



**TOWN OF
OCEAN CITY
MARYLAND**

EMPLOYEE HANDBOOK

October 1, 2005



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1.0 INTRODUCTION

1.1 ABOUT THIS HANDBOOK

The Town of Ocean City has always believed in promoting an atmosphere of open communication and cooperation among all of our employees. This Employee Handbook reflects that thinking. It supercedes in all respects any prior handbook, policy manual, benefits or practices of the Town, and has been prepared for you, our employees, to provide general information about your benefits, and highlights the rules and policies under which we operate. Obviously, we could not begin to explain every Town policy or rule or benefit in this Handbook, and its provisions can be considered as no more than general summaries of our benefits, work rules and policies.

While we hope our personnel actions will continue to be positive, from time to time the Town of Ocean City may unilaterally, in its discretion, amend, supplement, modify, or eliminate one or more of the benefits, work rules or policies described in this Handbook, or any other employment benefits, work rules or policies, without prior notice.

This Handbook does not constitute a guarantee that your employment will continue for any specified period of time or end only under certain conditions. Nothing in the Handbook constitutes an express or implied contract of employment or warranty of any benefits. Employment with the Town of Ocean City is a voluntary employment-at-will relationship for no definite period of time.

While we hope to have a long and mutually beneficial working relationship together, regardless of anything which may appear in this Handbook or any other Town of Ocean City publication, policy, statement or practice, you have the right to terminate

your employment relationship for any reason with or without cause or notice at any time and the Town reserves the right to do the same. The Fire Marshal's employment is addressed in the Town's Fire Code; however, no one else has authority to bind the Town of Ocean City to any agreement contrary to the foregoing except our City Manager or the Mayor and City Council in writing.

1.2 WELCOME TO OUR TOWN

It is our pleasure to welcome you to the Town of Ocean City and to wish you success in your job. You have become a part of a municipal government that has earned a reputation for fine service, courtesy, and professionalism. You were selected because we believe you have the potential and desire to meet these high standards and help us maintain our position of leadership. We hope you will find the atmosphere one in which you can learn and progress steadily.

The growth and progress of any organization like ours depends on its employees ... people with initiative, creativity, and enthusiasm. We believe we have such employees in Ocean City ... a blend of experienced and new employees working together for our common success.

We are dedicated to the principle of quality service. Our record of progress and growth attests to the validity of this objective as well as our success in living up to it.

We hope that you will share our enthusiasm about the growth and progress of our Town.

With personal regards,

Dennis W. Dare
City Manager

1.3 TOWN OF OCEAN CITY, MARYLAND

Ocean City is Maryland's only coastal community, situated on a barrier island that, until the mid-1800s, was a barren place attracting only a few fishermen. Isaac Coffin, a local farmer, constructed a small inn in 1869 to accommodate fishermen and other visitors to the beach. Soon, other hotel properties arose and after incorporation in 1875, the little fishing village was on its way to becoming a famous seaside resort.

A railroad bridge was first built to the Sinepuxent Bay in 1878. In 1880, the first permanent bridge across the bay was built connecting Ocean city to the mainland. Prior to the bridge, visitors had to ride the train to the edge of the mainland where they would then cross the bay by boat. In 1898, Daniel Trimper moved to Ocean City from Baltimore and started an amusement park (Windsor Resort) that is still owned and operated by the Trimper Family. Soon, Capt. Christopher Ludlum and his son traveled from Cape May, New Jersey and started the pound fishing industry, the source of employment for many local men. While the men fished, the wives and mothers were instrumental in running the hotels that catered to vacationers. From 1900 to 1915, the first of Ocean City's boardwalks was constructed. Amazingly, in the early days, the boardwalk was taken up and stored during the winter. Today's famous boardwalk is a permanent walkway which spans nearly three miles.

In August 1933, a violent four-day storm hit Ocean City and cut an inlet through the island, linking the ocean with the bay. The inlet soon brought a new industry to Ocean City - sport fishing. With easy access to the ocean, fishermen no longer had to launch boats through the surf or limit themselves to bay fishing. In 1934 the first white marlin was caught off the coast and Ocean City claimed the title of

“White Marlin Capital of the World.”

The Town’s growth continued until World War II when the resort, like the rest of the world, focused its energies on the war. Still, it was during this period (1941) that the resort got its first automobile bridge.

This once humble fishing village that covered only a few blocks of land, now stretches ten miles long, has a city manager form of government adopted in 1981, and serves as a full service, year-round resort and an economic powerhouse for the entire region, welcoming over eight million visitors annually, and generating close to \$3 billion into the State’s economy. A new convention center brings visitors to Ocean City throughout the year, and numerous area golf courses have turned Ocean City into a premiere golfing destination, further enhancing Ocean City as a family destination.

It is the Town of Ocean City’s mission to continue to offer these amenities that make Ocean City "America’s favorite family seaside resort," with the invigorating salt air; the majestic vistas of the ocean and the bay, and the wonderful feel of clean beach sand.

