you forget to punch in or out), see the appropriate supervisor or department head as soon as possible for a correction. Under no circumstances may an employee record time for or at the direction of another employee.

The supervisor will review and approve all time records before submitting them for payroll processing.

114 Personnel Files/Records

The Human Resource Office is responsible for creating and maintaining centralized personnel files for all employees. That office will also retain files concerning

applicants for City positions and personnel files of former employees. Personnel files should include such records and information to document the employee's personnel actions during his/her employment with the City.

Employee personnel files are considered confidential documents. Only those persons with the right to know or the need to know may have access to the personnel files. Any employee has the right to inspect his/her personnel file or to receive copies of his/her own file. Requests to view or inspect centralized personnel files should be made in advance to the Human Resource Director.

115 Termination of Employment

An exempt employee shall provide a four (4) week written notice and a non-exempt employee shall provide a two (2) week written notice to the Department Head and/or City Manager, of their effective date of resignation to be considered leaving in good standing. The City Manager at his sole discretion may waive all or any portion of this notification period. Employees are encouraged to give as much advance notice as possible to assist in a smooth replacement procedure.

Prior to termination the employee shall meet with the Human Resources Director to execute an exit interview.

Employees, who anticipate retiring from the City of Sanford, should contact the Human Resource Director within six (6) months of the scheduled retirement date to provide an easy transition:

At the discretion of the City Manager an employee who is being terminated may receive severance pay.

In conformance with applicable law, the City Manager has the authority under Section 402.3 of the 2013 Sanford City Charter to terminate the employment of any City employee – after notice and hearing, where applicable – when necessary for the good of the City, and nothing in this section or in this personnel policy shall be deemed to modify or limit the authority of the City Manager under the Charter.

116 Secondary Employment

Any full time employee who engages in secondary employment that may present a conflict shall notify his/her Department Head. The Department Head will determine whether an employee's secondary employment presents a conflict. The employee may appeal the decision to the City Manager, whose ruling will be final.

117 Hiring Of Relatives

The employment of relatives in the same department of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to

claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of persons currently employed by the City of Sanford may be hired for full time employment only if they will not be supervised by, supervising, or working in the same department as an immediate relative.

If the relative relationship is established after employment (e.g., by marriage), the City Manager or his/her designee may transfer one of the affected employees if another position is available for which they are qualified.

In other cases where a conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment.

For the purposes of this policy, an "immediate relative" is defined as spouse, child, parent, brother or sister. Situations pertaining to this section which exist at the time of adoption of these policies shall be considered "grandfathered".

The City Manager, giving consideration to the recommendation of the appropriate Department Head and Human Resources Director, may make exception to this policy when doing so is in the City's best interest. Reasons the City Manager might make this finding include but are not limited to the following:

- The relative has a skill or experience that is not attainable elsewhere
- The relative is clearly the very best applicant for the position
- The supervisory relationship is not direct or occurs infrequently

This section does not limit or affect the authority or discretion of the City Manager under section 402 and other provisions of the 2013 Sanford City Charter.

118 Workplace Threats and Violence

The safety and security of the employees of Sanford as well as the public who conducts business in the various municipal buildings is of paramount importance to the City. Therefore, threats, threatening behavior, or acts of violence against an employee, visitor, guests, or other individuals by anyone on City property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

Any person who makes unlawful threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits and shall remain off City premises pending the outcome of an investigation. The City will initiate an appropriate response which may include, but is not limited to, suspension and/or termination of employment, and/or criminal complaint against the person or persons involved.

All City personnel are responsible for notifying his/her Department Head, Human Resources Director, the City Manager or the Police Department of any threats which he/she has witnessed, received, or has been told that another person has witnessed

or received in connection with the person's job duties. Even without an actual threat, personnel should also report any behavior witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on a City-owned site or is connected to City employment.

119 Employee Classifications

119.1 Regular Full-time Employees: Regular full-time employees are defined as those employees who have successfully completed a probationary period and are regularly scheduled to work at least 35 hours each week on a year round, indefinite basis. Full-time employees are eligible for all benefits offered by the City of Sanford.

119.2 Regular Part-time Employees: Regular part-time employees are defined as those employees who have successfully completed a probationary period and who are scheduled to work between 17.5 and 35 hours per week on a year round, indefinite basis. Regular part-time employees are entitled to partial vacation, holidays and sick leave in direct proportion to the hours they work.

119.3 Regular, Less Than Part-time Employees: Regular, less than part-time employees are defined as those employees who are scheduled to work less than 17.5 hours per week on a year round, indefinite basis. Regular, less than Part-time employees are not entitled to any employee benefits.

119.4 Contractor/Subcontractor: A Contractor/Subcontractor is engaged to perform a certain service or project contract/subcontract under a written personal services contract with the City and is subject to and governed by the terms of that agreement. A contractor/subcontractor is not an employee of the City. Such individual is required to provide a certificate of general liability insurance, listing the City of Sanford as additionally insured and provide proof of Workers Compensation insurance.

119.5 Temporary Employee: Temporary employment is an appointment to work a standard work week or less on a regular basis but for a defined limited period of time, usually not to exceed six (6) months. Extensions of temporary employment may be granted by the City Manager, but there is no expectation of continued or indefinite employment. Temporary employees receive no other City benefits, except those mandated by law.

119.6 Seasonal Employment: Seasonal employment is an appointment to work a standard work week or less on a regular basis, but, no longer than six (6) months, to a position that generally has a duration coinciding with the one or more of the four (4) seasons and the position terminates with the end of one or more of the applicable season(s). Such employees receive no other benefits except those mandated by law.

119.7 Probationary Employment: Any person employed by the City shall be employed on a probationary status for a period of six months except as otherwise provided by State law or contract. The conduct and work performance of employees on probation will be subject to review and evaluation during the six months, and they may be removed or demoted at any time during the probationary period. Such removals or demotions will not be subject to review or appeal.

119.8 On-call Employment: is appointment to work on an intermittent and as-needed basis. Employees who are on-call do not have a regular schedule but work as available and as needed. Such employees are paid only for hours worked or by annual stipend and are not eligible for any other benefits except those mandated by State or Federal law.

119.9 Project Employment: is appointment to work on a special project of limited duration. Project employees may work a standard work week or less and are eligible for the same benefits provided as described in the appointment agreement. Project employees will be terminated upon completion of the special project for which they were hired.

119.10 Student Employment: is employment of students during their enrollment in schools, including summer employment, as part of a special internship or apprentice programs, work-study programs or similar arrangements involving the school of enrollment. Students under student employment will be paid as determined by the Human Resources Director and as legally required or permitted for such student programs. Student employees are not eligible for benefits other than those mandated by State and Federal law.

