



## Town of Townsend HR Committee Meeting

June 18<sup>th</sup>, 2026 @ 1:00 pm

VIA Conference Call & Town Hall

141 Main St, Townsend, DE 19734

### 1:00 pm HR Committee Meeting

- I. Call to Order:
- II. Opening Ceremonies
  - a. Roll Call:
  - b. Pledge of Allegiance:
  - c. Recognition of Visitors:
  - d. Announcements:
- III. Citizens Comments & Participation.
- IV. Adoption of Agenda.
- V. Approval/Rejection of Minutes:
  - a. **ACTION ITEM:** Approval/Rejection of HR Committee Meeting Minutes from December 11<sup>th</sup>, 2025, meeting.
- VI. **ACTION ITEM:** Discussion and Review of Employee Handbook
- VII. Ongoing Business Updates
- VIII. New Business
- IX. Discussion regarding future agenda topics and next meeting date
- X. Recess Committee Meeting to Convene Executive Session.
- XI. **Convene Executive Session:** Pursuant to 29 Del. C. §§10004(b)(9), the Town HR Committee will consider a motion to meet in an executive session for the discussion of personnel matters in which the names, competency and abilities of individual employees are discussed.
- XII. **Close Executive Session & Re-convene Committee Meeting.**
- XIII. **ACTION ITEM:** Possible vote of Committee.
- XIV. Adjourn.

Committee Meetings will be held both in person and in a virtual format.

Those wishing to attend virtually may dial **1(301)715-8592**. When directed, provide following meeting ID **827- 6421-7575#** and then the following password **361631#** to enter the meeting. If you choose to access the meeting online click the following link:  
<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xiME1HV0ZOcHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at <https://townsend.delaware.gov> or by joining the meeting via computer.

# **Town of Townsend**

## **2025**

### Employee Handbook

**The Town of Townsend Personnel Policy is not a contract of employment. The Personnel Policy is intended to provide guidance and direction in regards to the employee/employer relationship within the Town of Townsend.**

### **CONFLICTING POLICIES REPEALED**

- Any conflicts with this policy are hereby repealed.

### **SEPARABILITY**

- If any provision of this policy or any rule, regulation or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or order to persons or circumstances other than those held invalid will not be affected thereby.

### **VIOLATIONS OF POLICY PROVISIONS**

- An employee violating any of the provisions of this policy shall be subject to disciplinary action up to termination, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

### **EFFECTIVE DATE**

- This policy shall become effective April 19, 2017 upon the approval of Town Council.

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## Section 1 – Handbook Introduction

### 1:1 History of the Town

Townsend is located in the southwestern portion of New Castle County, in what has traditionally been called the Middletown-Odesa-Townsend (MOT) Planning Region. Before 1850, the site of the present boundaries of the Town was occupied by a small community of African Americans and was called “Charley Town”, named after Charles Lloyd, one of the residents. Around 1850, Samuel Townsend bought much of the land and subsequently gave the village its present name.

In 1856, the Town became a stop along the new Delaware Railroad. Townsend achieved prosperity as a result. It shipped great quantities of agricultural produce, especially peaches, grain and lumber in the latter half of the 19<sup>th</sup> century. The Town served as a shipping point and a market place for the scattered rural population of the area. Townsend incorporated on April 3, 1885, at which time the Town was platted and the streets were laid out. By 1888, the village had a population of 350. Since that time, the railroad has lost its prominence to trucking for freight hauling in the United States. However, in Townsend, the railroad and agriculture played an important part in shaping the character of the Town, and today it is a quiet residential Town of approximately 2,500 to 3,000 people.

Recently, the MOT region has been experiencing accelerated growth and development, especially in and around Middletown and areas to the north. The Townsend area has not escaped these development pressures, although New Castle County’s recently adopted Unified Development Ordinance limits the intensity of new residential uses in the immediate vicinity of the Town. Townsend significantly increased the area of the community through a series of recent annexations, increasing the size of the municipality more than four times the original size of 111 acres to 587 acres today.

### 1:2 The Purpose of this Handbook

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the Town of Townsend. This policy includes personnel policies, procedures, and conditions of employment. Please understand that this handbook can only highlight and summarize our Town’s policies and practices.

The Chair of Human Resources and the Town Manager shall be responsible for the overall administration of this policy, to include recommending revisions, deletions, or adoption of new guidelines and overseeing disciplinary action.

The Town will review, revise, and disseminate information to employees as changes occur. Employees are responsible to read any changes and to revise their handbooks as instructed. Questions relating to any changes should be directed first to the Town Manager and any further clarification shall be addressed by the Chair of Human Resources.

The remainder of this handbook will familiarize you with the privileges, benefits and responsibilities of being an employee of the Town of Townsend. Please understand that this handbook can only highlight and summarize our Town’s policies and practices. For detailed information, you will have to talk to the Town Manager or the Town Council.

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## Section 2 – The Employment Relationship

### 2:1 “At Will”

Delaware is an employment-at-will state which means that, absent an employment contract (or collective bargaining agreement) which provides otherwise, an employer can discharge an employee for any reason, or no reason, with or without notice, as long as the discharge does not violate a law. Also, under the employment-at-will doctrine, an employee can terminate the employment relationship with or without notice.

No employee or Town representative, other than the Town Council has the authority to change the at-will employment relationship, or to contract with any employee for different terms of employment. Furthermore, the Town Council may change the at-will employment relationship only in a written contract, signed by the Mayor/Council and the employee. Nothing in this handbook constitutes a contract or promise of continued employment.

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## Section 3 – Hiring

### 3:1 Commitment to Equal Opportunity

The Town of Townsend is an equal opportunity employer. All applicants and employees shall receive equal employment opportunities, and the Town shall make employment decisions without regard to religion, sex, sexual orientation (including gender identity and expression), race, color, ancestry or national origin, age or physical or mental disability, Veteran status, or status as a whistleblower, or any other reasons as prohibited by Federal, State, or Local Law. The Town shall employ, without discrimination, the best-qualified persons who are available at the salary levels established for each position.

It is our policy, while striving for optimum utilization of ability and capability of all individuals, to base our employment and promotional decisions on job-related standards of past performance, experience, education, training, and interpersonal strengths and abilities.

The Town of Townsend believes that all people are entitled to equal employment opportunity.

We follow state and federal laws prohibiting discrimination in hiring and employment. We do not discriminate against employees or applicants in violation of those laws.

### **3:2 Americans With Disabilities**

The Town of Townsend is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position. Reasonable accommodation is available to all disabled employees where their disability affects the performance of job functions. Employees who believe they may require an accommodation should consult with their supervisor. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classification, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

Town will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. Furthermore, the Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA.

### **3:3 Recruitment**

We know that we are only as good as our employees, so we search as widely as possible for talented and motivated individuals to fill vacant positions in our Town. Our recruitment methods include posting, advertising, and referrals.

Although these methods have served us well in the past, we know that the marketplace is ever changing and that finding high quality people is an evolving process. We encourage our employees to share with us their ideas as to what more we can do to find and recruit talented and motivated individuals.

We conduct all recruiting in a fair and nondiscriminatory manner.

### **3:4 Vacancies**

Sometimes, the best person for a job is right under our Town's nose. As a result, we encourage current employees to apply for vacant positions that interest them.

Vacancies must be authorized and funded by the Mayor and Council before any position may be filled. Vacancies shall be filled by individuals fully qualified for said vacancy. When a position becomes available within the Town, the position will be advertised in the following manner:

1. Vacancies shall be posted internally for five (5) working days while the vacancy is being advertised to the public.
2. A classified advertisement will be placed in the local newspaper, the Town's website, the Town Hall, or in other pertinent media, newspapers, or periodicals, at the discretion of the Town.

3. Employment Applications must be completed for each position, and shall be retained for a period of one (1) year. Current employees who wish to apply must complete an “Employee Application.”
4. If another vacancy exists within one (1) year for the same job classification, a review of the Employment Applications on file will be made, and qualified applicants contacted to arrange an interview.

### **3:5 Nepotism**

Although we value all of our employees and, by extension, their families, we do not employ relatives of any Town employee or member of Town Council. We believe the risk of morale problems, security problems and conflict of interest problems are too great.

Under this policy, the term “relatives” encompasses spouses, siblings, parents, grandparents, aunts, uncles, children, step-children, adopted children, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, live-in partners, nieces, nephews, and cousins.

If two employees become related while working for the Town, they will both be allowed to remain with the Town. However, if one of them supervises the other, only one of the employees will be allowed to keep his or her current position. The other will either have to transfer to another position or leave the Town’s employment.

### **3:6 Pre-Employment Drug Testing & Background Check**

A pre-employment drug test and background check is conducted after an offer to hire. In some instances, depending upon the position, a physical examination may be required. Any job offer made to a candidate is conditioned upon satisfactory results from all tests.

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## **Section 4 – New Employee Information**

### **4:1 New Employee Orientation**

Within a day or two of starting work, you will be scheduled for a new employee orientation meeting. During this meeting, you will receive important information about our Town’s policies and procedures. You will also be asked to complete paperwork and forms relating to your employment, such as tax withholding forms, emergency contact forms and benefits paperwork.

Please feel free to ask any questions you might have about the Town during the orientation meeting. If additional questions come up after the meeting, you can ask the Town Manager or the Chair of Human Resources.

## **4:2 Probationary Period**

### **I. Full Time Employees**

1. A full-time employee shall serve a probationary period of two (2) months; 60 days. During the first two (2) months, employees are not entitled to paid time off for vacation, personal days or sick leave. They are eligible for jury duty pay during the first two (2) months.
2. Each employee shall be evaluated at the completion of their 60 day probationary period. The employee must have an overall evaluation of at least “satisfactory” in order to continue his or her employment with the Town. Employees who are not evaluated on or before the last day of their probationary period shall automatically be considered regular full time employees.
3. The successful completion of a probationary period by an employee shall not be construed as a contractual relationship with the Town of Townsend.
4. Discipline or discharge of a probationary employee shall not be subject to the Town of Townsend Grievance Procedure.

When your employment begins, you will meet with the Town Manager and/or [Human Resources Chair], who will explain our general conditions of employment, fringe benefits, hours of operation, payroll procedures, and assist you in completing your employment paperwork. During the probationary period, the Town Manager will give you feedback on your performance and will be available to answer any questions you might have.

During the probationary period, the Town Manager will work with you to help you learn how to do your job successfully and what the Town expects of you. This period also provides both you and the Town an opportunity to decide whether you are suited for the position for which you were hired.

Your probationary period may be extended if the Town decides that such an extension is appropriate.

### **II. Part Time & Temporary Employees**

1. Part time and temporary employees do not serve a probationary period.
2. Part time and temporary employees are not eligible for any type of leave or benefits.

## **4:3 Child Support Reporting Requirements**

Federal and State laws require us to report basic information about new employees, including name, address and social security number, to a state agency called the State Directory of New Hires. The State collects this information to enforce child support orders. If the State determines that you owe child support, they will send us an order requiring us to withhold money from your paycheck to pay your child support obligations.

## **Section 5 – Employee Classifications**

Employee classification relates to work schedules, exempt/non-exempt status, and eligibility for benefits. Depending on the number of hours per week you are regularly scheduled to work, you are either a part time or a full time employee. It is necessary that you understand which of these classifications you fit into because it will be important in determining whether you are entitled to benefits and leave.

### **5:1 Full Time Employees**

Regular full-time employees work the standard work week for their department and are hired for an indefinite period of time. Such employees may be exempt or non-exempt, based on the Federal Fair Labor Standards Act criteria. Non-exempt employees are paid on an hourly basis and are eligible for overtime pay; exempt employees are paid on a salaried basis and are not eligible for overtime pay. Regular full-time employees are eligible for benefits and leave in accordance with this policy.

#### I. Full Time Employee Status Hours

Employees who are regularly scheduled to work at least 35.0 hours per week are full time employees.

### **5:2 Part Time Employees**

Regular part-time employees work fewer hours than the standard work week for their department and are hired for an indefinite period of time. They are classified as non-exempt.

#### II. Part Time Employee Status Hours

Employees who are regularly scheduled to work fewer than 34.5 hours per week are part time employees. Part time employees are not eligible for benefits or leave in accordance with this policy. However, the Town will provide any and all benefits mandated by law.

### **5:3 Temporary Employees**

Periodically, it becomes necessary for us to hire individuals to perform a job or to work on a project that has a limited duration. Typically, this happens in the event of a special project, special time of year, abnormal workload or emergency. Individuals whom we hire for such work are temporary employees.

Temporary employees may work full-time or part-time for a limited period, usually less than six months. Temporary employees are not eligible for benefits or leave in accordance with this policy. However, the Town will provide any and all benefits mandated by law.

Temporary employees cannot change from temporary status to any other employment status by such informal means as remaining in our employ for a long period of time or through oral promises made to them by the Town Manager or any member of Town Council. The only way a temporary employee's status can change is through a written notification signed by the Mayor and Town Council.

Like all employees who work for the Town, temporary employees work on an at-will basis. This means that both they and the Town are free to terminate their employment at any time, for any reason that is not illegal, even if they have not completed the temporary project for which they were hired.

If you are uncertain about which category you fall into, speak to the Town Manager.

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## **Section 6 – Employee Hours**

### **6:1 Hours of Work**

The normal working days and hours of the work week shall be Monday through Friday; 8:00 am – 4:00 pm. It is necessary, however, due to the variations in the different services provided by the Town, that there be variations in the hours and days of work per week within different departments. The hours of work, the starting and stopping time, and lunch periods will be established within each department with the Town Manager's approval. The hours of work, the starting and stopping time, or the lunch periods may be changed by mutual agreement of the department head and department employees, subject to approval by the Town Manager.

It is understood that salaried employees who are exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to do work. This policy will be applied within reason.

Certain employee's attendance is required at Town Workshop Meetings and Town Council Meetings (refer to your job description).

### **6:2 Flexible Scheduling**

We understand that many employees have to balance the demands of their job with the needs of their families and other outside commitments. Therefore, we offer our employees the opportunity to work a flexible schedule.

If you would like to change your work schedule, for example, to come in and leave a couple of hours earlier or to work more hours on some days and fewer on others, you must get approval from the Town Manager. The Town will try to accommodate your request, to any extent that is practical. Because not all jobs are suitable to flexible scheduling, and because we must ensure that our staffing needs are met, we cannot guarantee that the Town will grant your request.