1.4 OUR EQUAL EMPLOYMENT POLICY

The Town of Ocean City has, on many occasions, expressed support and commitment to the principle of equal employment opportunity. It is our policy to recruit, hire, train, and promote individuals, as well as administer any and all personnel actions, without regard to race, color, religion, creed, age, sex, national origin or ancestry, marital status, status as a disabled or Vietnam-era veteran, status as a qualified individual with a mental or physical disability, familial status, sexual orientation or genetic information in accordance with applicable laws. Ocean City will not tolerate any unlawful

discrimination and any such conduct is prohibited.

1.5 HARASSMENT FREE WORKPLACE POLICY

The Town of Ocean City believes that all employees have the right to work in a mature, professional, and productive environment that is free from harassment. The success of the organization is contingent upon an atmosphere of mutual respect and cooperation regardless of individual beliefs or attitudes. Harassment is unwelcome or inappropriate behavior that interferes with the maintenance of a positive work environment. It is behavior that undermines the integrity of the entire organization and it is often directed toward individuals based upon their race, color, religion, gender, sexual orientation, national origin, age or disability. Harassment may be visible in many forms, including, but not limited to the following:

Sexual- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (a) submission to or rejection of such conduct is used as the basis for employment decision, or (b) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Examples of conduct, which may constitute sexual harassment, include the following:

1. Promises or threats regarding any term or condition of employment which is conditioned on providing, or failing to provide, sexual favors;
2. Repeated offensive sexual flirtations, advances or propositions;
3. Unwelcome physical contact that is sexually

suggestive.

Note: Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

Additional examples of inappropriate behavior, which may be some form of harassment include:

Verbal – Language or comments that are offensive, including vulgarities. This may include mocking, hostility, lewd comments and jokes, or intimidation, which alters an individual's job efficiency.

Nonverbal – Leering or gestures that create an intimidating, hostile or offensive work environment.

Physical – Threats that create an intimidating, hostile or offensive work environment. Unwanted physical contact that includes touching, patting, pinching or brushing the body.

Written/Pictorial – Ideas, pictures, objects, or expressions demonstrated that are not respectful of others, and/or conflict with the Town's goal of maintaining an environment that is free from harassment.

This policy applies to all City employees, as well as customers, vendors and other visitors authorized to be on City property. If you believe that you or someone else is being harassed, or you have observed harassing behavior, the following procedure should be followed:

1. Any employee who believes that he or she has been the subject of harassment should report, in writing, the alleged act immediately to his or her department supervisor. If a complaint involves a manager or supervisor, the complaint should be filed with the division head, department head, Human Resources Director or the City Manager.

2. All complaints will be investigated in a timely and confidential manner.
3. If the investigation reveals that the complaint is valid, action designed to stop the harassment will be taken.

Violators of this policy will be subject to discipline up to and including immediate discharge.

The Town of Ocean City will make every effort to preserve confidentiality and privacy, but the conduct of the investigation or legal proceeding may have to address otherwise private matters and may make complete confidentiality impossible. Please keep in mind that accusations of harassment are very serious, and if untrue, may have negative consequences for innocent individuals.

1.6 COLLECTIVE BARGAINING AGREEMENT

The Charter of the Town of Ocean City is the document that would authorize the Town to permit certain employees to negotiate.

In cases of conflict, the approved labor contract will take precedence over the Town's Employee Handbook.

2.0 HOW WE KEEP IN TOUCH WITH YOU

We are always looking for new and improved ways to keep communication channels open on a two-way basis between our employees and the managers of our Town. We want you to be free to tell us about your personal recommendations for improvements, as well as any problems you may be experiencing on the job.

The following Communications Network summarizes many of the ways you can share your ideas and concerns with us.

2.1 NEW EMPLOYEE ORIENTATION

The first part of our orientation program is conducted shortly after you are employed. It is designed to help acquaint you with your new working environment. Use this opportunity to raise any questions or voice any concerns to our orientation staff.

2.2 KEEP US UP-TO-DATE

Up-to-date personal information is necessary for a number of reasons, including ensuring the administration of your employee benefits. It is your responsibility to notify the Human Resources Office promptly of any change in your address, telephone number, marital status, and number of dependents, beneficiary designation, or anything else that would affect your employee benefits or our ability to contact you quickly

2.3 YOU AND YOUR SUPERVISOR

If you have any questions concerning your job or related activities, your Supervisor usually should be the first person you talk to. If, however, you do not feel comfortable discussing a particular personal matter with your supervisor, be assured that the other methods of communication outlined in this Section are also available to you.

2.4 YOUR EMPLOYEE COUNSELOR

As noted, your immediate Supervisor is the primary person to contact on all subjects when you have a question or problem. However, we've gone further to insure that all employees have other means of communication for complaints or suggestions that might not flow through the normal chain of management.

The Town of Ocean City has designated our Human Resources Director as an employee counselor to assist you, if you so elect, in presenting your concerns to us. Please take advantage of your spokesperson.

2.5 YOUR PROBLEM-SOLVING PROCEDURE

During the performance of your duties, questions or problems may occur that affect your work. Communication usually is the key to resolving disagreements and misunderstandings and is emphasized here. Take all of these issues to your immediate supervisor for resolution.