Students not employed in such programs may be employed as temporary, seasonal, on-call or project employees and are governed by the applicable provisions of the Policy and State and Federal law.

120 Employee Assistance Program

The City offers its regular employees, an Employee Assistance Program (EAP) which provides confidential assistance by certified counselors for help in addressing a wide range of problems including depression, anxiety, alcoholism, drug abuse, marriage and family problems, and financial problems. The plan provides for free initial sessions for an assessment of the problem and a treatment plan which may include free or low-cost, on-going counseling. For more information, contact the Human Resources Director.

121 Drug Free Workplace

After a conditional offer of employment is made, the prospective employee may be required to complete a pre-employment physical exam and/or a drug or alcohol test to the extent permitted by law.

All applicants/candidates for employment in positions requiring a CDL License shall be required to pass a drug and alcohol test as a post-offer condition of employment.

The City also recognizes that alcoholism and drug dependency are treatable diseases. Left untreated, they may result in serious personal, professional and family problems. At the same time, the City is also seriously concerned about the effects of alcohol and drug dependency upon an employee's job performance and ability to serve the public.

The City believes strongly that all employees and members of the public should be able to conduct business in an environment free from alcohol and drug abuse and has a drug and alcohol-free workplace policy. Accordingly, the use, sale/transfer, or possession of alcohol or Federally controlled substance is strictly prohibited while on City property or while on work duty, and employees also may not be on City Property or on work duty while under the influence of alcohol or Federally controlled substances. Accordingly, the City expects all employees to report for work and to perform their duties in a manner which does not jeopardize the health, safety and well-being of co-workers and the public. Any employee using a prescription or over-the-counter medication that could interfere with job safety or job performance must notify the appropriate supervisor or department head. Misuse of any prescription medication in a manner that impacts employee performance or safety is also a violation of this policy.

The City abides by the Maine Medical Use of Marijuana Act, as may be amended from time to time. This means that the City will not discriminate against an applicant or employee due to that person's status as a medical marijuana card holder. However, employees may not ingest or be under the influence of legally prescribed medical marijuana in the workplace and during work hours.

Any employee who suspects that he or she may have an alcohol or drug dependency problem is strongly encouraged to contact the City's Employee Assistance Program or supervisor to seek referral services to an outside agency upon request, and assisted in determining the extent to which insurance coverage may help pay for such services. All voluntary referrals shall be kept confidential.

Any violations of this policy may constitute just cause for employee discipline, up to and including termination.

122 Use of City Property/ Business Activity

Employees must not, directly or indirectly, use or allow the use of City property for other than official activities. City telephones and computers may be used for

personal business only with a supervisor's permission, except as otherwise provided by law. City vehicles and equipment shall only be used for the conduct of City business and conduct of job duties.

No employee shall engage in any business other than his/her regular duties during his/her work hours.

123 Smoking Policy

It is the policy of the City of Sanford to comply with all applicable Federal, State and Local regulations regarding smoking in the workplace and to provide a tobacco-free work environment that promotes productivity and the well-being of its employees. Smoking and the use of any tobacco product, including chewing tobacco and vaping is prohibited in all City facilities, vehicles and equipment except for areas where it is specifically authorized. The City may designate Smoking Areas which must be at least twenty (20) feet from all entryways, vents and doorways of City facilities.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. Smokers have an obligation to keep designated smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible; however, employees who violate this policy may be subject to disciplinary action.

Employees may contact the Human Resources Department for information regarding the effects of smoking and the availability of and reimbursement for smoking cessation programs through the City's Employee Assistance Program, and/or other available resources.

124 Receipt of Gifts

A City employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person outside or within City employment whose interests may be affected by the employee's performance or nonperformance of his/her official duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as hats, pens, note pads, calendars, etc., is permitted.

125 Scheduling

Due to the variations in the services offered by the City, hours per work week may vary among the departments. The regular work week for payroll purposes begins on Sunday and ends on Saturday. Regular Full-Time Monday thru Friday but may be

changed by a written approval of the City Manager. The City reserves the right to adjust the hours of work. It is understood, that within reason, exempt employees shall accomplish the work assigned to the position regardless of the hours required to do the work.

Flex-time scheduling, requested by the Department Head, may be made available to employees with the approval of the City Manager.

126 Confidentiality

Many City employees have access to confidential information pertaining to persons or property in the City. Employees must not use this privileged information to their private advantage or to the advantage of friends or acquaintances. Each employee is charged with the responsibility of releasing only information which is required under the "Right to Know" law, MRSA Title I Sections 401-410, and employees shall refer to the FOAA Officer with questions.

127 All employees are expected and required to:

- Uphold the Constitution, laws and regulations of the United States and the State of Maine and the Charter, codes and regulations of the City of Sanford.
- Regard service to the public as the mission of all City employees, and always place service to the public above service to self.
- Report for work at the time and place required, physically and mentally prepared, and properly dressed and equipped unless proper notification has been made.
- Treat all co-workers and members of the public with respect, courtesy, concern and responsiveness, without dispensing special favors or privileges.
- Never use or disclose information, obtained as a result of employment with the City, for personal gain for oneself or the recipient in a position of advantage, or to spread rumors and/or accusations about City employees and elected officials.
- Devote on-duty time and energy to fulfilling the duties and responsibilities of the assignment by acting professionally in a non-hostile manner, regardless of provocation; avoiding intentionally profane, violent, or insulting language; and promptly and courteously returning phone calls, e-mails, or other inquiries from the public, supervisors, co-workers or others.
- Resolve disagreements internally by working through the appropriate chain-of-command. Do not debate issues in public or through the media.
- Demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to inspire public confidence and trust in City employees. Engage in no activity, either directly or indirectly, which is inconsistent with the conscientious performance of City duties.
- Expose corruption, misuse of official authority or any action which harms the public interest wherever and whenever discovered.

128 Off-Duty Conduct:

The City of Sanford respects its employees' right to privacy with regard to activities and conduct outside of the workplace and regular working hours. The City does not prohibit employees from engaging in the lawful activities while off-duty, nor discriminate against employees for the same. However, off-duty conduct of employees that is illegal may be cause for discipline or termination if the illegal off-duty conduct or consequences of the illegal off-duty conduct directly impact the employee's ability to meet the essential functions and other requirements of his or her job. Similarly, an employee's illegal off-duty conduct or consequences of the illegal off-duty conduct that directly impact working conditions, required licenses, normal business operation, or the professional reputation of the City may be cause for discipline and or termination. A criminal arrest and/or conviction may or may not impact the City's decision-making; The City at all times has discretion to investigate independently and reach its own conclusions regarding culpability.

