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## **PERSONNEL**

### **CHAPTER 12**

#### **ARTICLE 1. GENERAL PROVISIONS**

##### **Sec. 12-101. PURPOSE.**

The purpose of this Chapter is to establish a uniform system of personnel administration for the City of Bath that ensures fair and equitable personnel policy and promotes the efficient and economical delivery of public services.

##### **Sec. 12-102. NONDISCRIMINATION.**

A. In all aspects of the recruitment, application, and employment procedure there shall be no discrimination expressed, promised, or threatened by any person in favor or against an applicant or employee based on an individual's age, race, color, sex, creed, political affiliation, religion, sexual orientation, marital status, ancestry or national origin, or mental or physical handicap that will not interfere with the performance of duty.

B. The operation of City Departments and the activities of City employees are to be in accordance with the intent and spirit of this policy.

##### **Sec. 12-103. EQUAL OPPORTUNITY.**

A. In accordance with the above nondiscriminatory policy, the City shall seek the best qualified person to fill positions at the established salary levels from the available labor force without regard to an applicant's age, race, color, sex, creed, political affiliation, religion, sexual orientation, marital status, ancestry or national origin, or mental or physical handicap that will not interfere with the performance of duty.

B. The search for the best qualified applicants shall be within the limits of time and as wide a search as practical to fill a position.

##### **Sec. 12-104. GROUNDS FOR REJECTION OR EXCLUSION.**

A. No application for employment will be certified from any person:

- (1) Who habitually and excessively consumes intoxicating liquors or illegally uses drugs.
- (2) Who has been convicted of a felony.

(3) Who has been convicted of a crime involving moral turpitude.

B. The Commission may exclude from the examination, refuse to certify as eligible or remove from the eligible list any candidate, upon sufficient evidence of criminal, infamous, dishonest, immoral or bad character or conduct, or who fails to meet the basic requirements, has prior unsatisfactory employment, or otherwise is ineligible for employment.

**Sec. 12-105. SEXUAL HARASSMENT.**

A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that are explicitly or implicitly a term or condition of an individual's employment or are a basis for employment decisions are prohibited.

B. Unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment is prohibited.

**Sec. 12-106. FALSE STATEMENTS.**

No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Chapter and the rules promulgated under this Chapter.

**Sec. 12-107. PROHIBITIONS.**

A. **BRIBERY.** No person shall directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for, or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in a position in any City department.

B. **POLITICS.** No person **shall** seek or attempt to use any political endorsement in connection with any appointment, disciplinary action, demotion or removal in City employment.

C. **INFLUENCE.** No person shall use or promise to use, directly or indirectly, official authority or influence, whether possessed or anticipated, to secure, for any person, an appointment or advantage in the appointment to a position in any City department, or an increase in pay or other advantage for the purpose of influencing the vote or political action of any person or any consideration.

**Sec. 12-108. POLITICAL ACTIVITY.**

A. City employees shall refrain from using influence in any way for or against a candidate for an elective office in the City government.

B. This is not construed to prevent City employees from exercising their rights as private citizens in becoming or continuing to be members of political organizations, expressing views on political matters, or voting with complete freedom in any election.

C. If elected to a political office that is incompatible with duties of employment, the employee shall terminate employment with the City prior to the assumption of said elected office.

**Sec. 12-109. SECONDARY EMPLOYMENT.**

A. No employee shall be engaged in additional employment or enterprise that is in conflict with his/her duties, functions and responsibilities with the City. All full-time City employees who engage in secondary employment shall do so only with the understanding and acceptance that their primary duty, obligation and responsibility is to the City.

B. The City shall in no respect be liable for nor grant sick leave or disability leave in the case of any injury or illness incurred by the employee when engaged in secondary employment. The employee also releases the City from any claim or salary wage or other benefits during the absence caused by such injury or illness.

**Sec. 12-110. TRANSFERRING TO ANOTHER DEPARTMENT.**

A. Any employee transferring to another City department position under the cognizance of the Personnel Service Commission shall give two (2) weeks notice in writing, and secure the release from the head of the department from which he/she is separating.

B. Upon presentation of the release to the Commission they shall place the employee's name on the eligible list of the other department, if the employee has been examined and found to be qualified.

C. Upon transfer of employment from one department to another, the employee gives up all rights and privileges pertaining to the position he/she is vacating and shall be entitled to all benefits existing within the department transferred to, based on years of continuous service to the City.

**Sec. 12-111. ABOLISHMENT OF POSITIONS.**

The Council shall have the right to abolish any position at any time, and the abolishment of a position shall automatically constitute the discharge of the employee from that position, but without prejudice. If the same position is recreated within two (2) years the discharged person automatically shall be reemployed, if available and the job description and responsibilities remain unchanged.