Should the issue not be resolved at this level, you may ask for a meeting with the Department Head to discuss it further.

Finally, if the Division Head/Department Head/Director does not resolve the matter, you may ask to talk it over with the Human Resources Director.

This problem-solving procedure is your “direct line” to our management - please use it! Remember that we can’t help you solve the problem if you don’t tell us about it.

2.6 OUR BULLETIN BOARD

Our Town maintains bulletin boards throughout the Town’s facilities that contain important information posted for your benefit. It is important that we reserve this space for Town of Ocean City communications. We cannot permit personal items to be posted on the Town’s bulletin boards. Some Departments provide separate locations for personal notices. Ask if your department has one.

2.7 OUR NEWSLETTER – “THE SANDPAPER”

Quarterly we publish The Sandpaper to update you on our Town’s activities, to advise you of upcoming events, and to give you a chance to share with your fellow employees personal news such as births, marriages, and your special achievements. Our Director of Human Resources is in charge of selecting items for this newsletter; so let HR know about any news you want to share. Obviously, we are not able to publish all items that may be of interest to you but we would like your suggestions.

2.8 YOUR BENEFITS COUNSELING SESSIONS

We believe it is important to give you an opportunity to learn more about the benefits you receive in order to help you plan for your future financial security. From time to time, therefore, we will be meeting with you either individually or in small groups to discuss the Town's benefits, answer your questions, and obtain your comments.

3.0 ABOUT YOUR JOB

3.1 APPOINTING AUTHORITY

The City Manager is the Appointing Authority for all full-time employees in the Town, with the exception of the City Clerk, Chief of Police, Fire Marshal, City Solicitor and Secretary to the Mayor.

The City Manager, with the advice and consent of Mayor and Council, is the Appointing Authority for all Department and Division Heads.

All other new appointees to full-time positions must be approved in advance by the City Manager or designated representative.

3.2 EMPLOYEE CATEGORIES

Throughout this Handbook, you will find references to the following employee categories:

1. Full-time employees, Probationary Period. Newly hired employees who have not successfully completed their training period of twelve months of service. They are eligible for the benefits provided in this Manual. Some benefits require a one-year waiting period.
2. Full-time employees. Those employees who are regularly scheduled to work a minimum of forty (40) hours per week and have successfully completed their probationary period. They are eligible for the benefits provided in this Manual.
3. Part-time employees. Those employed to supplement full-time staff members. Intended to work a continuing, year-round and indefinite schedule. Employees are permitted to work a regularly scheduled

- workweek, or less, to meet seasonal needs. They are not eligible for employee benefits.
4. Temporary employees. Those employed for a specific period of time to supplement full time staff members. Usually work a regularly scheduled work week. They are not eligible for employee benefits.
 5. Exempt and non-exempt employees. All employees are also classified into “exempt” and “non-exempt” categories for purposes of establishing eligibility for overtime pay under the Federal Wage and Hour Laws. Our hourly paid employees are all classified as “non-exempt.” “Exempt” employees are not eligible for overtime pay, however may earn “compensatory” time on an hour for hour basis to a maximum of 120 hours.

3.3 YOUR PROBATIONARY PERIOD

All full-time employees serve a 12-month probationary period at the beginning of their employment. This is a particularly important time for you and us, since it allows you the opportunity to evaluate whether the Town fits into your career goals, and it also provides the Town with time to assess whether your employment appears to satisfy our present needs.

This training period will last for 12 months from your date of hire, but it may be extended at the discretion of the Town. Your employment might end at your option or ours, before the end of the probationary period or afterwards. During this period, your supervisor may discuss your performance with you. A decision will be made, at the Town’s discretion, in regards to granting you regular employee status, extending your training period, or terminating the employment relationship.

Your successful completion of this period does not result in any change in the employment at-will relationship described elsewhere in this Handbook.

An employee hired as a police officer who has not successfully completed the mandated training requirements regulated by the Maryland Police and Correctional Training Commissions for certification as a police officer shall remain in a probationary status with the Town for a period of 12 months from the date police certification is granted. Full-time Police Officers who are Maryland Police Training Commission certified at time of hire shall complete a twelve (12) month probationary period.

Note: While in probationary status, the grievance process is not available as a remedy for employment termination.

3.4 JOB CLASSIFICATIONS

Your job may be evaluated by our Town in comparison to other jobs within the Town. Some of the factors we may consider include but are not limited to: education required, training, experience, amount of responsibility, initiative, direction of other employees, degree of supervision required, physical, visual and mental effort, confidential data, skill, manual dexterity, complexity of duties, and working conditions in our organization's judgment and appraisal.

Similarly ranked jobs are grouped into pay grades as determined by the Town. Minimum and maximum rates of pay are assigned to the pay grades, and are reviewed periodically by the Town at its discretion.

3.5 WORKING HOURS

Hours of work are determined by the Town of

Ocean City to meet the needs of our resort business. Your supervisor will advise you of your regular work schedule, meal periods, and arrangements for personal breaks.