129 Political Activity

While in the employ of the City, an employee shall not:

- Seek or accept nomination or election to any City of Sanford elective office (*i.e.*, City Council or School Board) (hereinafter "City elective office");
- Use the influence of his or her employment capacity for or against any candidate for any City elective office;
- Circulate petitions or campaign literature for any City elective office;
- Solicit or receive subscriptions, contributions or political service from any person for or against any candidate for any City elective office.
- Employees who are working directly or indirectly under a Federal funding status must check with the Hatch Act Unit of the U.S. Office of Special Counsel as to the extent to which participation in State or Federal political activity is allowed under Federal law.

130 Conflicts of Interest

In addition to adhering to general standards of conduct for an employee of any organization, a City employee is expected to treat everyone he/she serves with complete impartiality and is prohibited from using his/her official position for personal profit or the profit of his/her family.

No City employee authorized to make purchases shall have any interest directly or indirectly in any contract with the City.

No City employee shall sell goods and/or services to the City.

131 Social Media Policy

The City of Sanford recognizes that social media can be a valuable way to communicate with members of the community and relay important information.

Social media includes websites such as Facebook, Twitter, Instagram, LinkedIn, MySpace; blogs, and/or any other website where one posts or communicates information in a public or quasi-public Internet forum.

If and when the City develops its own social media presence, certain employees may be asked to create or maintain the City's social media profiles. An employee may act on behalf of the City in the social media context only with express authorization from the City Manager. Any and all content created for or on the City's social media accounts and systems, and the accounts themselves, are property of the City. The City has ultimate discretion over the content posted on its social media accounts and may remove or alter content at any time. This policy also applies to the City's website and electronic systems.

The City understands that employees are free to create and maintain personal social media profiles during non-work hours and on non-work equipment. Employees generally may not use social media websites on City information systems or during work time unless authorized to do so by a supervisor.

Employees should understand that even when they are engaging in off-duty conduct, including use of social media sites, their actions, words and behavior may reflect upon themselves and the City. When and if an employee makes any City-related comment on his/her personal social media, the employee should make it clear that the comment is made in his or her personal capacity and not as a representative of the City, or on behalf of the City. While doing so, the City expects employees to comply with all applicable employment policies, including the City's harassment, discrimination, and confidentiality policies when using social media. Employees should therefore refrain from making discriminatory, harassing, threatening, violent, abusive or obscene related in any way to their employment, or publicizing any confidential information which he/she may have access to due to employment with the City. The City of Sanford expects its employees to be truthful, courteous and respectful towards supervisors, coworkers, members, citizens, customers and other persons associated with the City of Sanford. Do not engage in name-calling or personal attacks.

As public employees, City personnel are cautioned that their speech either on or off-duty, and in the course of their official duties that has a connection to the employee's professional duties and responsibilities, may not be protected speech under the First Amendment. City personnel shall assume that their speech and related activity on social media sites will reflect upon their position within the City of Sanford and the City itself.

This policy in no way restricts, or should be construed to restrict or inhibit, employees' rights to engage in protected concerted activity, such as discussing wages, hours, or other working conditions, through social media, or other forms of protected free speech, including political speech, as permitted by law.

132 Attendance Policy

In the event of an unscheduled absence or tardiness, employees must notify their supervisor before the start of the work day or shift with as much advance notice as possible. Employees are expected to schedule medical and other personal appointments so as not to conflict with working hours to the extent possible. In the event a conflict is unavoidable, the employee must submit a written request to their supervisor with as much notice as possible and any available vacation or sick time will generally be applied.

The employee's supervisor will determine whether an unscheduled absence or tardiness is excused or unexcused. Unexcused absences or lateness, and any pattern or recurrence thereof, is not acceptable and may result in disciplinary action, up to, and including, termination of employment. Failure to call in before an unscheduled absence will – absent extenuating circumstances – generally be considered an unexcused absence. The City generally will apply any available vacation or sick time to an unscheduled absence or lateness.

If an employee is absent for more than three (3) consecutive work days for medical reasons, or if the employee has exhibited a pattern of absences for medical reasons, the City may request that the employee produce a physician's note verifying the absence and that the employee is fit to return to work.

Any employee who fails to report to work for three (3) consecutive work days without notice is considered to have voluntarily resigned employment.

Section 2 Wage Policy

201 Wage Scale

There shall be the following five wage scales which shall be composed of twenty equal steps. A copy of the wage scale is included in Appendix A of this policy:

- Level 1 Department Head
- Professional Staff and Senior Level Managers
- Senior Manager Level 2
- Support Staff
- Senior Clerical Staff

202 Annual Wage Scale Adjustment

Annually effective July 1st of each year the Human Resources Director shall adjust the wage scales by the rate of change in the CPI-W, All City Index during the previous calendar year, unless the City Council either upon its own initiative or upon recommendation of the City Manager, votes to suspend or modify this adjustment for a particular year.

203 Starting Salaries

The starting salaries of new employees shall be set within the limits established by the appropriate wage scale. The City Manager may place new employees above Step 1 of the appropriate wage scale when the City Manager determines that experience, training and market forces make it necessary in order to attract and retain good employees.

204 Compensation for Increases in Responsibility

In circumstances where an employee's responsibilities change substantially, the City Manager may upon recommendation of the appropriate Department Head and Personnel Director grant step increases in recognition to the increase in responsibility. The change in responsibility must be significant such as beginning to supervise employees when supervision was previously not required, and cannot be part of the natural evolution every position goes through as demands, expectations, and technology change.

205 Performance Appraisals

205.1 Annual Performance Appraisal: Each Department Head or immediate supervisor should annually evaluate each regular full and regular part time employee within his/her department to determine if the employee is performing his/her job satisfactorily. The performance appraisal shall also be used to establish a work plan for the coming year. The employee shall be given a copy of the performance appraisal form in advance of his/her meeting with the Supervisor or Department Head. The performance appraisal shall be discussed in detail with the employee and the employee shall be given an opportunity to participate fully in the performance appraisal including the development of the work plan. A copy of the completed performance appraisal form shall be placed in the employee's personnel file. Failure of the Department Head or Supervisor to complete an annual performance appraisal for each employee may result in disciplinary action.