**Sec. 12-112. LAYOFFS.**

A. Whenever it becomes necessary to reduce the number of employees in a given class, the

appointing authority shall notify the Personnel Service Commission and state the names of the members to be laid off. Layoff decisions shall be made on a basis of seniority, all other things being equal. The authority shall notify the employees, stating the reason for the layoff and whether it is temporary or permanent.

B. A temporary layoff refers to a situation where, due to temporary discontinuation of service or a falling off in the volume of work, it becomes necessary to reduce personnel, but where it is expected that within ninety (90) days the work will be resumed. A temporary layoff shall not exceed ninety (90) days.

C. A permanent layoff means that a situation where, because a service is to be discontinued indefinitely, or where, due to reduced volume of work or revenue, the appointing authority is obliged to layoff an employee or employees indefinitely, and where it is expected that the service will not be resumed within ninety (90) days.

D. When an employee has been laid off on a temporary basis and it is not possible to reemploy him/her within ninety (90) days, the appointing authority shall notify the Commission that the layoff has been changed from a temporary to permanent status.

#### **Sec. 12-113. RE-EMPLOYMENT AFTER LAYOFF.**

A. When the appointing authority proposes to fill a vacancy created by a layoff, either temporary or permanent, or where a position has been abolished and subsequently recreated within two (2) years, the authority shall re-employ the person laid off from the class or position in the reverse order of the layoff; the person laid off last shall be re-employed first.

B. The employee shall have five (5) working days to respond to whether he/she will accept the position. Returning employees shall have fifteen (15) working days from the date of notice to return to work.

#### **Sec. 12-114. PROBATION.**

Upon appointment or promotion, all employees shall be subject to a period of probation. This probationary period shall be for six (6) months; except for police and fire employees, which shall serve a probationary period for one (1) year. However, the City shall have the right to terminate the employment of any new employee during this probationary period without employee recourse.

#### **Sec. 12-115. EVALUATION.**

A. In order to insure the public the highest quality of services, all personnel shall be formally evaluated, in writing, by the employee's immediate supervisor. The supervisor shall conduct these evaluations as frequent as is deemed desirable, however, every employee should be evaluated at least once every year, with the year commencing at the date of initial employment. The supervisor should give the evaluations to the personnel officer, for consideration concerning merit salary

increases.

B. Probationary employees shall be formally evaluated, in writing, at the end of their probationary period by the employee's immediate supervisor. A successful evaluation will result in the employee achieving permanent status.

C. During the evaluation, the supervisor should indicate how the employee can improve his/her performance, by calling attention to training, education and special needs to improve work habits, and ascertain employee recommendations as to methods for greater efficiency and production in pertaining to his/her assigned duties.

#### **Sec. 12-116. TRAINING.**

Both the City and the employees profit from the provision of educational training opportunities at reasonable expense to the City. Training programs shall be selected or designed to improve the quality of the employee's performance and to bring about a more efficient, effective, and economical operation. Training programs which are intended for reimbursement must have prior approval from the City Manager and must be directly related to improvement of required job skills/knowledge. Upon satisfactory completion of the course work with a grade of "C" or above, the employee may file an expense account with the City Manager for prior approved expenses incurred while taking the course.

### **ARTICLE 2. PERSONNEL SERVICE COMMISSION**

#### **Sec. 12-201. PURPOSE.**

The purpose of the Personnel Service Commission is to establish a system of personnel administration based on competition and merit principles so as to promote efficient personnel practices in the public interests and to prevent unlawful discrimination in City personnel administration.

#### **Sec. 12-202. APPOINTMENT.**

A. **APPOINTMENT.** The three members of the Personnel Service Commission shall be appointed by the City Council to serve a term of three (3) years until their term expires and a successor is appointed and qualified. The term of office shall expire on December 31. Members shall be appointed so that their terms of office expire one each year.

B. **FILLING VACANCY.** In case of any vacancy in the Personnel Service Commission, the Council shall appoint a registered voter of the City not holding City office or employment to serve as Commissioner for the unexpired term.

C. **OATH REQUIRED.** Each member of the Personnel Service Commission shall qualify after his/her appointment by being sworn to the faithful discharge of his/her duties by the City Clerk, or by a Justice of the Peace or Notary Public. In the event that a member qualified

before a Justice of the Peace or Notary Public, a certificate thereof shall be filed by the Justice or Notary with the Clerk.

**Sec. 12-203. REMOVAL.**

- A. Acting in the public interest, the Council may remove any Commissioner from office after notice and an opportunity for the Commissioner to be heard are given.
- B. Any member who ceases to be a resident of the City of Bath shall be considered as having automatically resigned from the Commission.