Your “regular work day” may vary (or range) from eight (8) to twenty-four (24) consecutive hours, or as determined by management, excluding a minimum thirty (30) minute unpaid lunch period, as scheduled by your supervisor. Starting times vary by department, as in those departments covered by the public safety exceptions of the Fair Labor Standards Act. Paid fifteen (15) minute rest breaks may be permitted according to the service requirements of the individual departments. You are expected to be at your job location ready to begin work at your assigned starting time. You should “clock” or “sign-in” in accordance with your department’s procedures.

All employees are on a bi-weekly pay schedule and pay day is every other Friday. Pay periods end on Sunday at midnight and paychecks are issued the following Friday.

If you plan to be on leave status on a scheduled pay day, you may be allowed to pick up your pay check on Thursday after 3:00 p.m. before pay day if you complete a "Request for Early Paycheck" form in advance. These forms are available through your department and must be approved by your Department or Division Head.

In addition to pay and deduction information, your paycheck stub contains vacation and sick leave balances. Errors in pay or balances must be brought to the immediate attention of your supervisor.

The Town’s pay practices, procedures and records are the basis for establishing the number of hours worked by each employee, and govern all questions pertaining to hours worked, overtime and all other pay issues. Nothing in this Handbook is a guarantee by the Town of hours of work per day, per

week, per year, or on any specific work schedule.

3.6 LIBERAL LEAVE POLICY

The City Manager may declare a Liberal Leave condition during severe weather conditions. These conditions may result in school closings or restricted travel abilities for some employees. If an employee elects to exercise the Liberal Leave Policy, he/she must contact his/her immediate supervisor as soon as possible to receive permission prior to his/her scheduled work time. Department heads/other supervisors are expected to be flexible with employee requests and work schedules during times when these types of conditions occur. Department heads/other supervisors and employees are reminded that operations must be taken into consideration to avoid adverse impact of City services. Employees shall take vacation, personal, holiday or comp time for the Liberal Leave time granted. Liberal Leave can be granted on a daily basis or any part thereof.

Sick Leave charged during periods of Liberal Leave shall meet the following criteria:

1. A medical certificate is provided indicating personal illness.
2. The illness occurred prior to and continued through the day of severe weather.

3.7 EMERGENCY OPERATIONS POLICY

The City Manager may declare Emergency Operations conditions during natural or manmade events. Conditions such as heavy snowfall and hurricanes will require certain necessary employees to report to work. However, employees not necessary to work during the declared Emergency Operations will not be required to report to work, and will be paid

their regular wages during the declaration. Non-exempt employees required to work will be paid at a rate of time and one-half during the declaration. Exempt employees required to work will earn compensatory time in accordance with our policy standards.

The type and severity of the condition requiring Emergency Operations will dictate the employees necessary to report to work. The following personnel are normally considered necessary and shall contact their immediate supervisor to confirm they are required before reporting to work:

- Police – Sworn personnel;
- Emergency Services – EMS, Communications & Electronic Services Operations personnel;
- Public Works – Operations personnel;
- Water and Wastewater – Operations personnel;
- Transportation – Operations personnel;
- Purchasing – Auto mechanics and stock clerk personnel;
- Convention Center – Operations personnel if major event scheduled.

Others such as Engineering, Risk Management, Information Technology, Finance, Fire Marshal, Airport, Solid Waste, Beach Patrol, Parks, Building and Zoning Inspectors may be deemed necessary under certain events. The following methods will be used to notify employees:

- System all-calls on the 800 radio;
- Pages on City supplied pagers;
- Notification of television and radio stations;
- Departmental telephone call trees.

Sick Leave charged during times of Emergency Operations shall meet the following criteria:

1. A medical certificate is provided indicating personal illness.
2. The illness occurred prior to and continued through the day of severe weather.

3.8 DAILY ATTENDANCE RECORDS

A daily attendance record is maintained for all personnel. You may not clock in more than five (5) minutes before your scheduled start time, or clock out more than five (5) minutes after your scheduled quitting time, unless you are working authorized overtime. You must also advise your supervisor when you leave for lunch or for personal reasons, and when you return, so that the times may be noted on the Town's records.

3.9 OVERTIME WORK

You may be required to work overtime as a condition of your employment. Every attempt will be made to satisfy overtime on a voluntary basis and to accommodate your personal considerations. Department/division heads have the authority to schedule overtime for their department employees.

The Town of Ocean City complies with the Fair Labor Standards Act, which regulates the payment of overtime premium for hours physically worked over their regular schedule in a work week. Certain classes of employees are exempt from the Act. Your status, as the Act applies to you as an employee, will be discussed with you by your Supervisor and/or Department Representative during the interview process and/or orientation. Certain departments are subject to different rules under the Fair Labor

Standards Act. Those specific rules applicable to your position will be outlined to you by your Department Head.

3.10 COMPENSATORY TIME

Employees in job classifications that are considered exempt may accumulate 120 hours of compensatory time in lieu of overtime. Compensatory time is earned on an hour for hour basis. If an employee terminates employment for any reason, that employee will be paid for unused compensatory time.