### **6:3 Meal and Rest Breaks**

Employees are permitted a fifteen (15) minute break in the morning and a fifteen (15) minute break in the afternoon. These breaks will be paid. In addition, all employees who work at least six (6) hours a day are entitled to take a thirty (30) minute meal break. Meal breaks are generally unpaid.

## **6:4 Overtime**

On occasion, we may ask employees to work beyond their regular scheduled hours. We expect employees to work a reasonable amount of overtime, this is a job requirement.

The scheduling of special hours for employees will be determined by the Town Manager consistent with meeting public service goals. Special work hours, with advance notice, will be paid as regular hours, unless exceeding the forty (40) hour work week. Adjustments to personnel schedules shall be made to minimize the use of overtime.

Employees are not permitted to work overtime without prior authorization of the Town Manager. Overtime will be paid at one and one-half times an employee's regular wages for approved overtime in excess of forty (40) hours physically worked in a work week. If an employee works more than eight (8) hours in a given day, but has taken vacation or other leave that week, he or she will be paid at straight time wages for any hours in excess of the eight (8), until such time as the forty (40) hour work week requirement has been satisfied.

We will try to give employees advance notice when overtime work is necessary; however, it will not always be possible to notify workers in advance.

- For purposes of calculating how many hours an employee has worked in a day or week, our work week begins at 12:01 am on Sunday and ends at midnight on Saturday. Our workday begins at 12:01 am and ends at midnight each day.

Non-exempt employees will normally be granted a minimum of two hours overtime pay when asked to come to work outside of their normal scheduled working hours (Mid-Month and Town Council Meetings are excluded from this provision).

## **6:5 Severe Weather Conditions and Emergency Situations**

Under conditions of severe weather or situations which may threaten the health and safety of any Town employee, the Mayor may direct certain segments of the Town will be closed for the duration of the emergency and employees either dismissed or directed not to report to work. The following procedures will govern in the event of this happening.

- A. The Town shall follow the State's protocol for delays, liberal leave, and closings. The Town Manager, along with the Chair of Human Resources will determine which employees are considered "essential" to ensure that the health and safety of Townsend's citizens is not threatened. These "essential" employees will be informed at the time they are hired or when the determination is made that they are considered "essential".
  1. During emergency conditions, "essential" employees will earn overtime regardless of hours worked that week. This is a deviation from the overtime policy.
  2. "Essential" employees who do not report for work shall be charged vacation or personal leave, or leave without pay (as applicable) for time not worked.

- B. Employees designated as “non-essential” will be directed to take one or more of the following steps when an emergency is declared:
    - 1. Early Dismissal. The Town Manager will dismiss employees at a designated time consistent with the conditions.
    - 2. Late Arrivals. Under this procedure, at the Town Manager’s discretion, will excuse a reasonable amount of lateness consistent with the existing conditions and the employees travel distance.
    - 3. Liberal Leave Policy. Non-essential employees who choose to leave before an announcement is made, or do not report to work, will be charged vacation, personal leave, or leave without pay (as applicable) for time not worked.
    - 4. Closing of the Town of Townsend Offices and Facilities. Under extreme conditions, all or part of the Town’s offices which are not considered essential to the health and safety of Townsend’s citizens may be closed. In this event, those employees not required to report to work or continue working will be considered on administrative absence and will receive normal compensation for the hours that the Town offices are closed due to the emergency.
  - C. When an emergency is declared during normal business hours, The Town Manager will notify all employees.
  - D. When an emergency is declared during non-business hours, the Mayor and Town Council will notify the Town Manager, via telephone, and the Town Manager will be responsible for notifying the Town employees.
  - E. Employees who are on regular scheduled vacation, personal, or sick leave at the time an emergency is declared will be charged for their leave.
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## **Section 7 – Pay Policies**

### **7:1 Pay Day**

There will be twenty six (26) bi-weekly pay periods. One work week is from Sunday through Saturday. A pay period consists of two work weeks. Employees shall receive their pay on the Thursday following the second work week; unless the pay day falls on a holiday (See Section 10:2 Holidays). When a pay day falls on a holiday, pay check issuance will be adjusted [to the last working day immediately before payday] accordingly.

### **7:2 Bi-Weekly Time sheets**

The Town of Townsend requires that all employees complete and submit an Employee Bi-Weekly Time Record (herein referred to as “timesheet”) for each payroll period. Timesheets shall be maintained by the Finance Clerk.

The following procedure shall act as guidelines for all employees of the Town of Townsend in completing timesheets:

1. Daily entries on the timesheet shall be recorded for the hours scheduled/worked by the employee. The entry for each day of the pay period should reflect the actual hours worked including any overtime.
2. Explanation Codes shall be used to indicate vacation, personal leave, holiday, sick leave, floating holiday, etc. The scheduled work hours should be placed on the timesheet with the explanation code in the comments section for the hours not worked. No explanation is required in the comment section for hours physically worked. NOTE: No overtime shall be paid unless the employee has physically worked forty (40) hours that work week. Vacation, personal leave, sick leave, and floating holidays do not count as hours worked and therefore do not contribute to the physical forty (40) hours worked requirement (See Section 6:4 Overtime).
3. Timesheets shall contain the employee’s name, position, pay period (two-week payroll period), an entry for the hours worked each day of the pay period or coded as to the status of the employee on that day, the signature/date of the employee certifying the record and the Town Manager’s signature/date.
4. The timesheet shall be submitted by the employee to the Town Manager no later than Monday afternoon following the second work week of a pay period. The Town Manager will review for accuracy and completeness. All signed timesheets; by both the employee and Town Manager, shall be submitted to the Finance Clerk. In the absence of the Town Manager, the Finance Clerk shall sign off on the timesheets.
5. The Town Manager may complete a timesheet for any employee unable to complete due to an illness, injury, suspension, or other authorized absence. In the absence of the Town Manager, the Finance Clerk shall be authorized to complete an employee’s timesheet and sign off under the Town Manager’s certification only, not under the employee’s certification. The employee shall sign his or her timesheet once they return to work.
6. Refusal to certify hours worked or falsification on a timesheet will result in disciplinary action by the Town of Townsend, up to and including termination.

### **7:3 Wage Garnishments**

A wage garnishment is an order from a court or a government agency direction us to withhold a certain amount of money from an employee’s paycheck and send it to a person or agency. Wages can be garnished to pay child support, spousal support or alimony, tax debts, outstanding student loans or money owed as a result of a judgment in a civil lawsuit.

If we are instructed by a court or agency to garnish an employee’s wages, the employee will be notified of the garnishment at once. Please note that we are legally required to comply with these orders. If you

dispute or have concerns about the amount of a garnishment, you must contact the court or agency that issued the order.

#### **7:4 Expense Reimbursements**

From time to time, employees may incur expenses on behalf of the Town of Townsend. We will reimburse you for any actual work related expenses you incur, as long as those expenses are reasonable. You must follow these procedures to get reimbursed:

- ✓ Get permission from the Town Manager before incurring an expense.
- ✓ Spend the Town's money wisely – make an effort to save money and use approved vendors if possible.
- ✓ Keep a receipt or some other proof of payment for every expense.
- ✓ Submit your receipts, along with an expense report to the Town Manager for approval within 30 days of incurring an expense.

Each employee is responsible for submitting his or her receipts to the Town Manager. If approved, you will receive your reimbursement within fourteen (14) days from the Finance Officer.

Remember that you are spending the Town's money when you pay for business related expenses. We expect you to save money wherever possible. The Town Manager and/or Finance Officer can assist you in deciding whether an expense is appropriate.

##### **A. Procedures for Travel Expenses**

If employees are required to travel for work, the Town will reimburse you for your travel expenses, including:

- ✓ The cost of travel to and from the airport or train station, including parking expenses and tolls.
- ✓ The cost of airline or train tickets – such tickets must be coach class if possible.
- ✓ The cost of an economy class rental car, if necessary.
- ✓ A mileage reimbursement, for those employees who prefer to use their own cars for Town travel.
- ✓ The cost of lodging, employees should select moderately priced lodging if possible.
- ✓ The cost of meals and other incidental expenses, up to a per diem of \$50.00 per day.

You must request advance approval of all travel expenses from the Town Manager and follow the procedures above to have your expenses reimbursed.

##### **B. Mileage Reimbursement**

Employees who use their own vehicle for Town business will be reimbursed at the current state reimbursement rate. Employees are not entitled to separate reimbursement for gas, maintenance, insurance or other vehicle related expenses, the current state reimbursement rate is intended to encompass all these expenses.

Before using a personal vehicle for work related purposes, employees must demonstrate that they have a valid driver's license and adequate insurance coverage.

The Town does not reimburse employees for their commute to and from the workplace.

To claim mileage reimbursement, you must follow these procedures:

- ✓ Keep a written record of your business related travel, including the total mileage of each business trip, the date of travel, the location to which you traveled and the purpose of your trip.
- ✓ If you anticipate having to travel an unusually long distance, get the Town Manager’s approval before making the trip.
- ✓ Submit your record to the Town Manager for approval on the last day of the month.
- ✓ Each employee is responsible for submitting his or her own documentation; including all receipts. If approved, you will receive your reimbursement payment with your next paycheck.

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## **Section 8 – Employee Benefits**

### **8:1 Retirement**

Retirement is intended to provide income to eligible members or their surviving dependents. The Town of Townsend participates in a defined contribution plan.

The Town of Townsend contributes a “flat” percentage of the employee’s base gross earnings into a defined contribution retirement account plan. Enrollment is mandatory and effective as of the employee’s date of hire.

### **8:2 Health, Prescription, Vision and Dental Insurance**

The Town of Townsend provides all health care and dental benefits.

Health care coverage is one of the biggest and most important benefits offered to employees and their families. The fundamental coverage helps to protect the employee and their family from the financial loss or hardship that could result from illness or injury. The Town of Townsend healthcare, vision and dental coverage is administered through Highmark Insurance. The Town of Townsend pays a portion of your healthcare premium coverage costs as set each fiscal year by the Mayor and Town Council and the employee pays the remainder.

1. The Town of Townsend currently offers its employees health, prescription, vision and dental coverage.
2. This coverage becomes effective the first day of the month following the completion of your probationary period. Cards will be provided with toll-free telephone numbers for information regarding eligibility and claims for all plans.

4. In accordance with the Consolidate Omnibus Budget Reconciliation Act (COBRA), employees, their spouses and eligible dependent children may continue their coverage (at their expense) in the Town's group health insurance plan for a period of time after leaving Town employment or for any other qualifying event.

Qualifying events may include divorce, legal separation, birth or legal adoption or custody changes, significant income changes (i.e. spouse's employment from full time to part time) changes in other coverage, or dependents who may no longer be eligible for coverage.

It is your responsibility or your covered dependent's responsibility to notify the Town Manager and/or Chair of Human Resources in the event of a divorce, legal separation or children becoming ineligible under the Town's group health insurance plan. For additional information on this, please contact the Town Manager.

### **8:3 Life Insurance**

The Town of Townsend provides life insurance in an amount of \$50,000.00, at no cost to the employee. This insurance becomes effective on the first day of the month following the completion of your probationary period.

All employees should make certain to notify the Town Clerk and/or Town Manager of any changes in designated beneficiaries.

### **8:4 Short-Term Disability**

The purpose of the plan is to offer employees *Income Protection Insurance* for absences that result from being disabled.

1. The plan is voluntary and paid for by the Town.
2. Short-term disability is available to you the first day of the month following the completion of your probationary period.
3. Employees MUST complete a Disability Insurance Claim Form and submit it for processing and review. If your claim qualifies and is approved, you may begin to receive "short-term" disability payments on the eighth day of a disabling illness, and may only continue to a max of 26 weeks.
4. Short-term disability benefit payments are at 60% of your weekly wages up to a maximum of \$750 per week. Benefits will only be paid out for qualified non-work related injuries.
5. Benefits will not be paid for a disability when the insured:

- a. Is not under the regular care of a physician;
- b. Performs any work for pay or profit; or
- c. Is receiving benefits under workers' compensation or similar law.

We cannot provide the details of each plan here. However, you will receive official plan documents for each of the benefit plans that we offer. Those documents (along with any updates that we give to you) should be your primary resource for information about your benefit plans. If you see any conflict between those documents and the information in this handbook, the official plan documents are what you should rely upon.

The benefits we provide are meant to help employees maintain a high quality of life, both professionally and personally. We sincerely hope that each employee will take full advantage of these benefits. If you don't understand information in the plan documents or if you have any questions about the benefits we offer, please talk to the Town Manager or Chair of Human Resources.

#### **8:5 Uniforms/Safety Equipment**

For employees required to wear uniforms and/or safety equipment in the performance of their assigned job duties, such uniforms and/or safety equipment will be provided at no expense to the employee.

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### **Section 9 – Workers' Compensation & Unemployment Insurances**

#### **9:1 Workers' Compensation Insurance**

##### **A. Job Related Illness/Accident**

If you are injured or become ill as a result of your work, you may be eligible to receive insurance benefits as provided under the State Workers' Compensation Act.

All employees are covered by Worker's Compensation Insurance, as required by law. The Town pays the entire cost of providing this insurance protection.

Workers' Compensation pays for work-related medical, hospital and surgical expenses, as well as partial reimbursement for time lost if your illness/accident or injury is determined to be compensable under Delaware law.

##### **B. Employee Responsibility**

1. Any employee who sustains any illness/accident or injury occurring on the job must notify his or her supervisor or the Town Manager immediately. Testing for the use of drugs and

alcohol will be required when an employee is involved in an accident or injury occurring on the job.

2. Seek medical attention if necessary.
3. Go to your supervisor or Town Manager so that he or she can complete a State of Delaware First Report of Occupational Injury or Disease.
4. If a referral is made, employees are responsible for keeping all appointments and for keeping their supervisor, Town Manager and Chair of Human Resources informed as to their condition and expected date of return to work.
5. Refusing to cooperate with these procedures may be cause for disciplinary action, up to and possibly including termination.