**Sec. 12-204. COMPENSATION.**

- A. **PAY.** Members of the Personnel Service Commission shall serve without pay.
- B. **REIMBURSEMENT.** Members of the Commission shall be reimbursed for all expenses incurred in the direct performance of their duties. All reimbursements will be supported by receipts.
- C. **TRAVEL.** Members of the Commission, who in the performance of their duties are required to travel outside of the City of Bath, will require prior approval of such travel from the City Manager in order to receive reimbursement.

**Sec. 12-205. DISQUALIFICATION FOR CITY POSITIONS.**

No member of the Commission or for a period of one year after ceasing to be a member of the Commission, for any reason, except completion of the term for which appointed, shall be eligible for election or appointment to any full-time staff position in the City of Bath municipal offices or departments. This specifically does not disqualify Commissioners from running for elected office or accepting a position on an appointed board or commission.

**Sec. 12-206. ORGANIZATION.**

A. **CHAIRMAN.** The Personnel Service Commission at the first meeting of each calendar year shall elect one of its members as Chairman of the Commission. The results of the designation shall be forwarded to the City Manager and City Clerk.

B. **MEETINGS.** Meetings may be called at any time by the Chairman of the Commission, City Manager, or two (2) members of the Commission.

C. **QUORUM.** Two members of the Commission shall constitute a quorum for the holding of meetings and hearings.

D. **RULES OF PROCEDURE.** The Commission shall determine its methods of rules



and procedure.

**Sec. 12-207. DUTIES.**

In addition to the duties imposed upon it elsewhere in this Chapter, it shall be the duty of the Personnel Service Commission:

A. To represent the public interest in the improvement of personnel administration in the departments.

B. To make reports as may be required by the City Manager or Council regarding personnel administration in the departments and recommendations for improvement therein.

C. To make rules and provide for the following:

1. Public competitive examinations.
  2. Public advertisement of open positions.
  3. Creation of lists of eligible candidates after examination, in order of standing in the examinations.
  4. Rejection of candidates.
  5. Promotion based on competitive examinations, records of efficiency, character, conduct and seniority.
  6. Maintenance and use of necessary records and forms.

D. To have printed all rules and regulations, amendments, additions or deletions thereof, and to distribute same to each person having the authority to appoint or employ any Person to a Position within the meaning of this Chapter.

E. To provide the form in which requisitions shall be made upon the Commission by persons having the power to appoint, employ, transfer, or promote to positions within the classified service.

F. To certify the names of persons as indicated by the proper eligible list for the position specified in the requisitions. All certificates shall be in the order of priority of rating.

G. To classify employees according to qualifications in accordance with this Chapter and enter the names of applicants on the eligible list of the appropriate class.

H. To investigate all complaints arising from this Chapter and all alleged breaches of this Chapter and of its rules. In the course of such investigation, to subpoena witnesses, administer oaths, compel the testimony of witnesses and the production of documents relevant to such inquiry. It shall be the duty of any person so subpoenaed to appear and testify and produce such documents as are called for in such subpoenas.

I. To establish and amend such rules as are deemed necessary and appropriate to carry

out their duties.

### **ARTICLE 3. CLASSIFICATION OF SERVICE**

#### **Sec. 12-301. SERVICE CLASSIFICATIONS.**

City positions shall be divided into Exempt or Classified Service in regard to Personnel Service Commission application and examination procedures.

#### **Sec. 12-302. EXEMPT SERVICE.**

The exempt class shall consist of elected officials and members of appointed boards and commissions, the City Manager and Department Heads as well as their immediate administrative assistants, volunteers, consultants, temporary help and members of the School Department.

#### **Sec. 12-303. CLASSIFIED SERVICE.**

All other permanent City positions not specifically placed in the Exempt Service by this ordinance shall be the Classified Service. The Classified Service shall consist of the Competitive and Noncompetitive classes.

#### **Sec. 12-304. COMPETITIVE CLASS.**

The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination, and shall include all full-time positions now existing, or hereafter created, in the Police Department and the Fire Department, except the Chief of Police and the Fire Chief, specialized positions in the Public Works Department, except that of the Director and specialized positions in the Cemetery and Parks Department, except that of the Superintendent. The Waste Water Treatment Facility may be included in the competitive class if such specialized positions are clearly defined and the rule made by the Personnel Service Commission for their inclusion.

#### **Sec. 12-305. NONCOMPETITIVE CLASS.**

The noncompetitive class shall include positions which are impracticable to include in the competitive class. For filling a position in the noncompetitive class, the appointing officer may nominate to the Commission a person for appointment if reported qualified by the Personnel Service Commission. The appointing officer shall certify that after due inquiry he finds that the habits and character of the nominee are satisfactory and fit for discharge of the duties of the position for which he/she is named. The examination for the position in the noncompetitive class shall be such as to determine that the candidate meets the requirements of this Chapter, or rules made hereafter, that he/she is physically qualified and possesses the requisite experience, knowledge and ability to satisfactorily discharge the duties of the position.