3.11 CALL BACK PAY

Employees called in to work by a City employee with supervisory authority, to work during the remainder of their twenty-four hour workday subsequent to their regular shift, shall be paid a minimum of three hours pay.

3.12 TEMPORARY PAY RATES

Temporary employee pay scales are established prior to the seasonal recruiting and are based on the level and grade of a comparable job in the classified plan.

3.13 TEMPORARY TRANSFER

An employee temporarily transferred or placed in an acting capacity to a classification with a higher pay grade for a period in excess of three (3) consecutive, regular work days, will receive a salary increase of at least five (5) percent above their regular rate, or be

placed at the minimum rate of the higher pay grade, whichever is greater.

3.14 PAYROLL INFORMATION

All employees receive a paycheck every other Friday for their work in the previous two work weeks unless that particular Friday happens to be a holiday.

We will not release paychecks to anyone other than the employee, except with written authorization. Remember that we are required by law to make deductions from paychecks for federal and state withholding taxes, for social security taxes (FICA) and court-ordered requirements.

You may voluntarily authorize in writing additional deductions from your paycheck for your contribution to our benefit plans and other items permitted by the Town. It is your responsibility to be certain that all such deductions are correct. You are strongly encouraged to authorize us to pay you by direct deposit to your designated bank account.

New employees are normally placed at the beginning figure of their position pay-grade for General employees, and steps for Public Safety employees. Employees are eligible for an annual increase on their anniversary date. The amount of any increase awarded is based on a budgeted and approved calculation.

The Mayor and City Council may grant an across-the-board cost of living adjustment (COLA). The effective date of COLA increases shall be determined by the Mayor and City Council.

Your pay stub contains important information. Any errors should be brought to your supervisor's attention immediately.

Employees hired, promoted or demoted prior to June 30, 1981, shall have an anniversary date of July 1. Employees hired after July 1, 1981 shall have their

date of hire as an anniversary date or the date approved by their position.

3.15 EMPLOYMENT OF RELATIVES

Members of the same “family”, including spouse, children, parents, brother, and sister are eligible for employment with the Town; however, such employment may not result in an employee directly or indirectly supervising an immediate family member.

Other relationships may develop between employees (i.e. engagement), which may present a potential for conflict of interest. These employees are expected to identify those relationships and contact the Human Resources Director for a determination as to whether the relationship presents a potential conflict, and whether the provisions of this section should apply.

3.16 MEDICAL EXAMINATIONS

The Town of Ocean City reserves the right for the health, safety, productivity and security of persons, property and facilities, in our discretion to the extent permitted by applicable laws, to require applicants for employment and current employees to consent in writing and submit to medical or physical examinations by a physician designated by or approved by the Town at its expense.

3.17 SECURITY CHECKS

To ensure that contraband drugs, weapons and other unauthorized or illegal substances or materials, or substances or materials to be used for illegal purposes, do not enter our job sites, the Town premises and other Town facilities, and to further ensure that tools, files, equipment, products,

materials, substances and other property of the Town are not being removed from our job sites, Town premises and other Town facilities without our authorization, the Town of Ocean City reserves the right, at its discretion, to question, inspect and search an employee or other person before they enter or leave any of these facilities.

This policy applies to any employee while on Town of Ocean City business, whether or not on our job sites, Town premises and the Town facilities, along with any packages or other items that the employee may be carrying. All vehicles, lockers, containers, brief cases, handbags, and other parcels and personal belongings of employees, as well as e-mail and mobile data utilized through computer systems are subject to inspection and search by the Town or its designated outside investigators at any time.

These procedures are necessary for the safety, health and security of everyone with the Town of Ocean City and the protection of our property and facilities. Submission to and compliance with these rules is a condition of your continued employment.

3.18 LOCKERS

Some Town departments provide lockers for the convenience of their employees on a space-available basis. Both lockers and locks are and remain at all times the property of the Town of Ocean City. For security reasons, lockers and locks may be inspected by the Town periodically without notice, as a condition of your employment. Locks other than those issued by the Town may be removed. The Town retains the right to remove from any locker all contraband, chemical substances, weapons or other materials or objects that could endanger safety, health, property or security, in the Town's judgment.

The lockers and locker rooms are furnished for your convenience. They may be used only during break periods and before and after work to change clothes. The Town shall not be responsible for theft or damage to property placed in lockers, and we discourage the storing of money, jewelry, or other valuables in lockers.

If you resign or otherwise terminate employment with the Town of Ocean City, you must return the lock to your supervisor if it is not built in, and remove your belongings from your locker. Any items remaining in the locker after your final paycheck is issued will be removed and disposed of by the Town.

3.19 LOST AND FOUND

A number of departments throughout the Town have lost and found programs. Check with your department to determine if a program is available to you. If so, items are to be turned in to the responsible person and will be released to those claiming ownership after satisfactorily describing them.