C. Management's Responsibility

1. The Town Manager will notify the Chair of Human Resources immediately when an employee is injured.
2. The supervisor or Town Manager will complete and send the First Report of Injury to the Chair of Human Resources to be submitted to the Town's insurance carrier to determine if the illness/accident or injury is compensable.
3. The employee will be paid their full wages for the day of injury. For the two (2) days following the date of illness/accident or injury, employees may use available sick leave (vacation or personal leave may be used if sick leave is exhausted), after which, they will receive checks (if the illness/accident or injury is determined to be compensable under Delaware law) from the insurance carrier until such time the employee returns to work.

D. Return from Workers' Compensation Leave

1. Employee must return to work when their physician determines they are able to resume normal duties. A physician's release is required before reinstatement to the active payroll.
2. Upon reinstatement, an employee's salary shall be computed on the basis of the last salary earned plus any across the board or reclassification salary increase to which the employee would have been entitled during the disability covered by workers' compensation.

To find out more about workers' compensation coverage, contact the Town Manager or Chair of Human Resources.

**9:2 Unemployment Insurance**

If your employment with our Town ends, you may be eligible for unemployment benefits. These benefits provide you with a percentage of your wages while you are unemployed and looking for work. To find out more, contact the Delaware Department of Unemployment.

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## Section 10 – Use of Town Property

We have invested a great deal of money in the property and equipment that you use to perform your job. It is a senseless and avoidable drain on the Town's bottom line when people abuse Town property, misuse it or wear it out prematurely by using it for personal business.

We ask all employees to take care of Town property and to report any problems to the Town Manager. If a piece of equipment or property is unsafe for use, please report it immediately.

Please use property only in the manner intended and as instructed.  
We do not allow personal use of Town property unless specifically authorized.

Failure to use Town property appropriately and failure to report problems or unsafe conditions may result in disciplinary action, up to and including termination.

For information on use of computers, the internet and software see Section 19 of this handbook.

### **10:1 Town Owned Vehicles and Maintenance Equipment**

#### Purpose

Vehicles owned by the Town of Townsend shall be strictly allocated, operated and maintained in order to promote the interest and mission of the Town's government and the respective departments.

#### General

Employees of the Town of Townsend who drive public vehicles are expected to perform to the highest standards of legal compliance, driver courtesy, safety and operating efficiency. Supervisors shall be responsible for ensuring consistent compliance with both policy and law regarding the operation and deployment of public vehicles.

Town employees who drive public vehicles shall be knowledgeable of and responsible for compliance with this policy.

Public vehicles shall be used by authorized employees, generally to transport employees, materials, and equipment pursuant to conducting public business. Employee drivers may be authorized to transport persons other than employees pursuant to the following conditions:

1. Members of the town recognized commissions or committees, local state, and federal government employees, consultants under contract to the Town, and other persons directly related to the conduct of official business may be transported by town employees.
2. Employee drivers shall ensure that all non-employee passengers comply with all safety requirements set forth in this policy.

## Definitions

The following terms are defined for use in this policy:

1. Driver - means any individual who drives a vehicle.
2. Motor Vehicle - is a self-propelled or propelled by electric power obtained from overhead electrical wires and is not operated on rails.
3. Public vehicle \* is a vehicle owned by, leased by or otherwise in the lawful control of the Town of Townsend.
4. Employee – any full time, part time and temporary employee of the Town of Townsend.

### A. Operation of Vehicles

1. Public vehicles shall be authorized for the transportation of employee's incident to assigned job responsibilities, incident to approved training and recreational programs or for the purpose of assisting other employees in the achievement of approved public service goals.
2. Only an employee authorized by the Town Manager and holding a valid driver's license for the class of vehicle to be driven, pursuant to the employee's job description, shall drive public vehicles.
3. No vehicle shall be backed or moved in reverse unless the move can be done safely and with a clear view of the traffic or destination. A driver who does not have a clear view of the area behind the vehicle shall enlist the assistance of a second person to help guide the vehicle while it is in reverse. If such assistance cannot be located or its arrival would not be in a timely manner, the driver will personally check the area behind his or her vehicle thoroughly before backing or moving in reverse.
4. No person shall be permitted to ride on the sides, floor, toolboxes, tailgates, roof, or any other area not intended by the vehicle manufacturer for riders to occupy.
5. The driver and all occupants shall wear the restraint system that is in the vehicle. In those vehicles equipped with a seat belt only, the seat belt will be worn snugly fastened. In those vehicles equipped with a seat belt and shoulder harness, the combination will be worn in the same fashion and the shoulder harness will not be worn in any manner that lessens its effectiveness. Drivers and passengers riding in a vehicle equipped with air bags shall be restrained, positioned and seated as recommended by the vehicle manufacturer and as provided in the manufacturer's vehicle instruction manual (including any supplements thereto with respect to restraint and driver/passenger safety devices).

6. No driver will wear any earplugs, headsets or earphones while driving a motor vehicle on a highway, roadway or other private or public property. Drivers shall not operate cell phones while driving vehicles.
7. Drivers shall devote their full time and attention to their driving and shall not involve themselves in peripheral matters, e.g. inspecting infrastructures or engaging in conversations with pedestrians or other drivers. Drivers and passengers shall not smoke while operating vehicles.
8. During periods of operation, including periods of limited visibility or inclement weather, all public vehicles shall have headlights activated, as well as windshield wipers, as applicable, for the driver to see and for the vehicle to be seen by both other drivers and pedestrians.
9. Employees shall possess a valid driver's license for the class of vehicle being driven at all times during the driving of public vehicles.
10. Drivers shall obey all laws governing the driving of motor vehicles, including but not limited to the obeying of speed limits, traffic control devices and safety practices.
11. Employees are not permitted to drive public vehicles while impaired or under the influence of any alcoholic beverage, drug, medication, or other substance.
12. Any trailer towed or moved in any manner by a driver operating a public vehicle shall verify that the trailer is securely fastened to the towing vehicle, all safety pins in the pintle locks have been used, and that safety chains are properly fastened between the towing vehicle and the towed vehicle.
13. Employee Drivers are responsible for and shall ensure that all loads transported by public vehicles are properly and securely managed to prevent loss, shifting, or damage to a load, and that all loads are covered, marked, or otherwise appropriately controlled to prevent loss or potential adverse impact on other traffic and the highway.
14. No more than three persons shall be authorized to occupy the front seat of any public vehicle, if the vehicle is equipped with a bench style seat. Under no circumstances shall the number of persons occupying a public vehicle exceed the number of passenger seats and restraining devices available and operable for use.

B. Parking of Vehicles

1. Vehicles shall be parked only in those areas designated for parking, unless pursuant to emergency activity, transient loading and/or unloading or for other authorized purposes.
2. An employee intending to park a vehicle shall:

- a. Park the vehicle in a legal parking space, turn the engine off, lock the ignition, remove the ignition key and effectively set the parking brake if the driver intends to leave the vehicle unattended.
  - b. Ensure that the vehicle is locked and contents secured.
  - c. Turn the vehicle's wheels toward the curb if the vehicle will be parked on a grade.
  - d. Chock the vehicle's wheels if the vehicle is equipped with chocks.
3. An employee intending to drive a vehicle from the parked position shall:
- a. Inspect the vehicle for damage and/or unsafe condition by walking around the vehicle. Any damage or unsafe condition shall be promptly reported to the Town Manager. Special attention shall be given to the wheels and tires, lights, glass, mirrors, undercarriage for low-hanging equipment, locks and load securing devices.
  - b. When parked on or near the traveled portion of a roadway, appropriate work area protection shall be employed, including, but not limited to, vehicle emergency warning lights (flashers), safety devices that are a component of the vehicle, flares [as applicable], reflective traffic cones, barricades, lighted arrow board, work area warning signs equipped with white or yellow light emitting devices, and other appropriate marking devices.

C. Vehicle Accessories

- 1. Vehicles with removable windshields are to have these windshields installed and operational when the vehicles are being driven.
- 2. Portable or detachable doors will not be removed from vehicles if the vehicle is to be driven unless removal is necessary to perform the job. However, mirrors must remain operational when the doors are off.
- 3. Turn signals will be used at all times and in ample time to alert other motorists and pedestrians of the driver's intent to turn. If the driver discovers that the vehicle's turn signal(s) have become inoperable, the driver will use hand signals to alert other highway users of the driver's intent to turn. Defective equipment on public vehicles, as in this example, shall be reported to the Town Manager.

Drivers shall ensure that all windows, lights, mirrors and windshield wipers, lights, of the vehicle being operated shall be clean, unobstructed and operable.

Tailgates shall be up and secure when vehicles so equipped are to be driven, unless the vehicle is actively engaged in hauling materials (and not overloaded), the length of which would require the tailgates to be in the down position. If such materials are transported, they will be secure to prohibit them from loss or shifting while in transit, and the cargo/load shall be marked as follows:

- a. No loads are permitted to extend beyond the fenders on the left side of a passenger-type vehicle. No loads may extend more than 6 inches past the fenders on the right side of a passenger-type vehicle.
- b. No load may extend more than three feet beyond the front of any vehicle. No load may extend more than six feet beyond the rear of any vehicle.
- c. Any load extending beyond the body of any public vehicle shall have a white, red, or orange fluorescent warning flag, made of reflective material and at least 18 inches square, attached to the end of the cargo/load.

D. Drivers License; Record Requirements; Driver's Safety Training Program

1. Employees who are expected to drive public vehicles as a component of their respective job description shall provide a valid driver's license and driver's license record from the issuing state motor vehicle agency to the Town of Townsend upon employment and at any point thereafter when requested by the Town. The Town Manager may request an employee driver record when evaluating employee performance and/or prior to assigning employees to vehicle operations, or at any time deemed appropriate to the public interest.
2. Such evidence of the driver's qualifications shall be incorporated into the employee's personnel file and shall be required prior to authorizing any employee to drive public vehicles.
3. The Town of Townsend, by its department of human resources and/or in concert with the Town Manager shall periodically verify the license status of employees who are authorized to drive public vehicles with regard to validity of both status and class of license. In the event that an employee's driver's license is suspended, revoked, cancelled or refused, and/or otherwise adversely affected, the employee, upon receipt of notice by the licensing state agency, and/or through other circumstances whereby the employee becomes aware of the change of status of his or her driver's license, he or she is responsible to notify the Town Manager, immediately and, in the event of a suspended, revoked, cancelled or refused license, the employee shall not drive public vehicles.
4. Nothing in this policy shall be construed or interpreted to be inconsistent with the laws of the State of Delaware or other applicable jurisdiction and should such instance occur, the laws of the State of Delaware, or other applicable jurisdiction, shall prevail.
5. Employee drivers who are involved in traffic accidents while operating a Town owned vehicle may be required to attend a driver's safety training program. [Note: Employee drivers are required to successfully complete scheduled driver's safety training programs conducted by or for the Town of Townsend during the course of their employment].

E. Special Provisions

1. Employees of the Town of Townsend are not authorized to use public vehicles for personal use, or knowingly authorize public vehicles for the personal use by any other person(s).
2. Public vehicles not specifically designated to accommodate the transportation of the public shall not be utilized for such purposes. Public transportation, currently not part of the Town's governmental responsibilities, shall be referred to private/commercial, county, state or federal transportation programs, systems and contractors.
3. A driver required to hold a valid Commercial Driver's License (CDL) shall be governed under the applicable federal and state laws governing the licensing and application of the CDL, in addition to, but not inconsistent with, the provisions of this policy [Title 16, Subtitle 8 and the Federal Commercial Motor Vehicle Safety Act of 1986, as amended.].
4. Employees involved in traffic accidents, employees observing damages to, or caused by public vehicles, and/or theft involving public vehicles, shall report such condition(s) to the Town Manager immediately, or as soon as practical. In the case of any traffic accident involving a public vehicle, the driver shall report the event to the law enforcement agency of the appropriate jurisdiction. In addition to this requirement, the driver shall prepare a written report of the accident, as prescribed by the Town, and submit the report to the Town Manager immediately, or as soon after traffic accident or other event as reasonably possible.
5. All employee claims for reimbursement for fuel, tolls, parking and/or other vehicle related costs associated with the official use of public vehicles must be substantiated by verifiable receipts. Claims must be submitted to the Financial Officer on the approved reimbursement form and approved/executed by the Town Manager.

F. Take-Home Vehicle

Not inconsistent with the provisions of this policy, only persons authorized by the Town Council in writing shall use a vehicle outside normal work hours, referred to as a "take home vehicle" and shall limit the use of an assigned vehicle to business-related transportation. [In order for the Town to mobilize its manpower during an emergency or other special event, personnel may be allocated a take-home vehicle, inclusive of the Town Manager].

G. Notice

Any employee who operates a public vehicle shall be provided a copy of this policy by the Town Manager and/or by the Chair of Human Resources, upon entry to employment, and shall be knowledgeable of and understand all the provisions of this policy prior to operating any vehicle.

Any employee who willfully or knowingly violates any provision of this policy shall be subject to disciplinary action including formal counseling, suspension and/or termination from employment as deemed appropriate by the Town of Townsend.

## **10:2 Office Telephone**

The Town's telephone system is for business use only. Employees are expected to keep personal calls to a minimum. If you must make or receive a personal call, please keep your conversation brief.

The Town reserves the right to monitor calls made from or received on Town telephones. Therefore, no employee should expect that conversations made on Town telephones will be private. Extensive personal use of the Town's phones is grounds for discipline.

### **10:3 Town Assigned Cell Phones**

The Town of Townsend recognizes the importance of new and innovative technologies available to improve the efficiency and effectiveness of the Town's obligations to deliver public service. The acquisition, implementation and maintenance of cell phone technology by the Town of Townsend entails an expense to its citizens and consequently the deployment and use of this technology must be carefully controlled and monitored to prevent unnecessary expense and potential abuse. The Town's communications systems are purchased, implemented and maintained solely for the purpose of public service and are to be regarded by all persons as property of the Town of Townsend.

#### **Definitions**

"Cell phone" means, as it is commonly perceived, a hand held telephone-type communication device operating by way of transmitting and receiving within a specific electromagnetic frequency range of 1850 – 1910 MHz, 1930 – 1990 MHz or other frequency licensed by the Federal Communications Commission (FCC), an agency of the United States of America.

"Plan" means an operating program offered by a FCC licensed vendor to provide end-users with telecommunications services. Generally, cell phone equipment is included under a specific vendor's plan.