#### **Sec. 12-306. TEMPORARY EMPLOYMENT.**

A. When the public interest requires the creation of temporary (seasonal) positions, the head of the department may appoint, subject to the approval of the City Manager, the person(s) most available and best fitted for such work. Notice of these appointments, giving the name of the appointee, the occasion and probable duration of employment shall be filed immediately, in writing, with the Personnel Service Commission.

B. With the approval of the Personnel Service Commission and the City Manager, temporary appointments may be made to fill vacancies created by the leave of absence of a permanent employee or pending the availability of an appropriate eligible list for a position. Vacancies shall be filled after reasonable efforts to obtain qualified applicants for the position and with individuals from appropriate eligible lists whenever such lists are available.

C. The maximum duration of such appointments is six (6) months and may not continue beyond two (2) pay periods after the establishment of an appropriate eligibility list.

D. Temporary employees shall not be eligible for receiving any employee benefits except those mandatory programs regulated by law. They shall not have vested rights or preferential consideration for job opportunities which may become available within the City.

#### **Sec. 12-307. EMERGENCY EMPLOYMENT.**

A. During times of emergencies affecting the health, safety and welfare of the public as declared by City Council, all provisions of this ordinance with respect to appointments to classified positions shall be suspended until such time as the City Council shall declare the emergency terminated. Appointments during such periods of declared emergency shall be made by department heads with the approval of the City Manager.

B. All appointments made under this provision shall be for the period of the declared emergency only.

### **ARTICLE 4. APPLICATIONS, EXAMINATIONS, AND APPOINTMENT**

#### **Sec. 12-401. QUALIFICATIONS OF APPLICANTS.**

Any person shall be considered for appointment to a vacancy in the classified service who has filed an application therefor with the Commission, upon the form furnished by the Commission, who possesses the qualifications set forth by the Commission, and who furnishes such satisfactory evidence of the same and such evidence of sound health and physical ability to perform the duties of the position applied for as the Commission may require.

#### **Sec. 12-402. NOTICE OF EXAMINATION.**

Whenever a vacancy occurs in the classified service by reason of retirement, resignation,

discharge or the creation of a new position, for which there is no eligible list and to which appointing power intends to make an appointment, the Personnel Service Commission shall cause to be published, at least fifteen (15) days prior to the date of examination, an official notice inviting the filing of applications. The notice shall be published in three (3) consecutive issues of a newspaper circulated in the City and other publications if the position is such that recruitment of qualified candidates over a larger geographic area is necessary. The notice must contain:

1. The title, duties and probable rates of pay in the department for which the examination is held.
2. Any special physical or medical requirements and any special qualifications as to training and experience.
3. Method and place for securing application forms and time limit for acceptance of applications.
4. Equal Employment Opportunity Statement.

**Sec. 12-403. SCOPE OF EXAMINATIONS.**

All examinations shall be practical in their character, and shall relate to those matters which shall fairly test the intelligence, competency, suitability, physical ability and character of the applicants to discharge the duties of the service to which they seek appointment.

**Sec. 12-404. EXAMINATIONS.**

- A. The examination of applicants for appointment to the competitive class shall be conducted by the Commission and may be written, oral and practical tests of fitness, or any of them.
- B. The examination of applicants for the appointment to the noncompetitive class shall be in accordance with the requirements of Section 12-402.

**Sec. 12-405. GRADING.**

Within two (2) weeks after the conclusion of the examinations, the Personnel Service Commission shall grade the applicants on a total scale of one hundred percent (100%).

**Sec. 12-406. ELIGIBLE LIST: COMPILATION: EXPIRATION DATE.**

The Personnel Service Commission shall record the name of all applicants in the competitive and noncompetitive classes who have successfully passed the examination, listed in the order from the highest score to the lowest score. This list shall then become the eligible register for the position for which the examination was given and all appointments to the position shall be made from this list for a period of one year, unless the list is exhausted sooner.

An eligible list is considered exhausted when less than three names remain for certification. New examinations will be conducted when there is a need to fill a position.

**Sec.12-407. APPOINTMENT OF POLICE OR FIRE CHIEF OR PUBLIC WORKS DIRECTOR FROM EXISTING DEPARTMENT MEMBERS.**

In the event an existing member of the Police Department, Fire Department or Public Works Department is appointed Chief/Director of the Department and for any voluntary reason does not retain that position he/she shall be allowed to return to the position and rank previously held prior to said appointment providing that such change is made within one (1) year. Any subsequent promotion(s) made during such appointment will be reversed. Anyone hired as a result of said promotion(s) will be allowed to remain in the position for which said person was hired. If this results in overmanning the department, approval from City Council will be required. Should such approval be denied said person will be laid off in accordance with Sections 12-111 and 12-112.