3.20 ACCIDENT REPORTS

Any illness or injury that you suffer on the job must be reported immediately to your supervisor who will contact the Risk Management Department. If your condition requires you to leave your job, you must present an authorized written statement from a physician when you return to work, stating that you are well and able to resume your job. This statement must be presented to your supervisor before you are allowed to return to work, and it is subject to verification by our Town's physician or designee, at the Town's expense, if we so choose.

In order to help prevent accidents, it is your duty to report immediately to your supervisor, any

condition that you believe is unsafe or unhealthy.

3.21 EMPLOYEE IDENTIFICATION BADGES

You will be issued an identification badge upon your employment with the Town by the Human Resource Office in City Hall or the Police Department's HR Coordinator in the Public Safety Building. You must use this badge which contains your photograph, name, and department, to gain access to the designated employee entrance areas on all job sites, to other Town facilities and for free bus transportation.

Although you will keep the badge while you work here, it remains Town property and it is returnable upon demand, as is all other Town property that you may be issued. If you lose your badge, you will be issued a new one as approved by your department/division head/supervisor.

3.22 PERSONAL PROPERTY

The Town of Ocean City does not accept responsibility for your personal property. We urge all employees to leave valuables at home. If you lose anything or you find anything of value, see your supervisor.

3.23 I-9 FORMS

Federal law requires that we have properly completed I-9 forms on file for every employee hired after November 6, 1986. Federal law also requires that we verify the continued work eligibility of employees who have only a time-limited work authorization on or before the date their employment eligibility expires. The same documentation rules apply to re-verification efforts as to original I-9 compliance.

3.24 ACCESS TO PERSONNEL RECORDS

Employees have the right to review their official employment records, except that sworn police officers cannot view background investigative files. An access log must be completed before the review occurs and it must be conducted in the presence of the Human Resources Department at a time amenable to both. Employees may request copies of documents in their employment records; however, they are not permitted to alter, remove, add, or replace any document. The Human Resources Department may charge reasonable fees when requested to provide copies of all material contained in the official employment record, or when frequent requests for copies of materials are received from the same employee.

3.25 EMPLOYMENT CONFIRMATION, OUTSIDE INQUIRIES

Inquiries from outside interests (credit checks, confirmation of employment, etc) shall only be answered by the Human Resources Office. The Human Resources Office shall continue the practice of only confirming position, salary, and dates of employment.

It is your responsibility to keep the personal information in your personnel record, except salary, up-to-date. Changes may have a direct bearing upon your employment or your benefits. Therefore, the Human Resources Office must be notified promptly when you have any changes to be made in your record such as:

- Name.
- Address and telephone number.

- Marital status.
- Dependents.
- Insurance beneficiary.
- Tax withholding information.
- Person to be notified in case of emergency.
- Completion of any educational or training courses.
- Any award or letters of commendation.
- Driver's license status.

4.0 YOUR EMPLOYEE BENEFITS

In addition to the regular pay check you receive for working for the Town of Ocean City, the Town offers numerous benefits, services and conveniences to help provide protection and assistance for you and your family. The value you receive from these benefits and services is really an additional paycheck provided by the Town with a value of nearly one-third your base pay.

Our insurance, pension and other plan benefits are discussed in more detail in separate booklets, and in the formal contracts and other plan documents. In the event there is any question or conflict in language or interpretation between those booklets and documents, in relation to the provisions of this Handbook, the terms of the actual contracts and other plan documents will have control over the summaries in this Handbook. It is further understood that nothing in any of the benefits plans summarized in this Section will be considered a waiver of the Town's Standards of Attendance as stated in Section 7 of this Handbook.

Following are some of the highlights of the Town's employee benefits program, and a number of other services and conveniences the Town offers in recognition of your value to our organization.

4.1 SECTION 125 - IRS CODE DEDUCTION OPTION

The Town of Ocean City has adopted a cafeteria plan under Section 125 of the Internal Revenue Code of 1986, which allows eligible employees to pay benefit costs on a pre-tax or after-tax basis. Benefits could include health care, childcare, elder care, various forms of insurance, and pension plan contributions.

On a pre-tax basis, the benefit cost is equal to a salary reduction and is not considered compensation. As such, the salary reduction is not subject to Social Security, Medicare or income taxes.

If the employee selects to pay the benefit costs on an after-tax basis, the amount is included in gross income, and the deduction is made after applicable taxes have been deducted.

4.2 PAYROLL DEDUCTIONS

The following items are authorized by law and are automatically deducted from each payroll check:

- Social Security
- Court Ordered Deductions
- Federal Income Tax
- Medicare
- State and County Income Tax
- Pension Plan Contributions

Only you may authorize, in writing, other voluntary deductions for such purposes as:

- State Employee Credit Union (SECU);
- Health, Dental, Vision and Supplemental Life Insurance coverage;
- ICMA Deferred compensation;
- United Way contributions;
- Uniform Service and/or safety shoes;
- Medically authorized weight-loss program;
- Other deductions you may authorize.

4.3 HEALTH INSURANCE

The Town of Ocean City offers a group health insurance protection package on a three-tier basis to all full-time employees and their eligible dependents.

Employees have the option to participate in this premium, co-share package. Premium co-share for this insurance package is required in order for coverage to become effective the first day of employment.