#### **Acquisition; Implementation; Maintenance; Assignment**

1. The Town of Townsend shall purchase, implement, and maintain cell phone operations consistent with the need to fulfill public service obligations efficiently and effectively, and within the budgetary provisions approved by the Mayor and Town Council. The Town Manager shall be responsible for the procurement of cell phones and plan(s) for the Town.
2. Cell phones and plan(s) shall be reviewed and assessed prior to acquisition with respect to acquisition cost, operating cost, area of coverage, reliability and consistency of operating service, and such other criteria deemed appropriate. Plans shall generally be consistent in terms of vendors.
3. Maintenance and repairs to cell phones shall be performed by the manufacturer, plan vendor or by an authorized maintenance representative.
4. The Town Manager, as appropriate, shall be responsible for the assignment, re-assignment and revocation of assignment of cell phones. Cell phone assignments or re-assignments shall be based upon the position and particular responsibilities of the employee, as well as the judgment of the Town Manager, as appropriate, as to the need to enhance a particular employee's communication capabilities. Assignments by example may include: employees who are critical for supervision, operations, maintenance, and public safety personnel. The assignment of a cell phone shall not be considered a privilege, but a responsibility.

5. The Town Manager, as appropriate, shall ensure that each employee assigned a cell phone shall be trained in the use of the cell phone, provided a copy of instructions, provided a copy of the policy governing the employee use of the cell phone, and given guidance with respect to care, maintenance, and risk management of the cell phone.

### **Use by Employees**

Employees are authorized to use cell phones to conduct public business with certain restrictions. Cell phone use restrictions shall include, but not necessarily limited to the following restrictions:

1. An employee shall not use a cell phone to conduct official business in lieu of landline or base telephone system or radio communications systems when those systems are available and operating;
2. An employee shall not use a cell phone for extended periods of time, except in emergency situations, in order to conserve usage within the peak and off-peak air time limitations of the plan;
3. An employee shall not use a cell phone while operating vehicles, motorized equipment, or while performing any task which may be impaired by the use and handling of a cell phone, e.g., performing a task while holding, grasping, listening to, talking on, or otherwise focusing attention on the cell phone, as opposed to the task requiring attention;
4. An employee shall not use a cell phone in any area posted as prohibiting the use of cell phones, e.g., medical facilities, communication facilities, around sensitive electronic systems, or in other areas where electromagnetic interference may result;
5. An employee shall not use a cell phone if any temporary or permanent personal medical condition exists where a cell phones' use and operation could actually or potentially create a hazard or unsafe condition for the employee. An employee shall notify the Town Manager, as appropriate of any medical condition which may be affected by the use and operation of a cell phone;
6. An employee shall not use a cell phone around any person(s) known by the employee to have a temporary or permanent personal medical condition which could be adversely affected by the use and operation of a cell phone;
7. An employee shall not use a cell phone for personal use. Personal use means to consistently use the cell phone to address and/or fulfill the needs of the individual employee which results in an uncompensated expense to the Town of Townsend;
8. An employee shall not use a cell phone to make anonymous, annoying, disruptive or other abusive calls to any person(s); including business organizations and/or other governmental organizations;
9. An employee, while using a cell phone, shall not use offensive language, curse words, profanity, make racial or other discriminatory remarks, or involve themselves in any form of conduct or behavior prohibited by the Town, as generally set forth in the Employee Handbook;

10. An employee shall not re-assign, lend or otherwise relinquish the temporary or permanent assignment of his or her cell phone to any person without written approval by the Town Manager.
11. Employees who are assigned a work cell phone will be required to keep the cell phone charged and on their person during the work day as well as be brought home after hours for emergency outreaches. It is not the expectation to be “on-call” but to be available for communication as need, such as an emergency situation.

### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA), 42 United States Code, Section 12101, et seq., protects disabled individuals from discrimination in hiring and employment. Under certain provisions of the ADA the Town may be required to accommodate qualified individuals with disabilities so that they may perform essential functions of the job. Reasonable accommodation may include the acquisition or modification of equipment or devices. Consequently, the Town of Townsend shall provide reasonable accommodation to an employee who is assigned a cell phone, who is disabled and who may need a device(s) to assist or enhance the use and operation of his or her cell phone. The Town is responsible for compliance under the ADA, as well as other applicable State and Federal regulations affecting employees in the workplace.

### **Risk Management**

1. An employee shall be responsible for the use, possession, condition, care, and charging of their cell phone.
2. An employee shall make every reasonable effort to protect and prevent abuse, destruction and/or loss to their assigned cell phone.
3. An employee, in the event of the destruction, disrepair or loss (including loss from resulting from criminal behavior) of a cell phone, shall report the destruction, disrepair, or loss of the cell phone to the Town Manager, immediately upon the employee’s knowledge.
4. Employees are not authorized to use a cell phone in any manner which creates a safety hazard to the employee, other employees, or to any other person.

### **Auditing**

1. The Town Manager shall be responsible to audit or otherwise review vendor invoices on a monthly, quarterly, or random basis to determine the cost effectiveness of a plan(s) and to test compliance with this policy.
2. The Town Manager may authorize, empower or otherwise delegate auditing of cell phone billing records to the Financial **[Finance]** Clerk.
3. The auditing of cell phone billing records by the Town shall be considered a general responsibility of the Town to protect and preserve the public interest, to ensure policy compliance and to perform cost analyses, and shall not be necessarily construed as an action reflecting distrust of an employee.

Compliance required; Replacement; Disciplinary Action

1. All employees are required to comply with this policy<sup>2</sup>. All employees are required to compensate the Town of Townsend in the amount of the prevailing replacement cost of their cell phone whose destruction or loss is due to the willful and/or grossly negligent acts of the employee.
3. All employees are required to compensate the Town of Townsend in the amount of the prevailing repair cost of their cell phone whose repairable damage is due to the willful and/or grossly negligent acts of the employee.
4. All employees shall be required to compensate the Town of Townsend for any cost or expense incurred by the Town as a result of the employee's use of their cell phone for personal use. Employee compensation under this provision shall not excuse an employee from additional action by the Town for the employee's non-compliance with this policy.
5. Any employee who fails to comply with this policy shall be subject to disciplinary action, up to and including termination.

#### **10:4 Return of Town Property**

When your employment with the Town ends, we expect you to return Town property, and to return it clean and in good repair. This includes the employee handbook, all manuals and guides, documents, phones, computers, equipment keys and tools.

We reserve the right to take any lawful action to recover or protect our property.

If you do not return a piece of property, we will withhold the cost of replacing it from your final paycheck. If you return a piece of property in disrepair, we will withhold from your final paycheck the cost of repair. We also reserve the right to take any other lawful action necessary to recover or protect our property.

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### **Section 11 – Leave and Time Off**

#### **11:1 Vacations**

Our Town recognizes that our employees need to take time off occasionally, to rest and relax, to enjoy a vacation or to attend to personal matters. That's why we offer a paid vacation program.

Vacation leave accrues on January 1 of every year.

All full-time employees are eligible to participate in the paid vacation program.

- A. Accrual
  - I. Accrual For Employees (more than 1 year of service)

Each regular full-time employee shall earn annual vacation time with pay in accordance with the employee's current term of continuous employment and in accordance with the following schedule:

After completion of one year of employment: 1 week

After completion of two years of employment: 2 weeks

After completion of five years of employment: 3 weeks

After completion of ten years of employment: 4 weeks

After completion of 25 years of employment: 5 weeks

II. Accrual For Employees (less than 1 year of service)

Vacation accrual based on years of service does not address new employees who are hired after the beginning of the year. Vacations for new employees hired during the year of hire are assigned a schedule of vacation based on the month of hire.

<u>Month of Employment</u>	<u>Vacation Days/Hours</u>
January - February	5 days/40 hours
March - April	4 days/32 hours
May - June	3 days/24 hours
July - August	2 days/16 hours
September – December	1 day/8 hours

B. Scheduling Vacations

1. The Town of Townsend will attempt to grant all employees vacation at the time they desire to take it. However, the Town of Townsend must maintain adequate staffing at all times. Therefore, vacations must be scheduled and approved a minimum of 48 hours in advance of the day(s) being requested off unless an emergency situation arises and no greater than six (6) months in advance. Vacations needing to be scheduling further in advance, will be considered on a case by case basis by the Town Manager.
2. Vacation leave shall be taken in a minimum of eight (8) hour increments, but in all cases must be prescheduled and pre-approved.
3. Requests for vacation time must be made on the vacation request forms. Scheduling of vacations shall be done by the Town Manager in accordance with operational needs. Unused vacation days may accrue from one year to the next with maximum hold over of one (1) week. Unused vacation for the prior year must be taken by no later than March 31<sup>st</sup> of the current year unless there are extenuating circumstances (approved by the Human Resource Chair or Town Manager) that would prevent employees from doing so. Employees are required to take at least one (1) full week of vacation each calendar year.
4. No vacation of more than two (2) weeks duration at one time will be allowed unless approved by the Town Manager.

Where conflicts develop, they will be resolved as fairly as possible. Preference will be given to the more senior employee, the employee who can demonstrate the greater need for vacation at the conflicting time or the employee who makes the earliest request.

C. Holiday or Illness During Vacation

1. Holiday

In the event an employee schedules vacation days, inclusive of a holiday, only the vacation days will be charged against the employee's vacation leave. The employee shall be paid for their vacation leave; however the employee may or may not receive the holiday pay (See Section 11:3A – Paid Holidays).

2. Illness

If the employee is hospitalized while on vacation, the time from the date of the employee's hospitalization until the employee's doctor releases the employee may, at the employee's option, be charged against the employee's short term disability benefits, rather than the employee's vacation time. If this happens, the employee must notify the Town Manager.

If the employee becomes ill while on vacation, but the employee is not hospitalized, the employee's absence is charged against vacation time.

D. At Separation

1. Upon separation of employment, an employee in "good standing" shall be paid for all accrued vacation, subject to the maximum allowed.
  2. An employee that separates employment with the Town in any other manner than "good standing" shall not receive payment for accrued vacation leave.
  3. An employee who separates employment with the Town in good standing and is re-instated within one (1) year of the separation date; shall be eligible to be placed in the appropriate bracket of service for the purposes of vacation accrual rates as if there was no interruption of employment.

E. Death

In the event of an employee's death while actively employed by the Town, the employee shall be considered to have left employment **in good standing**. Any final compensation and applicable benefit payments shall be paid at the time of the employee's final paycheck.

**11:2 Personal Days**

A. Probationary Employees

Full-time probationary employees are not entitled to take personal days until the successful completion of the two-month probationary period.

B. Full-Time Regular Employees

Two (2) personal days per year for each year of service shall be granted to each full-time non-probationary employee for the period January 1 to December 31. An employee shall not be granted personal day accruals exceeding ten (10) days in any given year.

C. Scheduling

1. Employees wishing to schedule a personal day must give a minimum of 48 hours advanced notice to the Town Manager unless emergency situations arise
2. Personal days must be taken during the period January 1 to December 31. They may not be carried over to the following year.
3. Personal leave shall be taken in a minimum of four (4) hour increments, but in all cases must be prescheduled and pre-approved.

D. At Separation

1. Upon separation of employment, an employee in “good standing” shall be paid for all accrued personal days, subject to the maximum allowed.
2. An employee that separates employment with the Town in any other manner than “good standing” shall not receive payment for accrued personal leave.

E. Death

In the event of an employee’s death while actively employed by the Town, the employee shall be considered to have left employment **in good standing**. Any final compensation and applicable benefit payments shall be paid at the time of the employees final paycheck.

### 11:3 Holidays

Our Town observes the following holidays each year:

- New Years Day
- Martin Luther King, Jr. Day
- Presidents Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Election Day; Presidential (Every 4 years), Tuesday following the first Monday in November
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Eve Day
- Christmas Day

If a holiday falls on a weekend, the Town will inform you when the holiday will be observed. Ordinarily, holidays falling on a Saturday will be observed the preceding Friday; holidays falling on a Sunday will be observed the following Monday.

Eligible employees are also entitled to take 2 floating holidays each year. These holidays may be used to observe a religious holiday, to celebrate your birthday or simply to take a day off for personal reasons. You must schedule your floating holidays with your supervisor in advance. If you do not use your floating holidays during the year, you may not carry them over to the next year. Floating Holidays are required to be used in eight (8) hour increments.

#### A. Paid Holidays

In the event an employee works on a holiday, the employee shall be compensated for the time worked at the rate of one and one half the normal rate. In addition, the employee shall receive his or her holiday pay.

All full time employees will receive holiday pay of eight straight time hours at their regular rate, provided the following conditions are satisfied:

1. Work a full shift on the employee's last scheduled work shift prior to the paid holiday.
2. Work a full shift on the employee's first scheduled work shift following the holiday.

Holiday pay will not be paid if:

1. The employee has been on the payroll for less than 90 days.
2. The employee is on lay off status.
3. The employee is a temporary or seasonal employee.
4. The employee is requested to work during a paid holiday and the employee refuses to do so.

Employees who are requested to work during a paid holiday will receive holiday pay plus regular pay.

#### B. Overtime

Holidays, while they are generally not physical hours worked, will go towards the 40 hour requirement for overtime, provided no leave was taken during the work week in which the holiday fell. As such, any physical hours worked in excess of 32 hours within a work week, in which a holiday falls will be paid as overtime.

### **11:4 Sick Leave**

Sick leave may be granted for any of the following reasons: Personal illness or injury of an incapacitating nature sufficient to justify absence from work; medical, dental, or optical appointments which cannot be scheduled during other than working hours; and to care for a child, spouse or parent who is ill.

While the Town of Townsend recognizes the occasional need for an employee to be absent from work due to an illness or injury, each employee must realize that a steady dependable workforce is necessary for the efficient operation of the Town government.

Sick leave is to be viewed as a type of “insurance policy” in the above circumstances and may not be utilized for any other purpose. Vacation time may also be utilized to care for a child, spouse or parent who is ill.

A. Accrual

1. Sick leave will begin to accrue on the first day of the month upon which an employee successfully completes his or her probationary period.
2. Employees shall accrue sick leave at a rate of one day (8 hours) for each calendar month of service and may accumulate to not more than 60 days

B. Scheduling

1. After successful completion of the two (2) month probationary period, employees may take accrued sick leave in one (1) hour increments.