**Sec. 12-408. COMPETITIVE APPOINTMENTS.**

- A. At the request of the City Manager for an eligible list for a competitive class appointment, the Commission shall present a certified list of candidates who have successfully passed the examinations.
- B. The City Manager, upon receipt of the certified names, shall appoint whomever of the persons so certified as in his opinion is best fitted to fill the position in the competitive class and shall notify the Personnel Service Commission of the appointment.

**Sec. 12-409. NONCOMPETITIVE APPOINTMENTS.**

The appointing officer in the noncompetitive class shall be the City Manager with the exception that the City Manager may authorize the head of a department to make such appointments in conformity with Item (1) of Section 302 of the Charter of the City. All appointments made by the department heads shall be subject to approval of the City Manager. All appointments shall be made in accordance with the applicable rules and regulations herein contained.

**Sec. 12-410. PROMOTION.**

**A. COMPETITIVE CLASS.**

(1) In so far as practicable and consistent with the best interest of the service, all vacancies in higher positions in the Competitive Class shall be filled from within the department, after a promotional examination has been given and an eligible list established. Appointment shall be made by the City Manager, from the three (3) highest scoring names on the promotional list.

(2) Whenever a promotional examination is given, the examination shall be subject to all

of the provisions of the rules and regulations governing open competitive examinations, except that publication of the examinations, as required by Section 12-402, is hereby waived.

(3) The notice of such promotional examinations shall be served, by posting a notice within the department in which the promotion is to occur, at least one (1) week prior to the date of such promotional examination.

#### **B. NONCOMPETITIVE.**

Employees of the City shall be given the maximum opportunity to advance within the service. Present employees shall be given first consideration in--filling a vacancy and may be given training opportunities to qualify for promotion. However, it is recognized that from time to time the public interest may require any vacancy to be filled from outside the service.

#### **Sec. 12-411. REJECTION FROM PROMOTIONAL PROBATIONARY APPOINTMENT; REINSTATEMENT.**

An employee rejected or who voluntarily resigns during the probationary period from a position to which he/she has been promoted shall be reinstated to his/her previous position, unless charges are filed by the appointing officer and the employee is discharged as provided in this Chapter and the rules and regulations thereunder.

### **ARTICLE 5. DISCIPLINARY ACTION**

#### **Sec. 12-501. DISCIPLINARY ACTION.**

When, in the judgment of the department head, an employee's work performance or conduct justifies disciplinary action, short of dismissal, the department head may take appropriate disciplinary action which shall include only the following: oral reprimand, written reprimand, suspension of up to three (3) working days, or disciplinary probation. The disciplinary action taken by the department head shall be that action appropriate to deal with the severity of the situation and take into consideration the employee's past disciplinary record.

In instances where the work performance or conduct justifying discipline is of a serious nature, the City Manager shall have the authority to suspend for more than three (3) days or discharge an employee.

#### **Sec. 12-502. INTERIM SUSPENSION.**

Subsequent to any incident which might potentially give rise to disciplinary action, and prior to a determination as to appropriate disciplinary action by the department head, or in the case of suspension exceeding three (3) working days or discharge, by the City Manager, the department head shall have the authority to suspend the employee with pay. This interim suspension shall be effective until a determination of disciplinary action by the department head, or in the case of discharge, the City Manager.

**Sec. 12-503. GROUNDS FOR DISCIPLINARY ACTION.**

No disciplinary action of any nature shall be taken without just cause.

**Sec. 12-504. APPEALS.**

In the case of any disciplinary action, short of suspension in excess of three (3) working days or discharge, the employee shall have the right to file an appeal with the City Manager, such appeal to be filed in writing within ten (10) days of notice of the department head's determination of appropriate disciplinary action. The employee will be entitled to a conference with the City Manager and to present such evidence and witnesses at that conference as he/she may deem appropriate. If the employee is not satisfied with the determination by the City Manager, he/she may, within ten (10) days, appeal that action to the Personnel Service Commission. The Commission will then hold a hearing in accordance with their rules and procedures.

In the case of suspension exceeding three (3) working days or discharge, the employee shall have the right to appeal the City manager's determination directly in writing to the Personnel Service Commission, within ten (10) days of notification of the determination. The Commission shall then hold a hearing in accordance with its rules and procedures.

Upon appeal, the reviewing authority shall have the full power without restriction to affirm, modify, or reverse the determination appealed from.

**Sec. 12-505. DEFINITIONS.**

**ORAL REPRIMAND.** Oral reprimand is an oral communication from the department head to the employee indicating the cause for the reprimand, the fact that the communication constitutes an oral reprimand, and, if appropriate, corrective action that needs to be taken by the employee. A written confirmation of the oral reprimand may be placed in the employee's personnel file and, if so, will clearly indicate that it does refer to an oral reprimand. A copy of such shall be provided to the employee.