205.2 City Manager's Responsibility: It will be the responsibility of the City Manager or his/her designee to design the performance appraisal forms and distribute the forms to the Department Heads. It will also be the City Manager's or his/her designee's responsibility to complete annual performance appraisals of employees under the City Manager's direct supervision. Employees may be requested to do a self evaluation with annual goals. The City Manager may also periodically require Department Heads and other Supervisors to participate in a 360 degree evaluation process.

205.3 Purpose of Performance Appraisal: The purpose of the annual performance appraisal is to bring about good employee performance by identifying an employee's strengths, identifying areas in which the employee's performance is not satisfactory or needs to be improved, and generally providing the employee with

feedback on his or her performance. In addition the performance appraisal will be used as a tool to communicate performance goals set by management and to make certain that the employee's work plan accomplishes these goals. The completed performance appraisal may also be considered by the City Manager or his/her designee when considering salary increases, promotions, disciplinary actions, rewards, training programs, merit pay, or any other related personnel action.

206 Overtime

In an emergency or extenuating circumstances as defined by the City Manager, Department Head, or appropriate designee, overtime work may be assigned in order to meet operational requirements. Non-exempt employees may choose between paid overtime and compensatory time. Employees choosing paid overtime shall be paid at one and one half (1 ½) times their straight time hourly rate for hours worked beyond 40 in a workweek. Non-working days (including vacation, sick days, or holidays) shall not be included in the calculation of hours worked for the purpose of determining overtime. Employees choosing paid compensatory time off shall earn such time at the rate of one and one half (1 ½) hours off for each hour worked beyond 40 in a workweek.

Exempt employees do not earn overtime or compensatory time. Exempt employees on salary work based on their job, not the number of hours they put in. They may need to work nights, weekends or whatever the job entails over 40 hours a week without getting paid extra for this.

At the discretion of the City Manager or his/her designee, additional earned time may be granted for special circumstances on an individual basis. This time must be authorized in writing prior to use.

Section 3 Employee Benefits

301 Life Insurance:

The City shall select a carrier to provide life insurance coverage for full time employees the City classifies as eligible employees for this life insurance benefit. Life insurance shall be in the amount of 100% of the employee's annual base salary.

The City may also offer other life insurance policies which shall be optional and shall be at the employee's expense.

302 Health Insurance

The City shall provide a plan from within the Maine Municipal Employees Health Trust (MMEHTT) Plan to all employees classified by the City as eligible for this health insurance benefit, which may or may not include part time employees and all employees otherwise eligible under the requirements of the Affordable Care Act. The City shall possess the authority and discretion to select and change insurance

carriers from time to time to provide health insurance benefits and the authority to add to, modify, or withdraw the following benefits.

Presently the City provides health insurance through the Maine Municipal Employees Health Trust, under which insured employees may select the MMEHTT POS C but will be required to pay the entire difference in the premium from the POS 200 Plan.

The City currently pays 85% of the monthly premium and the employee must pay 15% of the monthly premium by means of payroll deduction for family, dependent, or single coverage depending on the circumstances of the individual employee. Coverage presently begins on the first day of the first full month of employment with the City. Employees are given the choice of making contributions on a pre-tax basis under the provisions of Section 125 of the Internal Revenue Service Code.

The City shall provide employees with the MMEHT POS-200 (Point of Service) health insurance plan. The City will further provide a Health Reimbursement Account (HRA), 100% contributions by the City, to limit out of pocket expenses to the Employees. Said HRA benefit will be paid first for all qualified expenses (defined as coinsurance and deductible only), prior to the Employee incurring qualifying costs. The HRA benefit will be administered through a Third Party Administrator (TPA) and made available through a benefit debit card. The benefit will be determined annually by the City Manager for eligible employees not covered under a bargaining agreement.

Should an employee be eligible and opt not to participate in the health benefit the City presently provides a payment (30% of the POS 200 Family plan, not to exceed \$6,000.00) to the Employee in lieu of health insurance to be paid in January of each year. Stipends to be prorated during the first and last year of an employee's employment with the City to be calculated upon eligibility date for first year and separation of service date with the last year of service. To be eligible to receive this payment the employee must be employed on the date on which the payment is to be made. Employees must show proof of comparable insurance to qualify.

303 Income Protection

The City presently offers an income protection plan to all full time employees through Maine Municipal Employees Health Trust. Employees currently pay \$2.85 per week and is subject to change.

304 Retirement Program

The City will offer a choice of retirement programs to all full time employees. The City will contribute on behalf of the employee in either the Maine State Retirement System as a Participating Local District or in an ICMA RC (457) Deferred Compensation Program as described below:

- **Maine State Retirement System:** The employer's contribution as mandated by the Maine State Retirement Program will be paid by the City for all eligible and participating full time employees. Employee rates are determined and set by the Maine State Retirement System. Effective July 1, 2002, the City added a COLA benefit for future service only.
- **ICMA R.C. Deferred Compensation Program:** All full time employees not participating in the Maine State Retirement Program and not subject to a Collective Bargaining agreement may request that the City contribute \$1500 annualized to the ICMA Retirement Corporation, 457 Fund Deferred Compensation Program on their behalf. All full time employees participating in the MSRS Program offered by the City who wish to participate in the ICMA Program may do so at their own expense through payroll deduction.

Employees who voluntarily opt to retire from the City of Sanford upon eligibility to retire are ineligible to be rehired to the position held prior to retirement. City employees would be considered for other positions within the City at the discretion of the City Manager. A department head may serve an interim position while collecting retirement benefits, at the discretion of the City Manager.

305 Social Security

All employees are mandated to participate in the Social Security System.

306 Academic Reimbursement

In order to encourage the professional development of employees the City may pay the cost of college courses and other optional training and education subject to the following restrictions:

- Employees who have completed their initial probationary period may request in writing reimbursement for tuition for educational courses either for on-site college or university credit or non-credit courses from an accredited institution.
- All requests must be approved in writing in advance of commencement of the course by the appropriate Department Head and City Manager and are subject to budget restrictions.
- The cost of the course or training must be available in the respective Department budget.
- All training and educational courses must be relevant to the employee's job description, duties and responsibilities, and must advance the employee's skills with respect to his/her job. When possible should be taken during non working hours.
- The City may pay the cost of tuition (not including any applicable taxes) which shall not exceed the tuition rate charged by the University of Southern Maine for an undergraduate course. If the employee does not achieve a grade of B or better or does not complete the course he/she shall reimburse the City in

full for all tuition, fees and book costs. In non graded training the employee must receive proof of satisfactory completion.