C. Documentation & Notification

1. A statement from a licensed health care provider will be required for any absence longer than three (3) consecutive days. This statement must indicate that the employee could not work for medical reasons and state when the employee is able to return to work and perform normal duties.
2. If an employee is caring for a child, spouse, or parent who is ill and the employee has been absent from work for more than three (3) consecutive days; the employee must submit a statement from a licensed health care provider stating that the person they have been caring for was ill .
3. If an employee does not have sufficient sick leave to cover an absence, they may use either vacation or personal leave. If the employee decides not to use either vacation or personal leave; or if he or she decides to, and ALL leave has been exhausted, in which the employee does not have sufficient leave to cover any remaining absences, they will be subject to Corrective Action up to, and including termination for attendance – regardless of whether a medical statement has been provided.
4. Notification must be made by the employee via telephone to the Town Manager on each day you are out on sick leave, unless other arrangements have been expressly authorized by the Town Manager.

D. Extended Sick Leave

After any extended sick leave, an employee must obtain a physician's statement that he or she is physically capable of returning to normal duty. It shall be the responsibility of the Town Manager to ensure that this requirement is appropriately followed before the employee is allowed to return to his or her regular duties.

E. At Separation

When employment ends for any reason, sick leave earned but not taken by the employee shall NOT be paid at the time of separation.

F. Death

In the event of an employee's death while actively employed by the Town, the employee shall be considered to have left employment **in good standing**. Any final compensation and applicable benefit payments shall be paid at the time of the employees final paycheck.

Probationary employees shall not be entitled to any paid sick leave until they have completed their probationary period.

**11:5 Maternity and Paternity Leave**

An employee shall be entitled up to eight consecutive weeks for maternity leave. The leave shall be unpaid unless she elects to use accumulated vacation or sick leave. She may continue to as long as her physician attests to her health status in written form. Upon completion of the maternity leave, the employee shall return to her regular position of work. Paternity leave of up to four consecutive weeks will be allowed. The leave shall be unpaid unless the employee elects to use accumulated vacation, personal or sick leave.

Employees may be eligible for extended leave beyond the eight or four weeks, provided they have enough leave to cover the additional time off.

**11:6 Family and Medical Leave**

**THIS SECTION LEFT INTENTIONALLY BLANK.**

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**Section 12 – Authorized Leave of Absences**

**12:1 Bereavement**

All employees who lose time from scheduled work because of a death occurring in the employee's family, will be paid as noted below, at his/her straight-time rate for scheduled days actually lost from work from the date of death. Only employee's who have completed their probationary period are eligible to receive pay for funeral leave.

1. Up to seven (7) days of lost paid time [a maximum of fifty six (56) hours of pay] will be granted for the death of a Mother, Father, Husband, Wife, Son, Step Mother, Step Father, Step-Son, Daughter, Step-Daughter, Brother, or Sister.

2. Up to three (3) days of lost paid time [a maximum of twenty four (24) hours of pay] will be granted for the death of a Grandmother, Grandfather, Grandchild, Mother-in-Law, Father-in-Law, Aunt or Uncle.
3. If additional time off is required, the employee must use vacation or personal days.
4. Notice of such days must be given to the Town Manager as soon as reasonably possible. No funeral leave allowance will be granted in case, where, because of other causes (i.e. distance), the employee does not actually attend the funeral of the deceased.
5. In cases where two (2) or more members of the employee's family die simultaneously, the employee will only be entitled to one (1) paid funeral leave up to a maximum of either three (3) days or seven (7) days; dependent upon the relationship to the deceased.

When you are granted funeral leave benefits, it is mandatory that you attend the funeral of the relative for whom such funeral leave was requested. We reserve the right to ask you to supply the name and relationship of the deceased, as well as a copy of the funeral program services.

## **12:2 Military Leave**

1. Any active employee who is a member of the National Guard or the Reserves of the Army, Navy, Air Force or Marines, is eligible for grants of military leave without pay for training purposes, not to exceed the maximum allowable statutes of the State of Delaware or Federal Government.
2. Notice must be given to the Town Manager immediately upon receipt of official notice to serve.
3. An eligible employee will not be eligible to receive more than one (1) grant of military leave for training purposes in a calendar year.
4. In the event a full time employee is called to active duty in one of the above mentioned branches of the United States Armed Forces, the Town will follow applicable laws governing this matter.

When an employee's military leave ends, that employee will be reinstated to the position he or she formerly held, or to a comparable position, as long as the employee meets the requirements of federal and state law.

An employee whose military service has ended must return to work or inform the Town that he or she wants to be reinstated in accordance with these guidelines:

- ✓ Notice of intention to return to work must reach the Town of Townsend within 7 days of the employee's discharge from military duty.
- ✓ During this unpaid leave, employees are entitled to use applicable paid time off (vacation time or personal days) during their leave.

The Town will continue your health insurance benefits during your leave, under these circumstances:

- If you are absent for 30 or fewer days, you will be treated as any employee not on leave. The Town will continue to pay its share of the insurance premium, and you must continue to pay your usual share.
- If your leave lasts longer than 30 days, you will have to pay the entire premium to continue your benefits.

### **12:3 Jury Duty**

It is the policy of the Town of Townsend to provide regular wages to non-probationary employees summoned for Jury Duty, in accordance with the following guidelines:

1. The employee will notify the Town Manager immediately upon notification of being summoned for Jury Duty.
2. If you are chosen to sit on a jury, you must inform the Town Manager how long the trial is expected to last. You must also check in with the Town Manager periodically during your jury service, so the Town knows when to expect you back at work.
3. On any day when your jury service ends before the end of your usual work day, you must check in with the Town Manager to find out whether you need to return to work for that day.
4. Employees will receive their regular wages during this period, with the understanding that prior to receiving any compensation from the Town, they must submit verification of time served, as well as all monies received for Jury Duty service to the Town's Financial Officer.

### **12:4 Voting**

Our Town encourages employees to exercise their right to vote. If your work schedule and the location or your polling place will make it difficult for you to get to the polls before they close, you are entitled to take up to 1 hour off work, at the beginning or end of your shift, to cast your ballot. This time will be paid.

Employees who will need to take time off work to vote must inform their supervisors at least 7 days in advance. Employees are expected to work with their supervisors to ensure that their absence doesn't negatively impact Town operations.

Covered elections time off to vote in Federal, State and Local elections.

## Section 13 – Terminations

### 13:1 Resignation

In order to resign in “good standing”, an individual must give two weeks notice, in writing of his or her intention to terminate employment and work the full two weeks (i.e. no employee leave shall be taken, including Sick leave). Employees will terminate employment at the conclusion of the last day worked. All eligible vacation pay and personal days will be included with the final paycheck. Reimbursement for all Town owned property and equipment will be made from the final paycheck if they have not been turned in to the Town. A resignation may not be rescinded or revoked after its acceptance by the Town. An employee who resigns in good standing is eligible for rehire.

### 13:2 Voluntary Termination

A two week notice is required to be eligible for re-hire.

### 13:3 Involuntary Termination

Involuntary Termination can occur by:

1. The employee’s inability to perform the job after an attempt to make reasonable accommodations has been exhausted, or for serious or repeat violations of the Town’s rules and/or policies. Employees terminated for violation of the Town’s rules and/or policies may be terminated as of the day the Town reaches the decision to dismiss. The Town reserves the right at the Town’s discretion, to skip any steps in the progressive discipline system or decide not to use the progressive discipline system at all when an employee is terminated.
2. Lack of work, lack of funds, reorganization, or change in budget. Employees so separated may be recalled to their former job classification, should vacancies for those qualified become available. This recall privilege shall exist for the lesser of one year or the length of the individual’s most recent continuous employment with the Town at the time of separation.

### 13:4 Death

In the event of the death of an employee, the employee’s surviving family members; including spouses, shall NOT be entitled to compensation for any remaining accrued vacation and personal leave. However, any remaining bi-weekly paycheck due at the time of death will be issued in the employee’s name.

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## Section 14 – Performance

### Purpose

The primary purpose of all the employee performance evaluation is to inform the employee how well they are performing their assigned duties and to offer constructive criticism, if applicable, as to how

they might improve their work performance. Performance evaluations shall also be considered in decisions regarding salary advancement, promotions, demotions, dismissals, the order of layoffs and recalls, placement and training needs.

#### **A. Periods of Evaluation**

1. End of Probationary Period.

Each employee shall be evaluated thirty (30) days prior to the completion of their 60 day period. The employee must have an overall evaluation of at least “satisfactory” in order to continue employment. Employees who are evaluated on or before the last day of their probationary period shall automatically continue employment.

2. Annually, on the Employee’s Review Date or Adjusted Review Date.

Each employee shall receive a performance evaluation on the anniversary of his or her review date. The employee’s anniversary of his or her date of hire will normally be the review date. The review date may be adjusted with the following circumstances:

- ✓ The employee receives a promotion,
- ✓ The employee receives a demotion,
- ✓ Corrective Action purposes,
- ✓ The employee experiences a leave of absence of 90 days or more.

Based on a “satisfactory” evaluation, a recommendation may be made by the Town Manager to the Chair of Human Resources for the employee to receive an increase in pay. However, Town Council must approve such increases before they can take effect.

All eligible employees will receive their increase effective August 1st.

3. Time of Separation.

Each employee may be evaluated at the time of separation and an exit interview may be conducted by the Town Manager, along with the Chair of Human Resources. Such record shall become part of his or her permanent personnel file.

#### **B. Performance Evaluators**

1. Town Manager

The Town Manager will be responsible for completing a performance evaluation report as applicable based on the above information, for each employee.

2. Chair of Human Resources

Chair of Human Resources shall be responsible for reviewing all performance evaluation reports completed and recommendations of the Town Manager.

#### **C. Review of Performance Evaluations**

1. The Town Manager shall review the performance evaluation with the employee before the report is made part of the employee's permanent record.
2. After the performance evaluation has been reviewed with the employee, if the employee feels the report is unfair, the employee may request a meeting with the Chair of Human Resources. The Town Manager will immediately forward a copy of the report to the Chair of Human Resources, who will arrange to meet with the employee within five (5) working days. The Chair of Human Resources will then seek input from Town Council before reaching a final decision, in writing, to the employee within fifteen (15) working days of their meeting.
3. Any non-probationary employee receiving an overall rating of "unsatisfactory", at the Town Manager's discretion, along with the approval from the Chair of Human Resources, may be granted One (1) month in which to improve his or her performance to a "satisfactory" level. Failure to obtain an overall rating of "satisfactory" at the end of this period will result in immediate dismissal.

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## Section 15 – Workplace Behavior

### 15:1 Please Act Professionally

People who work together have an impact on each other's performance, productivity and personal satisfaction in their jobs. In addition, how our employees act toward residents and vendors will influence whether those relationships are successful for our Town.

Because your conduct affects many more people than just yourself, we expect you to act in a professional manner whenever you are on Town property, conducting Town business or representing the Town at business or social functions.

Although it is impossible to give an exhaustive list of everything that professional conduct means, it does, at a minimum, include the following:

- ✓ Following all of the rules in this handbook that apply to you.
- ✓ Refraining from rude, offensive or outrageous behavior.
- ✓ Refraining from ridicule and hostile jokes.
- ✓ Treating coworkers, customers and vendors with patience, respect and consideration.
- ✓ Being courteous and helpful to other.
- ✓ Communicating openly with supervisors, managers and coworkers.

Individuals who act unprofessionally will face discipline, up to and including termination.

The success of this Town depends in great part on the loyalty and good will of our customers. As a result, we expect our employees to behave in the following manner when interacting with customers:

- Treat all customers with courtesy and respect.
- Always be helpful and cheerful toward customers.

## 15:2 Punctuality and Attendance

Employees shall be at their respective places of work according to their department schedule expectations. It is the employee's responsibility to inform the Town Manager of an unavoidable absence, such as illness, prior to the start of the work day and each day thereafter. If he/she expects to be late, the employee must contact the Town Manager to inform that he/she will be late and at what time he/she plans to arrive.

Having provided for these situations, it is important to remember that excessive absenteeism, tardiness and/or leaving early causes other employees within the organization to have to bear the burden of filling in for the absent employee and may hinder the Town from providing valuable public service.

The scheduled or unscheduled time off from work that occurs when an employee is not present at work during a normally scheduled work period is called an absence.

### A. DEFINITIONS

1. **Excused Absence:** An excused absence is defined as an absence that the employee schedules in advance and is approved with his or her supervisor or manager.

An excused absence is scheduled in advance for such events as vacation, medical appointments, military service, family activities, surgery, jury duty, funerals, etc. Generally, these are events that cannot be scheduled outside of regular work hours.

2. **Unexcused Absence:** An unexcused absence is defined as an absence that has not been scheduled in advance and is not approved with his or her supervisor or manager.

An unexcused may also be defined as leave that has been taken when the employee does not have sufficient vacation, personal, or sick leave to cover that absence.

An unexcused absence can occur as a result should any of the following happen, but not limited to - fails to provide required documentation, failure to "Call – In" properly prior to the beginning of your shift, or a "No show, No call".

3. **"Call – In":** All employees are required to call the office at (302) 378-8082 **AND** Town Manager at least sixty (60) minutes prior to the beginning of your shift if you will be tardy or absent from any part of (or the entire) workday that was not previously scheduled and leave a message with the following information:
  - a. Employee name.
  - b. Date.

- c. Time.
- d. Reason for calling (i.e. tardy, sick, car problems, etc.).
- e. Plans for coming in to work or not.

Special circumstances may occur/arise that warrants an employee being excused from work without providing sufficient notification or without having the sufficient amount of leave to cover an extended absence. To ensure fairness to all employees, these types of requests will be on a case by case basis and require the approval of the Town Manager.