**WRITTEN REPRIMAND.** A written reprimand is a written communication from the department head to the employee indicating the cause for the reprimand, the fact that the communication constitutes a written reprimand, and, if appropriate, corrective action that needs to be taken by the employee.

**SUSPENSION.** A suspension is a period of time during which the employee will not be permitted at the job site and will not receive pay of any kind. Notice of suspension indicating the cause, the duration of the suspension, and its effective date, shall be placed in the employee's personnel file with a copy to the employee.

**DISCIPLINARY PROBATION.** Disciplinary probation is a period of time, not to exceed three (3) months, during which the employee shall be considered a probationary employee to the

extent of any other new hire. Any further disciplinary action during this period will be cause for discharge. The cause of the disciplinary probation shall be noted together with its effective dates, not to exceed three (3) months, and shall be placed in the employee's personnel file with a copy to the employee.

**DISCHARGE.** Discharge is the termination of employment with the City. Upon such termination, the employee will not be entitled to any accumulated benefits except for wages for time previously worked prior to the date of dismissal.

## **ARTICLE 6. GENERAL CONDITIONS OF EMPLOYMENT**

### **Sec. 12-601. SCOPE OF ARTICLE.**

The scope of this Article is to set forth the following general conditions of employment for City employees not otherwise provided for.

### **Sec. 12-602. HOURS OF WORK.**

Due to variations in the different services provided by the City, it may be necessary to have variations in the hours per week in like positions. The hours of work shall be established by the City Manager with the advice of department heads.

### **Sec. 12-603. ATTENDANCE AT WORK.**

All employees shall be at their respective place of work in accordance with the general and departmental regulations pertaining to hours of work. All department heads are required to maintain daily records in accordance with the form provided by the City Manager's office. The department head shall forward a copy of the employee's attendance record to the Manager's office and the record shall become part of the employee's permanent file. In the event of necessary absence due to illness or any other cause, it is the employee's responsibility to see that the department head is notified of the absence and reason therefor, prior to the time the employee is expected to report to work.

### **Sec. 12-604. LEAVES OF ABSENCE.**

A. The City Manager, with the recommendation of the department head, may at his/her discretion, grant permanent employees a leave of absence without pay, not to exceed one (1) year. It shall be granted when it appears because of the past record of the employee, and it is in the best interest of the City to grant the leave because of the purpose for which it is requested.

B. All benefits and accumulation of seniority stop for the employee at the leave of absence and resume with his/her return to active City employment. City health insurance may continue during the leave of absence, however, at the employee's expense.

### **Sec. 12-605. HOLIDAY LEAVE.**



A. Permanent and probationary employees shall receive holiday time off with pay in accordance with the following prescribed schedule:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day

B. For holidays occurring on a Saturday, the previous Friday will constitute a holiday; holidays occurring on Sunday, the following Monday will be considered the holiday. At the discretion of the City Manager, employees working and supervising special shifts or hours shall be subject to the same standards that apply to the employees which they supervise. Those employees that are required to work during a holiday, due to the nature of the position, will receive overtime pay that is one and one-half times the employee's current wage or compensatory time off for the time worked at the same ratio.

**Sec. 12-606. VACATION LEAVE.**

A. Each employee of permanent standing shall be awarded vacation time with pay at the convenience of the City, in accordance with his/her current term of continuous employment and in accordance with the following prescribed schedule:

1 Year - 2 Weeks

6 Years - 3 Weeks

15 Years - 4 Weeks

20 Years - 5 Weeks

24 Years - 6 Weeks

B. Vacation Leave will be accounted for on an anniversary basis. No vacation leave will be granted during the probationary period, but the time accumulated during the probationary period will be credited, retroactively, to the employee's total service time. Unused vacation leave may be carried forward up to the amount accrued during the preceding year. Accrued vacation leaves shall be paid to employees in good standing upon separation from service or to his/her beneficiary or estate upon death.

C. The scheduling of vacation shall be done by the department head, in accordance with the operational needs of the department, and as much as possible, with the employee's wishes. In the case of a holiday falling within an employee's vacation period, the vacation time will be extended

to compensate therefor.

D. In computing service time for vacation leave, official leaves of absence, or absence from duty for which sick leave is paid shall not constitute a break in the employee's service record. Employees working and supervising special shifts or hours shall be subject to the same standards that apply to the employees they supervise at the discretion of the City Manager.

#### **Sec. 12-607. SICK LEAVE.**

A. Sick leave for full-time permanent employees is earned at one (1) day per month. Sick leave may be accumulated to, but not exceeding, one hundred twenty (120) days of unused sick leave.