307 Reimbursement of Travel Expenses

307.1 Employment-related Expenses: Employees who have been authorized by the City Manager upon recommendation of the respective Department Head to participate in in-state or out-of-state conferences, official meetings, training programs, examinations and institutes directly related to the employee's work shall be reimbursed for reasonable expenses incurred in connection with such participation including fees , transportation, mileage, tolls, parking, meals and lodging, upon submission of proper documentation of such expenses. Actual work-related expenses incurred away from the office or job site shall be reimbursed only when accompanied by a receipt. There shall be no reimbursement for alcoholic beverages, or other expenses that are not reasonable and work-related. .

307.2 Travel-Personal Vehicles: Reimbursement for an employee's use of his/her personal vehicle for City authorized business shall be paid at the appropriate rate indicated in the Internal Revenue's Annual Reimbursement Guidelines. The City's Finance Director shall communicate the appropriate reimbursement rates to employees on an annual basis. The City of Sanford shall reimburse employees for business travel at the lesser of: (a) mileage from home to destination; or (b) mileage from office to destination.

Employees are responsible for submitting a record of the business mileage to their immediate supervisor who must review and approve the mileage worksheet and submit reimbursement request to the City's Finance Director for final approval.

308 Holidays - Eligible employees shall receive the following twelve (12) paid holidays:

New Year's Day	Labor Day
Presidents' Day	Columbus Day
Patriots' Day	Veterans' Day
Memorial Day	Thanksgiving Day (2)
Independence Day	Christmas Day
Martin Luther King Day	

Employees shall be entitled to paid holidays as they occur immediately after appointment. Holiday pay shall not be given to any employee if he/she is on a leave of absence without pay, suspension, or any other non-pay status on the date the holiday falls.

When a holiday falls on a weekend, the City shall observe the holiday on the same date as State of Maine employees. If an employee wishes to observe a religious or cultural holiday that is not recognized by the City, he/she may request to use a vacation day, or if none are available, he/she should speak to the appropriate

supervisor or department head to determine whether the request can be accommodated.

309 Vacation Leave

309.1 Accrual Employees assigned to a (40) hour work week shall accrue vacation leave in accordance with the following schedule except that the City Manager may grant additional vacation time to new employees in order to attract and retain qualified and experienced staff:

- Upon completion of one to five years 80 hours annually (10 work days)
- Upon completion of five years 120 hours annually (15 work days)
- Upon completion of ten years 160 hours annually (20 work days)
- Upon completion of 15 years 180 hours annually (22.5 work days)
- Upon completion of 20 years 200 hours annually (25 work days)

309.2 Rights to vacation leave shall not be earned by an employee during the following:

- Leave of absence without pay, Suspension without pay
- When all earned time is exhausted

309.3 Advance Leave -No employee shall be allowed to take vacation leave which has not been earned.

309.4 Employment - No employee shall be eligible to take vacation leave with pay until he/she has completed at least six (6) months of continuous service with the City. The City Manager may make an exception should there be extenuating circumstances.

309.5 Options for Use of Accumulated Vacation:

- Employees may carry over not more than one hundred twenty (120) hours of accumulated vacation time from one year to the next at their anniversary.
- Employees may choose to be paid for up to forty (40) hours of earned vacation time annually.
- Any excess vacation time that is unused will be forfeited at the end of the year in which it was earned.

309.5 Accrual for Part Time Employees: Regular part-time employees, as defined in Section II, shall accrue vacation at the appropriate percentage rate of the 40 hour work week vacation accrual schedule for each completed month of service. Total accrual of vacation leave shall not exceed 72 hours.

309.6 Conditions of Accrual and Use: Vacations are generally given at the convenience of the employee, however, the needs of the employer must be

considered as paramount. Department Heads shall grant vacations with consideration for the seniority of the employee. All requests for vacation shall be made in writing on a form with as much advance notice as possible and approved by the Department Head. In the event a Department Head is scheduled to take a vacation, he/she will notify the City Manager two weeks prior to the vacation.

309.7 Outstanding Vacation Leave – All earned outstanding vacation leave shall be paid to the employee upon separation from service. Payment shall be made at the employee's regular rate of pay as of the date of separation.

310 Sick Leave

310.1 Effective 1/1/2006, employees shall be eligible to accrue ninety-six (96) hours sick leave for each twelve (12) month-period of employment for illness or disability at the rate of eight hours per month. Employees will be paid for one hundred percent (100%) of their unused year's sick leave balance in excess of 240 hours as of December 31, each year in January. At the time of retirement or at the end of employment with the City, the employee will be paid out in full for accumulated sick leave balance.

310.2 Employees having a balance of more than two hundred forty (240) hours of sick leave on January 1, 2006, may "bank" the hours in excess of 240 and be compensated for them at retirement on the same basis as described in the personnel rules in effect on 1/1/2006. At the time of retirement or at the end of employment with the City, an employee leaving in good standing as defined in Section 116 will be paid out in full for the first two hundred forty (240) hours accumulated; and an amount equal to 50% of the balance (not to exceed 360 hours) of "bank" hours. This "banked" time may be used under the same rules and restrictions as newly earned sick leave, except that it is not considered when calculating the annual payout for excess sick leave, and upon retirement or termination of employment, it is paid in accordance with this paragraph.

310.3 In the event of the death of an employee, unused accrued sick leave shall be paid to his/her designated Maine Municipal Employee Health Trust life insurance primary beneficiary.

310.4 While an employee is on Income Protection, sick leave shall accrue for a maximum of six months. Employees receiving Income Protection may elect to use accumulated sick leave to make up the difference in his/her regular salary. In no case shall the combination of payments exceed the employee's full net weekly wage.

310.5 Sick days may be used when the employee is unable to work due to illness or disability of the employee or when necessary to care for a member of the employee's immediate family. Absences which are not medically necessary can not be charged as sick time. Once an employee has exhausted all available sick time, pay will terminate.

310.6 At any time the City Manager or Department Head has the authority to ask the employee to provide verification of illness from a physician.

310.7 An employee will be allowed up to two hours per month of paid leave for medical examinations or tests when said appointments are available during normal working hours.

311 Workers' Compensation

This benefit is governed by State law in accordance with the Maine Workers' Compensation Act and administered by the Maine Workers' Compensation Board. Any future amendments or modifications to the law or regulations will be automatically incorporated as part of the personnel policy.

Employees covered by this Agreement who are injured in the line of duty shall receive in addition to compensation paid or payable under the Worker's Compensation Act, an amount sufficient to bring them up to full salary while any incapacity exists and until they are either placed on disability retirement, leaves the employment of the City or returns to active duty.

Including the day of injury, the City will compensate the employee with their full salary during the administrative time while the Worker's Compensation claim is being processed. The employee will not need to use any sick/vacation or compensation time in order to maintain full salary during any period related to Workers Compensation unless exempted in paragraph above.