- 4. "No Show, No Call": A No Show, No Call is defined as an absence from work without notifying the Town Manager. The FIRST occurrence of a "No show, No Call" shall result in a Written Discipline and remain in an employee's file for 12 months from that date of issue. A SECOND occurrence, within 12 months from the issuance of the Written Discipline, shall result in termination of employment.
- B. Consecutive days of absence for the same reason, in which sick leave is being used, is deemed to be one incident. If the employee is absent for more than three (3) consecutive days, he or she must bring in a physician's note for those days to be excused and counted as only one (1) incident. **(SEE SECTION 11)**
- C. Occasionally an employee will exhibit a pattern of absenteeism that must be corrected, despite having sufficient vacation, personal, or sick leave available to cover those absences (i.e. missing a specific day of the week, extended weekends, day before and/or after a holiday, etc.). Such cases will be reviewed by the Town Manager and discussed with the Chair of Human Resources before issuing any corrective action.
- D. Employees who are found to be in violation of this Attendance Policy will be subject to the Town's Corrective Action process. **(SEE SECTION 16)**

If you are late for work or fail to appear without calling in as required by this policy or by other policies in this handbook, you will face disciplinary action, up to and including termination.

### **15:3 Employee Appearance and Dress**

We ask all employees to use common sense when they dress for work. Please dress appropriately for your position and job duties, and please make sure you are neat and clean at all times. Expectations include the following:

- Uniforms (supplied by the Town) will be laundered on a regular routine basis by the employee to ensure appearance at work reflect a clean and sanitary appearance.
- Townhall staff (Office Staff) will dress in appropriate business to business casual attire.
- All Employees should take measures to effectively manage bodily odors. At no point should one employees odors affect another employee or community member.

If you have any questions about the proper attire or expectations for your position, please contact your supervisor. We will try to reasonably accommodate an employee's special dress or grooming needs that are the result of religion, ethnicity, race or disability.

We place specific restrictions on the dress and appearance of some employees for safety reasons. To learn about those restrictions, refer to the Town Manager.

#### **15:4 Pranks and Practical Jokes**

Although we want our employees to enjoy their jobs and have fun working together, we cannot allow employees to play practical jokes or pranks on each other. At best, these actions disrupt the workplace and dampen the morale of some; at worst, they lead to complaints of discrimination, harassment or assault.

Employees who play pranks or practical jokes could face disciplinary action, up to and including termination.

#### **15:5 Threatening, Abusive or Vulgar Language**

We expect our employees to treat everyone they meet through their jobs with courtesy and respect. Threatening, abusive and vulgar language has no place in our workplace. It destroys morale and relationships, and it impedes the effective and efficient operation of our business.

As a result, we will not tolerate threatening, abusive or vulgar language from employees while they are on the worksite, conducting Town business or attending Town related business or social functions.

If you have any questions about this policy, contact the Town Manager.

Employees who violate this policy will face disciplinary action, up to and including termination.

#### **15:6 Horseplay**

Although we want our employees to have fun while they work, we don't allow employees to engage in horseplay – which is fun that has gotten loud and boisterous and out of control. Horseplay disrupts the work environment and can get out of hand, leading to fighting, hurt feelings, safety hazards or worse.

Employees who engage in horseplay will face disciplinary action, up to and including termination.

#### **15:7 Fighting**

Verbal or physical fighting among employees is absolutely prohibited. Employees shall not engage in, provoke or encourage a fight. Those who violate this policy will be disciplined, up to and including termination.

#### **15:8 Sleeping on the Job**

When our employees arrive at work, we expect them to be physically prepared to work through their day. Employees who sleep on the job dampen morale and productivity and deprive us of their work and companionship.

As a result, we do not allow any employees to sleep while at work. Employees who feel sick or unable to finish the day because of weariness should talk to the Town Manager about using sick leave to take the rest of the day off.

### **15:9 Insubordination**

This workplace operates on a system of mutual respect between management and employees. Management must treat employees with dignity and understanding, and employees must show due regard for their supervisors' authority.

Insubordination occurs when employees unreasonably refuse to obey the orders or follow the instructions of management. It also occurs when employees, through their actions or works, show disrespect towards management.

Insubordinate employees will face discipline, up to and including termination.

We understand, however, that there will be times when employees have valid reasons for refusing to do as management request. Perhaps the employee fears for his safety or the safety of others, or believes that following instructions will violate the law or pose some other problem for the Town. Or maybe the employee thinks that there is a better way to accomplish a goal or perform a task. When these issues arise, we do not ask that employees blindly follow orders. Instead, we ask that employees explain the situation to management. If, after hearing the employee's side, the management continues to give the same order or rule, the employee must either obey or use the complaint procedures described in **Section 24** of this handbook.

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## **Section 16 – Progressive Discipline**

### **16:1 Progressive Discipline**

The Town has a policy of progressive discipline for employees, which means that repeated instances of violations to the Employee Handbook Policies; including, but not limited to: poor job performance, absenteeism problems, or misconduct will be subject to progressively more severe sanctions, which may include oral or written warnings, counseling, and suspension with or without pay, demotion or termination.

Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence, or theft, may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence.

When in the judgment of the Town Manager, an employee's work performance or conduct justifies disciplinary action, generally speaking; but not always, the employee will be addressed through the normal Corrective Action process steps. Consideration shall be given to the severity of the performance

problem or misconduct and prior disciplinary sanctions, in any, against the employee prior to imposing any discipline. Repeated misconduct or continuing performance problems may be considered cumulative, and subject to progressively more severe discipline, even if the conduct or performance problems vary in nature or severity. Any employee who has been disciplined pursuant to this section shall have access to the grievance procedure outlined in **Section 25**.

## **16:2 Corrective Action**

The Town of Townsend will normally adhere to the following progressive disciplinary process:

1. Verbal Warning: After two (2) occurrences within a calendar year, an employee will be given a verbal warning when he or she engages in problematic behavior. As the first step in the progressive discipline policy, a verbal warning is meant to alert the employee that a problem may exist or that one has been identified, which must be addressed. Verbal warnings will be documented and placed in the employee's personnel file.

2. Written Warning: A written warning is more serious than a verbal warning. A written warning will be given when an employee engages in conduct that justifies a written warning or the employee engages in unacceptable behavior.

3. Suspension/Termination Review: A suspension without pay is more serious than a written warning. An employee will be suspended when he or she engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect. An employee's suspension will be documented and, regardless of the length of the suspension issued. During the suspension period the Chair of Human Resources, along with the Town Manager will review the employee's overall performance as one of the determining factors as whether or not further employment with the Town will continue.

4. Termination: An employee will be terminated when he or she engages in conduct that justifies termination or does not correct the matter that resulted in less severe discipline.

Generally speaking, the above outlined disciplinary process will be followed. However, the Town reserves the right to alter the order described above, to skip disciplinary steps, to eliminate disciplinary steps or to create new and /or additional disciplinary steps.

In choosing the appropriate disciplinary action, we may consider any number of the following things:

- ✓ the seriousness of your conduct
- ✓ your history of misconduct
- ✓ your employment record
- ✓ your length of employment with the Town
- ✓ the strength of the evidence against you
- ✓ your ability to correct the conduct
- ✓ your attitude about the conduct
- ✓ actions we have taken for similar conduct by other employees
- ✓ how your conduct affects this Town, its customers and your coworkers, and

- any other circumstances related to the nature of the misconduct, to your employment with the Town and to the affect of the misconduct on the business of the Town.

We will give those considerations whatever weight we deem appropriate. Depending on the circumstances, we may give some considerations more weight than other considerations – or no weight at all.

Some conduct may result in immediate termination. Here are some examples:

- theft of Town property
- excessive tardiness or absenteeism
- arguing or fighting with customers, coworkers, managers or supervisors
- brandishing a weapon at work
- threatening the physical safety of customers, coworkers, managers or supervisors
- physically or verbally assaulting someone at work
- any illegal conduct at work
- using or possessing alcohol or illegal drugs at work
- working under the influence of alcohol or illegal drugs
- failing to carry out reasonable job assignments
- insubordination
- making false statements on a job application
- violating Town rules and regulations, and
- unlawful discrimination and harassment.

Of course, it is impossible to compile an exhaustive list of the types of conduct that will result in immediate termination. The ones listed above are merely illustrations.

You should remember that your employment is at the mutual consent of you and the Town. This policy does not change this fact. This means that you or the Town can terminate our employment relationship at will, at any time, with or without cause, and with or without advance notice.

As a result, the Town reserves the right to terminate your employment at any time, for any lawful reason, including reasons not listed above. You also have the right to end your employment at any time.

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## **Section 17 – Health and Safety**

### **17:1 Safety Policy**

Our Town takes employee safety very seriously. In order to provide a safe workplace for everyone, every employee must follow our safety rules:

- Horseplay, rough-housing and other physical acts that may endanger employees or cause accidents are prohibited.

- ✓ Employees must follow their all safety instructions.
- ✓ Employees in certain positions may be required to wear protective equipment, such as hair nets, hard hats, safety glasses, work boots, ear plugs or masks. Management will tell you if you fall into one of these categories.
- ✓ All equipment and machinery must be used properly. This means all guards, restraints and other safety devices must be used at all times. Do not use equipment for other than its intended purpose.
- ✓ All employees must immediately report any workplace condition that they believe to be unsafe to management. The Town will look into the matter promptly.
- ✓ All employees must immediately report any workplace accident or injury to the Town Manager.

## **17:2 Workplace Security**

It is every employee's responsibility to help keep our workplace secure from unauthorized intruders. Every employee must comply with these security precautions.

After-hours access to the workplace is limited to those employees who need to work late. If you are going to be working past our usual closing time, please let the Town Manager know.

Employees are allowed to have an occasional visitor in the workplace, but workplace visits should be the exception rather than the rule.

Do not leave your visitor unattended in the workplace. If you have a visitor, you must accompany your visitor at all times. This includes escorting your visitor to and from the entrance to our Town Hall.

If you are the last to leave the workplace for the evening, you are responsible for doing all of the following:

- Make sure all desk top computers are turned off. (The server is to remain on at all times, with the monitor turned off).
- All doors are locked and secure.
- The alarm is turned on in all locations.

If you have questions about any of these responsibilities, please talk to the Town Manager.

## **17:3 What to Do in an Emergency**

In case of an emergency, such as a fire, earthquake or accident, your first priority should be your own safety. In the event of an emergency causing serious injury, **IMMEDIATELY DIAL 911** to alert police and rescue workers of the situation.

If you hear a fire alarm or in case of an emergency that requires evacuation, please proceed quickly and calmly to the fire exits. The Town will hold periodic fire drills to familiarize everyone with the routes they should take. Remember that every second may count – don't return to the workplace to retrieve personal belongings or work related items.

The Town of Townsend keeps emergency supplies on hand.

- First aid kit is located under the service counter in the main office.
- Fire extinguishers can be found in the kitchen area, lobby, and conference room.
- We also keep a supply of flashlights and batteries in the file cabinet in the main office.

#### **17:4 Smoking**

All across our country, businesses, both public and private, municipalities, and larger government entities, have been and are continuing to address the issue of smoking in the workplace and work environment. Many of these entities are banning or prohibiting smoking altogether. No one can make a credible case for smoking. Clearly, the evidence is overwhelming that it is a health hazard; it is also a potential fire hazard, and a source of litter and debris.

As a result the Mayor and Town Council of Townsend recognize that smoking and exposure to smoking to second-hand smoke in the work place can adversely affect employee health as well as the health of the citizens of our Town. Accordingly, the following restrictions apply:

- A. Smoking is prohibited in all Town-owned facilities; including vehicles and equipment.
- B. Employees shall not engage in smoking while interacting with the public and while conducting public business at any location.
- C. The prohibition of smoking applies to all employees during working hours, i.e., during all hours in which employees are compensated, excluding breaks.
- D. Employees who require smoke breaks are expected to treat such breaks as they would any normal break.
- E. In the sole discretion and judgment of the Town Manager, employee's supervisor, or any Town Council member, an employee found to be taking excessive or extensive breaks may be subject to disciplinary action up to and including termination of employment.
- F. An employee may file a complaint against another employee(s) for a violation of this policy. Such complaints shall be in writing and forwarded to the Town Manager. The Town Manager promptly and reasonably will address all complaints for violations of this policy and implement effective action to prevent future violations.
- G. Employees may seek counseling and/or information on smoking cessation programs through the Chair of Human Resources.

#### **17:5 Violence Is Prohibited**

We will not tolerate violence in the workplace. Violence includes physical altercations, coercion, pushing or shoving, horseplay, intimidation, stalking and threats of violence. Any comments about violence will be taken seriously and may result in your termination. Please do not joke or make offhand remarks about violence.

##### **A. No Weapons**

No weapons are allowed in our workplace. Weapons include firearms, knives, brass knuckles, martial arts equipment, clubs or bats and explosives. If your work requires you to use an item that might qualify as a weapon, you must receive authorization from your supervisor to bring that item to work or use it in the workplace. Any employee found with an unauthorized weapon in the workplace will be subject to discipline, up to and including termination.

**B. What to Do in Case of Violence**

If you observe an incident or threat of violence that is immediate and serious, *IMMEDIATELY DIAL 911* and report it to the police. If the incident or threat does not appear to require immediate police intervention, please contact the Town Clerk and report it as soon as possible, using the Town’s complaint procedure. All complaints will be investigated and appropriate action will be taken. You will not face retaliation for making a complaint.

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**Section 18 – Employee Privacy**

**18:1 Search Policy**

Employees do not have a right to privacy in their workspaces, any other Town property or any personal property they bring to the workplace. The Town reserves the right to search Town premises at any time, without warning, to insure compliance with our policies on employee safety, workplace violence, harassment, theft, drug and alcohol use and possession of prohibited items. The Town may search Town property, including but not limited to lockers, desks, file cabinets, storage areas and workspaces. If you use a lock on any item of Town property (a locker or file cabinet, for example), you must give a copy of the key or combination to the Town Manager. The Town may also search personal property brought onto Town premises, including but not limited to toolboxes, briefcases, backpacks, purses and bags.

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**Section 19 – Computers, Email and the Internet**

**19:1 Email**

The Town of Townsend provides employees with computer equipment, including an internet connection and access to an electronic communications system, to enable them to perform their jobs successfully. This policy governs your use of the Town’s email system.

**A. Use of Email System**

The email system is intended for official Town business. Although you may use the email system for personal messages, you may do so during non-work hours only. If you send personal messages through the Town's email system, you must exercise discretion as to the number and type of messages you send. Any employee who abuses this privilege may be subject to discipline.

#### B. Email is Not Private

Email messages sent using Town communications equipment is the property of the Town. We reserve the right to access, monitor, read and/or copy email messages at any time, for any reason. You should not expect that any email message you send using Town equipment, including messages you consider to be, or label as, personal, will be private.