B. Sick leave may be granted by the City Manager for salaried officials under his/her supervision. Also one (1) day of sick leave may be granted to an employee due to illness of a member of the employee's immediate family, at the discretion of the department head.

C. In order to be eligible for sick leave compensation, the employee shall complete the necessary form and return it to the department head for approval. After a decision by the department head, the form and the department head's recommendation is forwarded to the City Manager for a final decision, either approving or denying the request. The City Manager or the City Council (for those appointed by the Council) may require a certificate from a qualified physician certifying that the condition of the employee justifies the absence from employment.

D. Probationary employees shall not be entitled to paid sick leave until they have completed their probationary period of employment. At the completion of the probationary period, cumulative sick leave shall be computed from the original date of employment.

E. Employees working and supervising special shifts or hours shall be subject to the same standards that apply to employees which they supervise at the discretion of the City Manager.

F. Sick Leave Pool. Any sick leave accumulated after an employee has accrued the maximum one hundred twenty (120) days will be credited to the City sick leave pool. This pool may accumulate up to a maximum of five hundred (500) hours. Any City Non-Union employee who, because of serious or extended illness or other extenuating circumstances, is without sick leave, may draw sick leave from this pool. The leave shall be drawn at the discretion of the City Manager, after reviewing the employee's previous use of sick time and the reasonableness of the request.

#### **Sec. 12-608. PARENTAL LEAVE.**

A. Parental leave shall be granted to an employee upon written request filed by the employee with the City Manager at least two (2) weeks prior to commencement of the leave. If emergency conditions require a shorter notice period, then the notice should be filed as soon as possible. Parental leave for females will begin on the date the employee's doctor feels she is no longer capable of effectively discharging the duties of here position. Parental leave for females shall

terminate when, in the opinion of the employee's doctor, she is capable of returning to work.

B. Parental leave shall be considered a temporary disability. Leave without pay shall be granted and shall not constitute a break in the employee's service record. In order for the leave to extend beyond the medically certified period, a written request to the City Manager must be filed. This request shall be treated in the same manner as employee requests for extended leave or personal leave.

C. The employee's position may be filled with a temporary appointment until the employee returns and is reinstated in his/her former position without any loss of benefits or seniority.

#### **Sec. 12-609. BEREAVEMENT LEAVE.**

Special leave with pay shall be granted regular employees for up to and including three (3) working days for absence caused by the death of a member of the immediate family. Immediate family shall mean parent, spouse, mother-in-law, father-in-law, child, brother, sister, half-brother, half-sister, brother-in-law, sister-in-law, grandparent, grandchild, stepchild, or legal guardian or ward. For other relatives, one (1) day may be allowed, except for unusual circumstances, for which the City Manager may grant additional time, if warranted. Additional time for bereavement leave may be granted at the discretion of the City Manager.

#### **Sec. 12-610. COURT LEAVE.**

City employees called upon for jury service will receive their regular salary from the City during jury service, less the amount received for serving on a jury. Any employee summonsed as a witness on the behalf of any local, county, state, or national government shall be granted court leave, and will receive their regular salary from the City during such service less the amount received for serving as a witness. The payment of regular salary, less any fees received, for service concerning a summons for non-governmental purposes shall be left up to the discretion of the City Manager.

#### **Sec. 12-611. RESERVE SERVICE LEAVE.**

Permanent employees who are members of the organized Military Reserves and who are required to perform field duty shall be granted Reserve Leave not to exceed two (2) weeks in any calendar year in addition to regular vacation leave. During any such period of Reserve Service Leave the City shall pay the employee the balance between the service pay and the employee's regular compensation, the total equaling the regular pay of the employee, if the employee had been in the service of the City during the period of leave. As a condition of payment, the employee shall file with the City Manager an official statement from the proper military authorities, stating his/her rank, pay and allowances.

#### **Sec. 12-612. INJURIES LINE OF DUTY.**

A. The City of Bath provides Worker's Compensation coverage for all employees.

B. Any employee who sustains a compensable illness or injury which arises out of and in the course of his/her employment shall be paid during each week of total incapacity resulting from the injury or illness, an amount sufficient, when added to the weekly payment of Worker's Compensation paid under the laws of the State, to equal his/her regular weekly salary or normal wage.

C. Any injured employee may request on forms provided by the City, that the City begin full payment of salary immediately, to insure that there will be no delay in Worker's Compensation benefits. The employee, however, must stipulate to reimbursement of such payments to the City upon receipt of the Worker's Compensation payments.

D. Such additional payment shall not be continued beyond four (4) weeks except upon an order passed by the City Council. No additional payments shall be made in any instance when in the opinion of the department head and City Manager, the accident occurred as a result of intoxication, willful intent, violation of rules and regulations on the part of the employee, or while the employee is in the employment of any other person, firm, or organization.