Any work-related injury or illness must be reported immediately to the appropriate supervisor or department head. Employees shall notify their Department Heads on the first day of absence due to illness or injury arising out of and in the course of employment, stating the nature of the illness or injury, the time expected to be incapacitated and the date of expected return to work.

Employees who are on extended Workers' Compensation Leave shall not continue to earn or accrue sick leave or vacation benefits after they have taken a Workers' Compensation Leave of six (6) consecutive months.

In addition, employees will be placed on Family Medical Leave for any work-related injury that results in an absence of six (6) or more days from work, assuming the injury or illness qualifies for Family Medical Leave. Employee benefits are maintained while an employee is on an approved leave. However, employees are still responsible for their employee portion of any benefits premiums during the leave.

312 Bereavement Leave

In the case of the death of the employee's spouse, domestic partner, children, parents, or siblings the employee may be granted a leave of absence with pay, for

the work days falling within the period between the time of death and the day after the funeral, not to exceed five (5) working days. In the case of the death of the employee's brother/sister-in-law, parent-in-law, daughter-in-law, son-in-law, grandparents, grandchildren, stepparent, stepchild, or other persons residing in the same household employees may be granted a leave of absence with pay for the work days falling within the period between the time of death and day after the funeral, not to exceed three (3) working days.

313 Military Leave

Eligible employees will be granted a non-paid leave of absence for military service or training as defined by the Uniform Services Employment and reemployment Rights Act of 1994 (USERRA), the Maine Leave Relating to Reserve Training or Military Service law (26 (M.R.S.A. 811-814), or the National Defense Authorization Act for FY 2008 (Military Family Leave).

Employees may be eligible to take a leave of absence for military purposes (including active duty, reserve duty, or National Guard duty) for up to five (5) years and be entitled to reinstatement to the same or equivalent position upon return to work. For any period of routine annual training, the City will pay the employee the difference between service pay and the employee's regular compensation. Earned vacation shall not be charged for such training period.

The employee must give prior reasonable notice, if possible, to the City of the anticipated absence for military duty. If the City so requests, the employee must provide copies of his or her military orders prior to leaving for service or as soon as practicable. USERRA and Maine law contain detailed provisions concerning military members' civilian employment and re-employment rights, and the conditions for exercising those rights. A notice of USERRA rights is included here: <https://www.dol.gov/vets/programs/userra/poster.htm>. Employees should contact Human Resources if they are anticipating a military leave of absence in order to work through the process.

314 Jury Duty

Upon verification of service, employees selected for jury duty by any court shall be paid straight time earnings less jury pay. Earned vacation shall not be charged for such service. If an employee is dismissed from jury duty he/she must report for work within one hour of dismissal (if during his/her regular work day).

315 Personal Leaves of Absence

Employees may, with the written approval of the City Manager, be granted a personal leave of absence without compensation for a period of time not to exceed one hundred twenty (120) days when the City Manager determines that the best interests of the City are served by granting the leave. During such a leave, the employee shall not accrue any benefits; will be required to defray the entire cost of

insurance premiums and will relinquish any claim to time in service that would have been earned during the length of the absence.

316 Time off without pay

Any time taken off from the regular work week must be credited from an accrual benefit approved by the department head. Employees are not permitted to request time off without pay until accrued benefits are exhausted.

Section 4 Discipline and the Grievance

401 Discipline

Discipline, up to and including termination may be initiated for any violation of these policies or other infractions as determined by the City Manager or his/her designee. Infractions which may be subject to disciplinary actions include, but are not limited to, the following:

- The employee has been convicted of a felony or of a misdemeanor involving moral turpitude or which is related to the City or the employee's job, or other illegal misconduct to be assessed under the City's off-duty conduct policy.
- The employee has violated a City and/or departmental policy and/or procedure, or failed to obey any proper direction made and given by a supervisor.
- The employee is demeaning, abusive, threatening, or offensive in conduct or language in public or towards fellow employees.
- The employee fails to satisfactorily perform the duties and responsibilities required and recognized in the job description.
- The employee is careless or negligent with the monies or other properties of the City.
- The employee exhibits recurring absenteeism and/or tardiness.
- Workplace threats or violence.

402 Normal Steps

Discipline will normally include, but is not limited to, the following: verbal warning; written warning; suspension; and termination. Discipline is not necessarily progressive. Depending on the nature of the offense, the City has the right to impose the discipline the City considers warranted based upon the nature and gravity of the offense and is not under a duty to follow all the progressive steps of discipline in every case. The City Manager shall be made aware of any action initiated as outlined in the disciplinary process sections of this policy.

403 Informal Process

Every effort shall be made to resolve a pending grievance through the informal process, with the Department Head prior to filing the formal written grievance.

Any employee having a problem regarding his/her employment shall first discuss the problem with his/her immediate supervisor. If the problem is not settled to the employee's satisfaction, the employee has the right to present the pending grievance in accordance with the procedure outlines below.

404 Grievance Procedure

These grievance procedures provide employees of the City the opportunity to resolve disputes or disagreements involving his/her employment, including discipline. Employees may present their grievances without fear of reprisal.

1. The employee shall, within ten (10) working days of the date of the event which gave rise to the grievance, or within ten (10) working days of the date he/she could reasonably be expected to have knowledge of the event, present the grievance in writing to his/her Department Head. The Department Head shall, within ten (10) working days, meet and discuss the grievance with the employee and reply in writing within ten (10) working days.

2. In the event that the decision of the Department Head is not satisfactory to the employee, the employee may, within ten (10) working days of the Department Head's decision, present his/her grievance in writing to the City Manager. The City Manager shall, within ten (10) working days, meet and discuss the grievance with the employee and reply in writing within ten (10) working days. In the event that the grievance is brought by a Department Head, or the original grievance involves the Department Head, the process shall start at Step #2. The decision of the City Manager shall be final.

3. A decision by the City Manager, including a decision to terminate an employee, is not subject to this procedure.

405 Removal for the "Good of the City"

Section 402.3 of the 2013 Sanford City Charter gives the City Manager the authority to "Appoint, prescribe the duties of, and when necessary for the good of the City, remove any non-school officials and employees of the City." Nothing in this personnel policy is intended or may be construed to limit the authority of the City Manager under that provision of the Charter. Violation of these policies or other infractions may necessitate removal of an employee for the "Good of the City" and, as, such, constitutes just "cause" for termination.

Any employee facing termination will be given written notice of the reasons for and evidence in support of the decision, and will have the opportunity for a pre-termination hearing in front of the City Manager. The City Manager's final determination may be appealed through the grievance process.