#### C. Email Rules

All of our policies and rules of conduct apply to employee use of the email system. This means, for example, that you may not use the email system to send harassing or discriminatory messages, including messages with explicit sexual content or pornographic images; to send threatening messages; or to solicit others to purchase items for non-town purposes.

We expect you to exercise discretion in using electronic communications equipment. When you send email using the Town's communications equipment, you are representing the Town. Make sure that your messages are professional and appropriate, in tone and content. Remember, although email may seem like a private conversation, email can be printed, saved and forwarded to unintended recipients. You should not send any email that you wouldn't want your boss, your mother or our Town's competitors to read.

#### D. Deleting Emails

Because of the large volume of emails our Town sends and receives, we discourage employees from storing large numbers of email messages. Please make a regular practice of deleting emails once you have read and/or responded to them. If you need to save a particular email, you may print out a paper copy, archive the email or save it to your hard disk.

#### E. Violations

Any employee who violates this policy can be subject to discipline, up to and including termination.

#### F. Guidelines for Email Writing

1. Always spell check or proofread. Email is official Town correspondence. Spelling errors in email are all too common and they look sloppy and unprofessional. Always take the time to check for spelling errors before you send email.
2. Use lowercase and capital letters in the same way that you would in a letter. Using all capital letters is the email equivalent of shouting at someone, and it can be hard on the eyes. Failing to use capital letters at all (to begin a sentence or a formal noun) can confuse your reader and seem overly cute. Unless you are writing poetry, use standard capitalization.

3. Remember your audience. Although email encourages informal communication, that might not be the most appropriate style to use if you are addressing the CEO of an important customer. And remember that your email can be forwarded to unintended recipients, some of whom may not appreciate joking comments or informalities.
4. Don't use email for confidential matters. Again, remember the unintended recipient, your email might be forwarded to someone you didn't anticipate, or might be sitting on a printer for all to see. If you need to have a confidential discussion, do it in person or over the phone.
5. Send messages sparingly. There is rarely a need to copy everyone in the Town on an email. Carefully consider who really needs to see the message, and address it accordingly.
6. Always think before you send. Resist the urge to respond in anger, to "flame" your recipient or to get emotional. Although email gives you the opportunity to respond immediately, you don't have to take it.

## **19:2 Internet Use**

We may provide you with computer equipment and capabilities, including internet access to help you perform your job. This policy governs your use of that equipment to access the internet.

### **A. Personal Use of the Internet**

Our network and internet access are for official Town business only. Employees may access the internet for personal use only outside of work hours and only in accordance with the other terms of this policy. An employee who engages in excessive internet use, even during non-work hours, or who violates any other provision of this policy, may be subject to discipline.

### **B. Prohibited Uses of the Internet**

Employees may not, at any time, access the internet using Town equipment or links for any of the following purposes:

- To visit websites that feature pornography, gambling or violent images, or are otherwise inappropriate in the workplace.
- To operate an outside business, solicit money for personal purposes or to otherwise act for personal financial gain, this includes running online auctions.
- To download software, articles or other printed materials in violation of copyright laws.
- To download any software program without the express consent of the Town Council.
- To read, open or download any file from the internet without first screening that file for viruses using the Town's virus detection software.

### **C. Internet Use is Not Private**

We reserve the right to monitor employee use of the internet at any time, to ensure compliance with this policy. You should not expect that your use of the internet, including but not limited to the sites you visit, the amount of time you spend online and the communications you have, will be private.

### **19:3 Software Use**

It is our Town's policy to use licensed software only in accordance with the terms of its license agreement. Violating a license agreement is not only unethical; it is also illegal and can subject the Town to criminal prosecution and substantial monetary penalties.

To help us adhere to this policy, employees may not do any of the following without permission from the Town Council:

- ✓ Make a copy of any Town software program, for any reason.
- ✓ Install a Town software program on a home computer.
- ✓ Install a personal software program (that is, software owned by the employee) on any Town computer.
- ✓ Download any software program from the internet to a Town computer.

The Town may audit Town owned computers at any time to ensure compliance with this policy.

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## **Section 20 – Employee Records**

### **20:1 Your Personnel File**

The Town maintains a personnel file on each employee. The purpose of this file is to allow us to make decisions and take actions that are personally important to you, including notifying your family in case of an emergency, calculating income tax deductions and withholdings and paying for appropriate insurance coverage.

Although we cannot list here all of the types of documents that we keep in your personnel file, examples include:

- Resume
- W-4's
- Disciplines
- Doctor's notes
- Performance Evaluations

We do not keep medical records or work eligibility forms in your personnel file.

Your personnel file is physically kept by the Town Manager. If you have any questions about our personnel file, contact the Town Manager.

### **20:2 Confidentiality of Personnel Files**

Because the information in your personnel file is by its nature personal, we keep the file as confidential as possible. We allow access to your file only on a need-to-know basis.

### **20:3 Please Notify Us if Your Information Changes**

Because we use the information in your personnel file to take actions on your behalf, it is important that the information in that file be accurate. Please notify the Town Manager whenever any of the following changes:

- Your name
- Your mailing address
- Your phone number
- Your dependents
- The number of dependents you are designating for income tax withholding
- Your marital status
- The name and phone number of the individual whom we should notify in case of an emergency
- Restrictions on your driver's license

### **20:4 Work Eligibility Records**

In compliance with the Immigration Reform and Control Act of 1986 (IRCA), every new employee is required to complete the I-9 Form (Employment Eligibility Verification) within three (3) days of hire and show documentations that prove identity and employment eligibility. If a newly hired employee fails to comply with this regulation within three (3) working days of their hire, or if they fail to obtain required proof of identity and eligibility within twenty-one (21) days of applying for such documents, the Town can/will withdraw its offer of employment and the employee will be terminated. In such cases, between days four (4) to Twenty (20), the employee will not be permitted to work until he/she presents the required documents.

Those forms are kept as confidential as possible. If you would like more information about our I-9 form, contact the Town Manager.

### **20:5 Medical Records**

We understand the particularly sensitive nature of an employee's medical records. If you have any questions about the storage of your medical records or about inspecting your medical records, contact the Town Manager.

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## **Section 21 – Drugs and Alcohol**

### **21:1 Policy against Illegal Drug and Alcohol Use**

This Town is committed to providing a safe, comfortable and productive work environment for its employees. We recognize that employees who abuse drugs or alcohol at work, or who appear at work under the influence of illegal drugs or alcohol, harm both themselves and the work environment. As a result, we prohibit employees from doing the following:

- Appearing at work under the influence of illegal drugs or alcohol.

- Conducting Town business while under the influence of illegal drugs or alcohol (whether or not the employee is actually on work premises at the time).
- Using illegal drugs or alcohol on the worksite.
- Using illegal drugs or alcohol while conducting Town business (whether or not the employee is actually on work premises at the time).
- Possessing, buying, selling or distributing illegal drugs or alcohol on the worksite.
- Possessing, buying, selling or distributing illegal drugs or alcohol while conducting Town business (whether or not the employee is actually on work premises at the time).

Illegal drug use includes more than just outlawed drugs such as marijuana, cocaine or heroin. It also includes the misuse of otherwise legal prescription and over the counter drugs.

This policy covers times when employees are on call but not working and times when employees are driving Town vehicles or using Town equipment.

Employees who violate this policy may face disciplinary action, up to and including termination.

We do not prohibit employees from consuming alcohol at social or business functions that we sponsor where alcohol is served. Even at these functions, however, employees may not consume alcohol to the point of intoxication or to the point where they endanger their own safety or the safety of others. In addition, employees involved in security and employees who work with heavy or dangerous machinery or materials may not consume any alcohol at these functions if they will be returning to work that same day.

While the Town reserves the right to request any employee to be sent for testing at anytime, employees will generally be subject; but not limited to the following types and reasons for testing.

## **21:2 Types of and Reasons for Testing**

### **A. Accident or Unsafe Practice Testing**

Employees involved in on-the-job accidents or who engage in unsafe on-duty or job-related activities that pose a danger to others or the overall operation of the Town may be subject to testing. Based on the circumstances of the accident or unsafe act, the Town may initiate testing when there is:

- ✓ Evidence of an unsafe practice.
- ✓ Significant damage to property.
- ✓ Careless operation of a vehicle.
- ✓ Significant injury to persons.
- ✓ A pattern of erratic incidents.
- ✓ Drug paraphernalia is found in the possession of an employee, or inside/on Town vehicles or equipment operated by a Town employee.

An alcohol and controlled substance test should take place within 30 minutes, but no more than one (1) hour following accident or unsafe practice.

## B. Post-Accident Testing

Any employee driving a Town vehicle or equipment will be required to submit to alcohol and/or controlled substance testing if, in the course of performing driving duties, the employee is:

- ✓ Involved in an accident resulting in loss of human life; or,
- ✓ Receives a citation concerning an accident which requires either:
  1. Medical treatment away from the scene; or,
  2. A vehicle to be towed from the scene.

An alcohol and controlled substance test should take place within 30 minutes, but no more than one (1) hour following an accident.

An employee shall follow instructions from his/her supervisor or management designee to complete required testing.

In the event that federal, state, or local officials conduct breath, blood or urine tests for the use of alcohol and/or controlled substances following an accident, employees must comply with such requests. The Town may request testing documentation from such agencies, and may ask the employee to sign a release allowing the Town to obtain the test results.

In the event an employee is so seriously injured that he/she cannot provide a sample of urine, breath or saliva at the time of the accident; the employee must provide the necessary authorization as soon as possible so the Town may obtain hospital records or other documents that would indicate the presence of alcohol in the employee's system at the time of the accident.

Federal regulations place the burden of compliance with post-accident alcohol and controlled substance testing on the employee. Failure to release test results to the Town shall be cause for discipline up to and including termination. Refusal to submit to an alcohol and/or controlled substance test shall be cause for immediate termination.

## C. Reasonable Suspicion Testing

Employees are required to take a drug and/or alcohol test(s) if there is reasonable suspicion that the employee is using or under the influence of alcohol and/or controlled substances without a prescription.

Reasonable suspicion testing may be based upon, among other things:

- ✓ Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug or alcohol;
- ✓ Abnormal conduct or erratic behavior;
- ✓ Arrest or conviction for a drug-related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
- ✓ Information provided either by a credible source; or
- ✓ Evidence that the employee has tampered with a previous drug test.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

Management personnel, who have reasonable suspicion, will take the following actions:

- ✓ Keep the employee under direct observation until the situation is resolved;
- ✓ Management shall notify the HR Director about his/her observations and discuss the circumstances and whether testing should be conducted. If testing is approved, the employee will be immediately notified of the allegation and provided a brief explanation of the evidence giving rise to the allegation and an opportunity to respond prior to being required to submit a breath test and/or urinalysis;
- ✓ Management personnel shall transport the employee to an appropriate collection site and thereafter will ensure that arrangements are made for the employee to be transported to the employee's residence or place of lodging (if required). Under no circumstances shall an employee be permitted to drive a Town vehicle or a personal vehicle to or from the collection site;
- ✓ An employee will not be permitted to drive a Town vehicle, equipment, or return-to-work until a negative test result has been received. An employee's leave will be unpaid, authorized leave unless the employee elects to use appropriate accrued leave time to cover his/her absence. If the test results are negative, the employee will be reimbursed for any lost wages due to the suspension;
- ✓ Management will within 24 hours document in writing the particular facts related to the behavior or performance problems that led to the reasonable suspicion test and maintain this documentation in an appropriate file; and,
- ✓ Disciplinary action shall be initiated for any employee with a verified positive test result.

#### D. Follow-up Testing

Employees required to undergo a counseling or rehabilitation program for illegal drug use as a result of the drug testing program will be placed on a follow-up list where they will be subject to regular, unannounced testing for a period of one (1) year. Such employees will be tested as often as stipulated in the last chance agreement, or, in the alternative, at an increased frequency of six (6) times per year.

#### **21:3 Inspections to Enforce Drug and Alcohol Policy**

This Town reserves the right to inspect employees, their possessions and their workspaces to enforce our policy against illegal drug and alcohol use.

#### **21:4 Leave to Participate in Rehabilitation Program**

We believe that employees who have a substance abuse problem can help themselves by enrolling in a rehabilitation program. Not only will overcoming their problem help these employees in their personal lives, it will help them be more effective and productive workers.

Although we cannot guarantee that we will grant this leave to all employees who request it, employees who would like to participate in a rehabilitation program may, subject to approval, be able to use up to 4 weeks of unpaid leave from work to attend the program.

Employees will be entitled to health and other benefits while on rehabilitation leave.

Employees will not be permitted to accrue vacation and other benefits while on rehabilitation leave.

At the end of the rehabilitation leave, we will require proof that the employee successfully completed the program.

To learn more about this type of leave, including whether you qualify for it, the circumstances under which we will grant it and the requirements you must meet, contact the Town Manager. We will keep all conversations regarding employee substance abuse problems as confidential as possible.

Please note that even as you seek assistance for your substance abuse problem, we still expect you to meet the same standards of performance, productivity and conduct that we expect of all employees. We reserve the right to discipline you, up to and including termination, for failing to meet those standards.

#### **21:5 Rehabilitation and Your EAP**

Because we care about the health and welfare of our employees, your benefits package includes an Employee Assistance Program (EAP) that provides assistance to employees who suffer from substance abuse problems, personal problems or emotional problems.

If you would like assistance in dealing with your substance abuse problem, see the Town Manager for information about our EAP program. Your request for assistance will be kept as confidential as possible.

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## **Section 22 – Trade Secrets and Conflicts of Interest**

### **22:1 Confidentiality and Trade Secrets**

Information is part of what makes this Town competitive. During our employment here, you will periodically learn sensitive information, either because you help to develop that information or because you need that information to do your job. It is important for the health of the Town, and for the well being of employees who depend on this Town for their livelihood, to keep information you learn through your employment confidential. Employees who improperly disclose sensitive information, confidential information, proprietary information or trade secret information to anyone outside the Town employment will face disciplinary action, up to and including termination. Therefore, we encourage you to contact your supervisor if you would like to learn more about this policy or if you have any questions.

After you leave Town employment, you are still legally prohibited from disclosing sensitive, proprietary, trade secret or confidential information. If you disclose such information, we will seek legal remedies.