#### **Sec. 12-613. COMPENSATION.**

It is the intent that all City employees be paid salaries and compensation for comparable public and private work in the area and that will attract and retain well qualified employees. The Non-Union employees pay plan shall be set by resolution of the City Council of the City of Bath upon recommendation of the City Manager. This pay plan shall be passed by the resolution process at the same time as passage of the annual City Budget and may be amended or restructured from time to time as the City Council may deem appropriate.

A. **OVERTIME.** All work which exceeds forty (40) hours per week shall be considered overtime work and will be compensated for by overtime pay at a rate equal to one and one-half times the employee's regular wage or by compensatory time off for the employee. However, it is understood that job responsibility is the basis for which salaried positions are paid and it is the responsibility of the person who fills this position to accomplish the work required, regardless of the hours needed to do the work, within reason. Employees working and supervising special shifts or hours shall be subject to the same standards that apply to the employees which they supervise at the discretion of the City Manager.

B. **LONGEVITY.** (a) As of April 1st of each year and commencing with the 43rd month of continuous employment with the City of Bath, all Non-Union permanent employees shall be credited with longevity compensation at the rate of one (\$1.00) dollar per month up to, and including, a maximum of two hundred and fifty-seven months. (b) Upon the separation of employment or retirement, longevity compensation will be paid up to and including the final full month of employment. In the event of any employee's death, longevity compensation shall be paid to his/her beneficiary or estate.

#### **Sec. 12-614. MERIT INCREASES.**

Any step increase in pay in accordance with the City Pay Plan-Non-Union employees, shall be in accordance with the within described merit increase system. Any employee shall be eligible to apply for an increase to the next pay step. The employee shall be judged with respect to his/her application for merit increase in accordance with the following: attendance at work, including use of sick leave; attitude; initiative; ability to complete assigned tasks; amount of supervision necessary; overall performance; comparison of performance and other factors with fellow employees, and, in cases where appropriate, the manner and safety of operation and use of equipment.

The procedure for consideration of merit increase is as follows:

(1) A request for merit increase shall be initiated by a review requested by the employee and conducted by the supervisor, or, in the absence of any supervisor, by the Department head.

(2) If a supervisor conducts the review in accordance with the above established criterion and any other criterion found appropriate by the supervisor of his employee, it shall be submitted with a recommendation to the department head.

(3) The department head whether on his own review or the review of the supervisor shall make a determination as to whether or not the employee merits the increase and shall file with the City Manager his recommendation.

(4) The City Manager shall make a determination as to whether or not a merit increase is appropriate and, if appropriate, shall execute and pass on to the Finance Department the appropriate change in status documentation.

(5) The employee, if aggrieved by the decision of the City Manager, may appeal the decision by filing a written request for hearing with the Personnel Service Commission, within ten (10) days of notice of the decision to the employee. The Personnel Service Commission shall hold a hearing within twenty (20) days of the filing of the request, at which time the employee shall have an opportunity to present whatever evidence he/she may desire in support of his/her merit increase. The Personnel Service Commission shall have the right to consider additional evidence as may be relevant to the request. The decision of the Personnel Service Commission shall be rendered within five (5) days from the date of hearing and shall be binding on all parties.

#### **Sec. 12-615. COST SAVINGS BONUS PLAN.**

There will be a bonus paid to employees responsible for cost savings proposals. These proposals must be submitted in writing to the City Manager, and their implementation approved by the City Manager or the Department Head. In those instances where the implementation results in a cost savings, the employee shall be paid fifty per cent (50%) of such savings up to a maximum amount of \$500.00 for the first six-month period that the cost savings plan is in effect.

#### **Sec. 12-616. INSURANCE.**

The City agrees to participate in the cost of health insurance coverage through the Maine Municipal Employee Health Trust Insurance Plan or with comparable coverage in an equivalent program. Employees shall assume ten (10%) percent of the premium costs of the policy coverage selected by

the City.

**Sec. 12-617. GRIEVANCE PROCEDURE.**

If, due to some condition of employment, an employee feels aggrieved, then the employee shall have the right, and shall be expected to appeal, in writing, within ten (10) working days from the date the alleged grievance occurred, to the department head for the purpose of adjusting or resolving the grievance. The department head shall render a decision, in writing, to all parties, within seven (7) calendar days from the date the grievance was submitted. If the decision of the department head does not resolve the grievance to the satisfaction of all parties, a written appeal may be taken to the City Manager, and such appeal must be submitted within seven (7) calendar days from the date the department head rendered his/her decision. The City Manager shall render a decision to all parties, in writing, within seven (7) calendar days from his/her receipt of the appeal. The decision of the City Manager shall be final and binding upon all parties.

Effective 7/12/1989