The Human Resources Office provides each full-time employee with booklets describing the benefits during the New Employee Orientation process.

Employees who retire from the Town may be eligible for Retiree Health Insurance if they meet the criteria established by the pension plans and Town Ordinance(s).

Employees in full-time status who separate, who are not eligible or choose not to retire from employment, who also have served fifteen (15) years or more, are eligible to continue in the Town's health insurance plan at the full premium cost pursuant to Resolution 1986 – 10.

4.4 LIFE INSURANCE

The Town of Ocean City provides life insurance coverage for all full-time employees beginning on their first day of work. Employees with less than 12 months service are insured for \$5,000.00 and an additional \$5,000.00 in the event of an accidental death and/or dismemberment. Additionally, spouses and children are automatically insured for \$2,000.00 and \$1,000.00 of insurance coverage respectively. Accelerated life option is included. Employees with 12 or more months of service are insured for twice their annual salary plus an additional annual salary in the event of accidental death and/or dismemberment. Employees may convert their group policy to an individual policy within 30 days of separation from employment.

Note: Supplemental life insurance is available to full-time employees and their dependents at their own

cost. Full details are available from the Human Resources Department.

4.5 HEALTH LEAVE

All regular full-time employees are eligible for disability benefits due to personal illness or personal non-job related injuries. All premiums for this coverage are fully paid by the Town of Ocean City.

1. Sick Days: Eight (8) hours of leave earned per month beginning one month after hire date. These days are to be used for occasional personal illnesses and injuries - not work-related. Sick hours are accumulated from year to year with a usable maximum not exceeding 240 hours; all hours accumulated beyond the maximum will be converted for employee pension benefit, at the rate of 22 days (176 hours) equal to one (1) month of service.
2. Sick Leave: Coverage for extended periods in excess of two days for illness or injury-related reasons while under the direct care of a licensed physician, requires a physician's statement. Absences of long duration or those absences which would exhaust the employee's accrued sick hours, require a completed Leave of Absence Form which must be submitted with a physician's note, indicating diagnosis and prognosis. Re-certifications are required every 30 days. Family and Medical Leave (FML) will be declared to run concurrently with an absence and/or 'light /restricted duty' assignment in this category. The Town applies the method recognized by the Department of Labor

described as the “rolling twelve (12) month period.” The Town expects each employee who is released from the physician’s care to return to work promptly.

3. Short Term Disability:: Coverage is available to full-time employees who apply and qualify based on medical documentation. Benefit is determined by years of service. Benefits range from 100% to 60% of pay. This program is for non-work-related illnesses. Family and Medical Leave (FML) will be declared to run concurrently with absence and/or ‘light duty’ assignment in this category. Full details are available upon request.

4. Long Term Disability: Coverage for continuing periods of absence greater than 180 days when the employee is certified as disabled by the attending physician. This benefit provides a monthly payment equal to 60% of the employee’s base monthly earnings, up to a maximum monthly benefit of \$6,000. Other benefits/income may reduce the program’s monthly benefit. Applications are completed during New Employee Orientation in the Human Resources Department.

TOWN OF OCEAN CITY
CONTINUOUS DISABILITY PROGRAM

YEARS OF SERVICE	SHORT TERM	LONG TERM
Less than 1	Accrued sick days	None.
1 to 5	*Accrued sick days plus 100% for one month, 60% for balance up to 180 days.	Monthly equal to 60% of monthly earnings less family social security, pension, worker's compensation benefits and/or other disability benefits up to a maximum
6 to 10	Accrued sick days plus 100% for 2 months, 60% for balance up to 180 days.	monthly benefit of \$6,000.00, effective the 181 st day of continuous disability as certified by an attending physician.
11 to 19	Accrued sick days plus 100% for 4 months, 60% for balance up to 180 days.	
20 and over	Accrued sick days plus 100% for balance up to 180 days.	

*Maximum of 30 earned sick days (240 hours)

See long term disability Evidence of Coverage booklet for length of disablement benefits.

NOTE:

- Disability pay is for occurrences not work-related.
- Disability pay will be paid for FMLA situations where applicable.
- When hospitalized or otherwise disabled and absence is medically determined to be a longer term, Town's Leave of Absence Form must be completed and submitted to Human Resources immediately to ensure continuation of benefits.

4.6 LIFE THREATENING ILLNESSES

Generally, employees having infectious diseases, including AIDS or AIDS-related complex (ARC), will be treated in a manner consistent with other medically disabling conditions, as determined by the Town. The terms of the Town's sickness and attendance policies and health insurance will apply, with respect to lost work time and medical costs and benefits. Our employee assistance program may also be available, in the event that the Town determines counseling is needed.

When, in the opinion of the Town's medical advisor, the disease is of a type which does not present a risk of transmission to others, then the infected employee will be permitted to work, so long as the Town determines that he or she remains qualified to perform the job, with reasonable accommodation, in accordance with applicable law. The Town reserves the right, however, to the extent permitted by law, to require such employee to submit to a medical examination by a medical advisor selected by the Town, to certify that the employee should or should not continue to work, in the interest of safe and healthy working conditions for all personnel and the general welfare of the Town. The

Town of Ocean City recognizes that medical information is personal and confidential and will take all reasonable steps to ensure confidentiality.