### **22:2 Confidentiality Procedures**

Because of the grave importance of keeping certain information confidential, the Town follows practices designed to alert employees to sensitive and confidential information, to limit access to that information and to inform employees about what disclosures are and are not acceptable. We expect employees to follow these procedures. Employees who fail to do so face discipline, up to and including termination.

To find out more about these procedures, refer to the Town Manager. If you have any questions about these procedures, contact your supervisor.

### **22:3 Conflicts of Interest**

Our Town's success depends on the hard work, dedication and integrity of everyone who works here. In turn, our employee's livelihood depends on the success of our Town.

Because we depend so much on our employees, and because they depend so much on us, we expect all employees to devote their energies and loyalties to our Town. We do not allow employees to engage in any activities or relationships that create either an actual conflict of interest or the potential for a conflict of interest.

Although we cannot list every activity or relationship that would create either an actual or potential conflict of interest, examples of activities that violate this policy include the following:

- ✓ Owning an interest in a company, customer, vendor or anyone else who seeks to do business with this Town.
- ✓ Using the resources of this Town for personal gain.
- ✓ Using your position in this Town for personal gain.

Employees who violate this policy face disciplinary action, up to and including termination.

If you are unsure about whether an activity might violate this policy, or if you have any questions about this policy, please talk to the Town Manager.

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## **Section 23 - Discrimination and Harassment**

### **23:1 Our Commitment to Equal Employment Opportunity**

The Town of Townsend is strongly committed to providing equal employment opportunity for all employees and all applicants for employment. For us, this is the only acceptable way to do business.

All employment decisions in our Town, including those relating to hiring, promotion, transfers, benefits, compensation, placement and termination, will be made without regard to nationality, creed, color, or sex.

Any employee or applicant who believes that he or she has been discriminated against in violation of this policy should immediately file a complaint with the Town Clerk, as explained in our complaint policy. We encourage you to come forward if you have suffered or witnessed what you believe to be discrimination; we cannot solve the problem until you let us know about it. The Town will not retaliate or permit retaliation, against any employee or applicant who complains of discrimination, assists in an investigation of possible discrimination or files an administrative charge or lawsuit alleging discrimination.

Managers are required to report any discriminatory conduct or incidents, as described in our complaint policy.

Our Town will not tolerate discrimination against any employee or applicant. We will take immediate and appropriate disciplinary action against any employee who violates this policy.

### **23:2 Harassment Will Not Be Tolerated**

The Town is committed to providing a workplace that is free from discrimination and harassment. It is a violation of Town policy and/or state and federal law for any employee to discriminate against or harass another employee based on race, color, religion, national origin, ancestry, age, sex, sexual orientation (including gender identity and expression), physical or mental disability, veteran status, or status as a whistleblower, and for any supervisory employee to permit any such act of harassment in the workplace by anyone, whether or not an employee. Any employee of the Town who believes that he or she has been discriminated against in employment on the basis of race, color, religion, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, veteran status, or status as a whistleblower, or has been harassed on that basis, must report the behavior to the Town Manager. The Town takes allegations of discriminatory treatment very seriously. The Town will investigate every allegation of discrimination promptly and take whatever action is necessary to stop discrimination and remedy any effects of discrimination. Any employee who believes that he or she has been harassed or discriminated against in any way should follow the "Internal Complaint Procedure" set forth below.

#### Definition of Sexual Harassment

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

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

#### Description of Sexual Harassment

The following type of conduct is considered sexual harassment and is not permitted:

- I. Physical assaults of a sexual nature such as:
  - a. rape, sexual battery, molestation or attempts to commit these assaults; and

- b. intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- J. Unwanted sexual advances, propositions or other sexual comments, such as:
- a. sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience 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;
  - b. 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; and
  - c. 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.
- K. Sexual or discriminatory displays or publications anywhere in the workplace by employees, such as:
- a. displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading 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 Town and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
  - b. reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - c. 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).

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## **Section 24 – Complaint Procedure**

### Internal Complaint Procedure

The Town of Townsend is committed to providing a safe and productive work environment, free of threats to the health, safety and well being of our workers. These threats include, but are not limited to, harassment, discrimination, violations of health and safety rules and violence. We encourage all employees to come forward with any workplace complaint, even if the subject is not explicitly covered by our written policies.

### Management Responsibilities

Any supervisor, manager or Town Council member, who receives a complaint about, hears of, or witnesses any inappropriate conduct is required to immediately notify the Town Manager **[and Chair of Human Resources]**. Inappropriate conduct includes any conduct prohibited by our policies about harassment, discrimination, discipline, workplace violence, health and safety, and drug and alcohol use.

### Employee Responsibilities

Any employee who believes he or she [or has a general complaint], has been the subject of discriminatory or sexual harassment should report the incident or act immediately to the Town Manager. Any employee who believes he or she is or has been the subject of discriminatory or sexual harassment shall submit a written report of the alleged act immediately to the Town Manager. If the Town Manager is the one being accused of harassment, the written report shall be submitted to the Chair of Human Resources. If the Chair of Human Resources is the one being accused of harassment, the written report shall be submitted to the Town Council. The written report shall include specifics of the incident such as time, place, and witnesses, and should include exact words, phrases, and/or actions. Witnesses and others involved shall submit written reports as well. The Town will promptly investigate all complaints. All information will be held in confidence to the extent possible 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 the Town determines has engaged in discriminatory harassment will be promptly disciplined. Disciplinary measures may consist of suspension or termination depending upon the severity of the offense. No employee will be punished or penalized in any way for reporting, complaining about or filing a claim concerning discriminatory harassment, or for participating in any investigation of a discriminatory harassment complaint.

### Investigation

The Chair of Human Resources or a designee by the Town Manager shall investigate all alleged violations of this policy. The investigation of all complaints will be handled in a timely and confidential manner. Information concerning the complaint will not be released by the Town to any third party or to any Town employee who is not involved with the investigation. Each employee is prohibited from discussing the complaint outside the investigation process.

The purpose of this provision is to protect the confidentiality of the complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

The investigation of the complaint will normally include conferring with the parties involved and any named or apparent witnesses. Each employee shall be guaranteed the right to a fair and impartial hearing. Each employee shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or providing information during the investigation. If you feel that you are the subject of retaliation based upon having made a complaint of unlawful employment practices or based upon any other protected activity on your part, please contact the Town Manager or HR Committee Chair.

## Conclusion

A report based upon all available data is prepared by the Chair of Human Resources who determines the validity of the complaint and recommends any disciplinary action, if any, to be taken. In the case where it is determined to be founded, corrective actions will be issued based on the severity of the offense. Corrective action such as written warning, probation, suspension, or termination will be issued.

In the case where it is determined to be unfounded or inconclusive, no discipline will be issued, but an informal verbal or written warning will be given to the alleged harasser.

The Town will not engage in or allow retaliation against any employee who makes a good faith complaint or participates in an investigation. If you believe that you are being subjected to any kind of negative treatment because you made or were questioned about a complaint, report the conduct immediately to the Town Attorney.

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## **Section 25 – Grievances**

It is the policy of the Town of Townsend to treat employees equitably and fairly in matters affecting their employment. Each employee of the Town will be provided ample opportunity to understand and resolve matters affecting employment which employee believes are unjust. Grievance procedure forms and instructions shall be made available to each employee and the presentation of any grievance shall be considered the right of each employee without fear of reprisal.

The employee grievance procedure is designed to accommodate employees a fair and equitable process for any unresolved dispute related to conditions of employment. All employees aggrieved because of some condition of their employment, including disciplinary action, are eligible to utilize this process.

### A. Definition

A grievance is defined as:

1. A real or imagined wrong or other cause for complaint or protest, esp. unfair treatment, or
2. An official statement of a complaint over something believed to be wrong or unfair.

### B. Resolution

Each party to a grievance will make every effort to resolve the grievance at the lowest level possible.

### C. Informal Discussion

Any employee having a complaint, as defined above, shall first discuss the problem with the Town Manager. If the problem is not settled to the employee's satisfaction, the employee has the right to present the grievance in accordance with the procedure noted below. If the

complaint involves the Town Manager, the employee may go directly to Step 2 of the Grievance Procedure.

D. Grievance Procedure

Employee grievances shall be handled in the following manner:

Step 1            The employee shall, within five (5) working days of the date of the grievance or within five (5) working days of the date he or she could reasonably be expected to have knowledge of the grievance, present the grievance, in writing to the Town Manager. The Town Manager shall, within three (3) working days, meet and discuss the grievance with the employee and then reply, in writing, within three (3) working days. If the Town Manager is not available within the given time frame(s) stated above, the Chair of Human Resources will assume the Town Manager's role.

Step 2            In the event that the Town Manager's decision is not satisfactory to the employee, the employee may, within five (5) working days of the date of the Town Manager's response, present his or her grievance, in writing, to the Chair of Human Resources. The Chair of Human Resources shall, within ten (10) working days, meet and discuss the grievance with the employee and Town Manager, and then reply, in writing, within ten (10) working days. The decision of the Town Manager, along with the Chair of Human Resources shall be final and binding.

E. Hours For Grievance Hearings

Grievance hearings shall be held during work hours.

F. Responsibility of the Chair of Human Resources

The Chair of Human Resources shall be responsible for overseeing the handling of all employee grievances to insure that they are processed in accordance with the procedures stated above. The Town Manager shall keep the Chair of Human Resources informed of all grievances in progress. All grievances shall be submitted on forms supplied by the Town Manager.

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## Section 26 – Ending Employment

### 26:1 Final Paychecks

All employees who end their employment with the Town will receive their final paycheck on the following scheduled payday.

## **26:2 Severance Pay is Discretionary**

Generally, the Town of Townsend does not pay severance to terminated employees, whether they quit, are laid off or fired for any reason. However, the Town reserves the right to pay severance to a terminated employee. Decisions about severance pay will be made on a case by case basis, and are entirely within the discretion of the Town Council. No employee has a right to severance pay and you should not expect to receive it.

## **26:3 Continuing Your Health Insurance Coverage**

The Town of Townsend offers employees group health insurance coverage as a benefit of employment. If you are no longer eligible for insurance coverage because of a reduction in hours, you quit or you are fired for reasons other than serious misconduct, you have the right to continue your health insurance coverage for up to 90 days. You will have to pay the cost of this coverage.

Others covered by your insurance (your spouse and children, for example) also have the right to continue coverage if they are no longer eligible for certain reasons. If you and your spouse divorce or legally separate, or if you die while in our employ, your spouse may continue coverage under our group health plan. Once your children lose their dependent status, they may continue their healthcare as well. In any of these situations, your family members are entitled to up to 90 days of continued health care. They must pay the cost of this coverage.

You will receive an initial notice of your right to continued health insurance coverage when you first become eligible for health insurance under the Town's group plan. You will receive an additional notice when your hours are reduced, you quit or are fired. This second notice will tell you how to choose continuation coverage, what your obligations will be and how much the insurance will cost. You must notify us if any of your family members becomes eligible for continued coverage due to divorce, separation or reaching the age of majority.

## **26:4 Exit Interviews**

In the event an employee separates from the Town as described above in Section 13, the Town Manager, along with the Chair of Human Resources shall schedule an exit interview. The separating employee will be notified of his or her rights to continuation of benefits, the processing of their final pay, and the Town's policy on providing employment references.

During the interview, you will have the opportunity to tell us about your employment experience here, what you liked, what you didn't like and where you think we can improve. We greatly value these comments.

You will be expected to return all Town property at the interview.

## **26:5 References**

When we are contacted by prospective employers seeking information about former employees, we will release the following data only: the position(s) the employee held and the dates the employee worked for our Town.

## **26:6 Education Reimbursement Policy**

All full-time Town Employees who desire to further their education at a tech school, college or university are eligible to receive up to \$500.00/ per class (as may be amended from time to time) in tuition payment for education related to the furtherance of their current position or a desired position with the Town. To qualify for tuition payment, the employee must provide their supervisor a copy of the course description for approval prior to registering for the course. Upon approval, the Town will pay the educational facility the cost of the course or, that portion of the cost which does not exceed the limit specified above and which the employee has not utilized. At the conclusion of the course, the employee must present an official transcript demonstrating a final grade of "C" or better. Classes for which an employee receives a "D" or lower score are not eligible for reimbursement. Employees who do not do not obtain a grade of "C" or better, or who decide to drop or no longer participate in the course/program after the Town pays will be required to reimburse the Town for all incurred costs related to the unfinished courses/program.

In the event employment is terminated either voluntarily by the employee, or for-cause by the Town, within One (1) year of completing any training or education courses or programs that the Town has paid the tuition, the employee will be required to repay the Town a pro-rated amount of 1/12 of the total cost of tuition for each full month remaining following the employee's last day of employment. A full month requiring reimbursement will include any month in which an employee's last day falls on a day between the 1<sup>st</sup> and 15<sup>th</sup> of the month. If repayment under this section is required, an employee who accepts reimbursement authorizes the Town to withhold all, or a portion of the repayment amount from the employees remaining paychecks in an amount then permitted under the law. Any remaining repayment due shall be paid in full, or through a monthly payment plan, paid directly by the employee to the Town until such amount is paid in full.

If the Employee wishes to provide details on extenuating circumstances, the employee shall make a request to the Town Manager in writing. The Town manager and/or HR Committee will review the submitted details on a case by case basis.

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**Section 27- Acknowledgement**

*(Please read carefully before signing)*

I, hereby acknowledge that on \_\_\_\_\_ (date), I received a copy of the Town of Townsend Employee Handbook, I hereby acknowledge that I have read and understand the Handbook in its entirety, including the policies and provisions listed above, and agree to comply the Handbook. I understand that if I have any questions about any of the contents of the Handbook, I should contact the Town Manager. I understand that this Handbook supersedes any prior Handbook provided to me by the Town.

I understand the Town has the maximum discretion permitted by law to interpret, administer, change, modify, or delete the rules, regulations, procedures, and benefits contained in the Handbook at any time, with or without notice.

I understand that neither this Handbook nor any other communication by Council or Management or any other employee, whether oral or written, creates a contract of employment between me and the Town of Townsend. I understand that I am employed at-will and this Handbook does not modify my at-will employment status.

X

\_\_\_\_\_  
Printed Name

X

\_\_\_\_\_  
Signature and Date