These removal protections apply to regular full-time, part-time, and less than part-time employees only. Contractors/subcontractors, temporary employees, seasonal employees, probationary employees, on-call employees, project employees and student employees are employed on an at-will basis at all times and may be terminated without notice and hearing.

Section 5 Sexual Harassment; Drug Free Workplace, and Family Medical Leave Policies

501 Sexual Harassment Is Illegal Under State and Federal Law

It is illegal for any City employee to sexually harass another employee and for any supervisory employee to permit any act of sexual harassment in the workplace by anyone, whether or not an employee.

501.1 Definition Under Maine Law - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made, either explicitly or implicitly, as a term or condition of an individual's employment;

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

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. Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

501.2 Description - The following type of conduct is considered to be sexual harassment and is not permitted:

Physical assaults of a sexual nature such as:

- rape, sexual battery, molestation or attempts to commit these assaults; and
- intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
- sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experiences directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;

- preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward:
- subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of that employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in the City by employees, such as:
- displaying pictures, posters, calendars, graffiti, objects, promotional materials or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.
- A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the City and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
- Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
- Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

Any employee who is the victim of, or witnesses, sexual harassment in the workplace must report that through the City's Internal Complaint Procedure, below.

501.3 Other Illegal Harassment

In addition to sexual harassment, the City also prohibits harassment on the basis of any protected category (i.e., race, color, religion, sex, national origin, ancestry, age, sexual orientation (including gender identity and expression) or physical or mental disability, genetic information, pregnancy status, whistleblower status, military/veteran status, or any other protected class identified by State or Federal law).

The conduct prohibited by this policy includes any verbal or physical conduct based on a person's protected status that is sufficiently severe or pervasive as to unreasonably interfere with an employee's job performance or create a hostile work environment. Among the types of conduct prohibited by this policy are epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status and the circulation or posting of written or graphic materials that show hostility toward an individual because of his or her protected status.

Any employee who is the victim of, or witnesses, harassment in the workplace must report that through the City's Internal Complaint Procedure, below.

501.4 Whistleblower Protection

The City will not retaliate (discharge, threaten or otherwise discriminate) against an employee due to that person's whistleblowing activities as protected by law. The following types of activities are protected:

- In good faith, reporting to the City or a public body what the employee reasonably believes is a violation of a law or regulation;
- In good faith, reporting to the City or a public body what the employee reasonably believes is a condition or practice that would put at risk the health or safety of that employee or any other individual;
- Participating in, or being asked to participate in, an investigation, hearing or inquiry held by a public body, or in a court action;
- In good faith, refusing to carry out a directive to engage in activity that would be a violation of a law or regulation, or that would expose the employee or any individual to a condition that would result in serious injury or death, after having sought and been unable to obtain a correction of the illegal activity or dangerous condition from the employer; and

In order for Whistleblower protections to apply, the employee must *first* bring the alleged violation, condition or practice to the attention of the appropriate supervisor, department head, or the City Manager and allow the City a reasonable opportunity to correct that violation, condition or practice. Employees are always encouraged to bring such concerns to the attention of the City. Any employee that believes he/she has been the target of retaliation due to whistleblowing activity should report that to the City pursuant to the Internal Complaint Procedure, below.

501.5 Internal Complaint Procedure - Any City employee who believes he or she has been the subject of sexual harassment, other illegal harassment, or whistleblower retaliation should report the incident or act immediately to his or her supervisor or Department Head or to either the Human Resources Director or the City Manager. All complaints will be promptly investigated. All information will be held in confidence and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. Any employee who is/has been determined to have engaged in sexual harassment will be promptly counseled or disciplined. Disciplinary measures may consist of a reprimand, suspension or termination depending upon the severity of the offense. Employees who make false complaints in bad faith may be subject to disciplinary action, up to and including discharge.

501.6 Legal Recourse Through The Maine Human Rights Commission – An employee who is not satisfied with the City's handling of any complaint of

discrimination, harassment or retaliation may seek legal recourse by filing a complaint with the Maine Human Rights Commission. State House Station #51 State House Station, Augusta, Maine 04333, or by telephone: 207-624-6290, Fax: 207-624-8729; TTY:1-888-577-5590.

501.7 Non-Retaliation

Under the law, you may not be punished or penalized in any way for truthfully reporting, complaining about or filing a claim concerning discrimination, harassment, or retaliation in good faith, or for participating or testifying in any proceeding brought by anyone else.

502 Family Medical Leave

502.1 Family medical leave is governed by the requirements of Maine's family leave law and the Federal Family Medical Leave Act, as they may apply. (Use of the term FMLA herein shall mean the Federal Family Medical Leave Act.) If the requirements, benefits, definitions and/or scope of either the State or Federal laws related to family medical leave change from the date of this revised Policy, such changes are automatically incorporated into this section.

The City qualifies as an employer under both Maine law and the Federal FMLA. Where there are conflicting provisions between the State and Federal laws, the more generous provision may be applied, provided that the employee is otherwise covered under that law. However, the provisions of the State and Federal laws may not be combined. Family medical leave taken under one law will run concurrently with and be counted against eligible leave under the other law.

502.2 Basic Leave Entitlement

Federal FMLA provides up to twelve (12) workweeks of unpaid, job-protected leave per 12 month period to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child, or parent, who has a serious health condition, or
- For a serious health condition that makes the employee unable to perform the essential functions of the employee's job.

Maine's family medical leave law provides up to 10 workweeks of unpaid leave in a 2-year period to eligible employees for the reasons listed above as well as the following reasons:

- To care for the employee's domestic partner, domestic partner's child, or sibling with joint living or financial arrangements who has a serious health condition;
- For incapacity due to the employee's donation of an organ for transplant.

502.3 Eligibility Requirements:

An employee shall be entitled to Federal FMLA Coverage when he/she meets the following criteria:

- The employee has worked for at least 12 months for the City. The twelve months need not have been consecutive.
- The employee has to have worked for the employer for at least 1,250 hours over the 12 months before the leave would begin.
- An employee who has worked less than 1250 hours may be eligible for Family Medical Leave under Maine law, in which case the leave is limited to ten (10) weeks over a period of two years, and does not include employer-paid health insurance.

502.4 Calculation of Leave: Eligible employees can use up to 12 weeks of leave during any 12-month period. The City will use a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

502.5 Military Family Leave Entitlements:

The Federal FMLA provided that eligible employees with a spouse, son, daughter, or parent on active duty in the regular armed forces, or call to active duty status in the National Guard or Reserves in support of contingency operation, may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment re-integration briefings.

Federal FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a parent, child or spouse who is a covered service member or covered veteran during a single twelve

(12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who incurred or aggravated a serious injury or illness in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Maine's family medical leave law entitles employees to take up to ten (10) workweeks of leave for a spouse, domestic partner, child, parent, or sibling with shared living and financial arrangements who die or incurred a serious health condition while serving in active military duty, including as a member of the National Guard or Reserves.

502.6 Maintenance of Benefits:

An employee eligible under FMLA shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work for the City. To maintain uninterrupted coverage, the employee will have to continue to pay his/her share of insurance premium payments. This payment shall be made either in person or by mail at the City Hall by the 21st day of each month. If the employee's payment is more than 30 days overdue, the City will drop the coverage.

If the employee informs the City that he/she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the City will request that the employee continue to make those payments, along with the health care payments. If the employee does not continue these payments, the City will recover the payments at the end of the leave period, in a manner consistent with the law.

Vacation, sick leave and holidays will not accrue during the leave period consistent with the City's benefits policy. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

502.7 Return to service:

Upon the end of the family medical leave or upon medical certification, an employee will be restored to the position he/she occupied immediately prior to the commencement of the leave or to an equivalent position with the same employee

benefits and pay as existed immediately prior to commencing the leave, except in the event of financial, budgetary or other conditions unrelated to the employee's taking of leave which prevent the restoration to the same or equivalent position. An employee shall return to work from a family medical leave no later than the first working day following the expiration of the leave. Failure on the part of the employee to return to work after the expiration of an approved leave is deemed a resignation from City service, unless the employee clearly requests additional leave as an accommodation.

502.8 Use of Paid and Unpaid Leave:

If an employee has any accrued paid leave (e.g. sick leave, vacation) the employee shall use all available paid leave time, which shall be considered Family Medical Leave, first before taking additional unpaid Family Medical Leave if the employee still meets the eligibility requirements under the FMLA. Any available vacation or sick time will run concurrently when any unpaid FMLA leave is taken. For example, if an employee plans to use the full twelve (12) weeks of FMLA leave and has two (2) weeks of paid leave available, the first two (2) weeks of FMLA will be paid as a benefit, and the remaining ten (10) will be unpaid. Insurance and retirement benefits will continue during that time.

Please note also that that if an employee receives Workers Compensation benefits, Short Term Disability or any other paid benefits in connection with an absence from work, such absence will generally be designated as FMLA leave if it is needed for an FMLA qualifying reason.

502.9 Procedure for designation of leave:

All employees requiring qualifying leave under this policy must complete the Family Medical leave form available from the Human Resources Director or the City Manager.

Employees must provide thirty (30) days advance notice to the Human Resources Director of the need to take family medical leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. Within 5 business days, the City will notify the employee whether she is eligible for FMLA generally. At that time, the City will provide the employee a notice of their eligibility and rights and responsibilities under the FMLA (Form WH-381), which may include a request for more information or certification in support of the request in order to determine whether the request qualifies for FMLA.

While on leave, employees will be requested to report periodically to the City regarding the status of the medical condition, and their intent to return to work.

502.10 Definition, Procedure for Notice and Certification of Serious Health Condition:

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider.

Subject to certain conditions, the continuing treatment required may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to the health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to chronic condition. Other conditions may meet the definition of continuing treatment.

The City may require certain information for the City to determine if the leave may qualify for family medical leave protection under the Federal or State laws and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform the essential functions of his/her job, the employee's covered family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must inform the City if the requested leave is for a reason for which family medical leave was previously taken or certified. Employees may be required to provide medical certification from a physician and periodic re-certification supporting the need for leave. The employee should try to respond to such a request within 10 days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under State law.

When seeking certification of a serious medical condition, an employee should ensure that the certification form (Form WH-380-E381) contains the following:

- Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- If an employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of

medical necessity for taking intermittent leave or working a reduced schedule.

- If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

502.11 Short Term Disability Leave of Absence:

The City makes reasonable accommodations dependent upon medical prognosis or protections under ADA for qualified employees who are temporarily disabled or anticipating a disability. In some instances, a reasonable accommodation may take the form of an unpaid leave of absence. Employees seeking a disability leave of absence should see their Department Head or the Human Resources Director. Such leave of absence will be granted at the discretion of the Human Resources Director or the City Manager for a period ordinarily not to exceed twelve (12) months, inclusive of the FMLA, pursuant to the following provisions;

- The employee shall submit a written request to the Department Head for a disability leave of absence, along with written medical certification from an attending physician justifying a need for the leave and setting forth the anticipated duration, and any limiting conditions or restrictions under which work may be performed before and/or after leave.
- If the need for a disability leave of absence is anticipated or known in advance, the employee shall submit his/her written request at least thirty (30) days prior to the requested start date. If this is not feasible, then the employee shall provide as much advance notice as possible.
- If approved, the disability leave will have a set termination date. If the disabling condition ends before originally anticipated, the employee is to notify the Department Head or Human Resources Director. An employee may return to work at any time with the approval of their medical provider and or the City's Occupational health provider, the Department Head and Human Resources Director. If the Employee needs more leave at the time of the termination date, s/he must renew the request pursuant to this policy.
- Disability leaves shall ordinarily not be approved in excess of twelve (12) months from the start of the leave, which shall include concurrently the twelve (12) weeks of Family Medical Leave.
- Failure on the part of the employee to return to work after the expiration of an approved leave is deemed a resignation from City service.

- Accrued sick, vacation, personal leave and compensatory time shall be paid out to an employee on an authorized disability leave of absence.
- Should an employee's attendance or work performance be unsatisfactory because of a disability, the City may require the employee to take an unpaid disability leave of absence pursuant to this section.

EMPLOYEE ACKNOWLEDGEMENT FORM
*(** Please return this form to Human Resources within*
10 days of receiving the Employee Handbook)

As an employee of the City of Sanford, I understand and/or agree that:

- I have reviewed the full Employee Handbook, I have asked any questions I have about the policies and procedures contained therein, and I will comply with its policies and procedures to the best of my ability.

- The statements contained in the Handbook are intended to serve as general information concerning my employment with the City and its existing policies, procedures, practices of employment and employee benefits.

- Nothing contained in this Handbook is intended to create (nor shall be construed as creating) a contract of employment (express or implied) or guarantee employment for a definite or indefinite term.

- From time to time the City may interpret, change, suspend, cancel, or deviate from, all or any part of its policies, procedures, and benefits described in this Handbook.

Employee Name: _____

Employee Signature: _____

Date: _____