4.7 ACCRUED BENEFITS DONOR PROGRAM

The Accrued Benefits Donor Program provides a means for full-time employees to “donate” a portion of his/her accrued leave time to the file of another full-time employee, when the “recipient” has exhausted all of his/her own accruals, including their short term disability benefits and has been diagnosed with a life-threatening or other emergency condition that is covered by the Family and Medical Leave Act (FMLA). The application form and additional information are available upon request from the Human Resources Department

4.8 EMPLOYEE PENSION PLANS

The Town of Ocean City has established Pension Plans for both General and Public Safety full-time employees that are financed by the Town and employee contributions, to provide a guaranteed retirement benefit. All new, full-time employees will be provided with a current Summary Plan Description (SPD) on their first day of full time employment, which will explain the basic elements of their plan. They will be enrolled in the appropriate Plan on their first day of eligibility. All employees are required to make a pre-tax contribution to their respective pension plan for the length of time required by their plan.

Sick leave hour balances will be applied to employee’s pension plan for service credit at the rate of 22 days (176 hours) equal to one (1) month of service.

Employees planning to retire should notify the City Clerk and the Human Resources Office at least 60 days in advance of their intended retirement date. The City Clerk will coordinate the procedures involved in your retirement. Full information describing these benefits is available in the City Clerk's office.

4.9 DEFERRED COMPENSATION/EMPLOYER MATCH CONTRIBUTION

Full-time employees are eligible to enroll in the ICMA Retirement Corporation Deferred Compensation Plan through payroll deductions to supplement their retirement income. Participating employees may defer a portion of their income as established by the Internal Revenue Service. This deferred income is deposited into a fund account and invested, according to the investment choices selected by the employee. Income taxes are deferred until the employee receives funds from their account.

The Town will contribute up to a pre-determined annual maximum to each employee's active deferred compensation account. This Deferred Compensation Match Program amount is reviewed annually.

The Human Resources Department can provide a packet describing the Deferred Compensation Plan.

4.10 WORKERS' COMPENSATION

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 Maryland Workers' Compensation Act. The Town of Ocean City pays all costs of providing this insurance protection. To file a workers' compensation claim, you must:

- Report any injury to your superior immediately after occurrence. The department/division head or supervisor must complete the First Report of Injury or Accident Form, and the Supervisor's Investigation Report, and forward both immediately to the Risk Management Department.
- Contact the Risk Management Department for medical treatment authorization and additional information.

4.11 UNEMPLOYMENT COMPENSATION

The Town of Ocean City contributes, under the State Unemployment Compensation Act, to insurance funds that may provide you with income in the event you become laid off and unemployed through no fault of your own. As an employee, you pay no part of the fund that provides you with this benefit. The entire cost for this protection is paid by the Town.

4.12 SOCIAL SECURITY & MEDICARE

Social Security and Medicare is a benefit to all employees, with responsibility of contributions shared equally by the Town and you as an employee. Your share is deducted from your wages each pay period. The Town makes an equal contribution and sends the total (employer and employee) payment to the District Director of Internal Revenue Service. Social Security and Medicare payments made by the Town are not subject to Federal or State Income Tax by the employee.

4.13 BLOOD BANK

The Town of Ocean City is a group member of the Blood Bank of the Eastern Shore, Inc., and pays the annual dues for each full-time employee who joins the Blood Bank. Your only obligation is to donate a pint of blood when notified, or have someone else donate for you, or send in a required payment. Donation of blood is preferred. Your membership will guarantee unlimited amounts of blood for you and your dependents should the need arise. The Town strongly encourages all employees to join this “Neighbor-helping-Neighbor” plan.

Retirees, who are fully vested in the pension plan, remain active as a group participating member of the Blood Bank, as long as their membership is not interrupted.

Enrollment forms are available from the Human Resources Office

4.14 AMBULANCE SERVICE

The Town of Ocean City provides ambulance service at no out-of-pocket cost to full-time employees and dependents of record when service is within or from the response district.

4.15 BUS SERVICE

Bus service is available at no cost to ALL employees if they present their Town of Ocean City Employment Identification (I.D.) card.

4.16 CREDIT UNION

All full-time employees and members of their immediate family are eligible to join the State Employees Credit Union. It is an independent, autonomous and employee-controlled savings and lending institution. The Town of Ocean City has no role in the Credit Union's management or decisions. We therefore assume no responsibility or liability for any of its acts or omissions.

Membership applications and additional information is available from the Human Resources Department. Employee may retain membership for self and family members after separation of employment.

4.17 UNIFORMS

With the exception of uniformed Public Safety employees, if your job requires a uniform, the Town of Ocean City will provide a uniform service, which will launder and maintain them. The cost for this service may be shared by the Town and the employee. Upon separation from the Town for any reason, all uniforms must be returned or a deduction for the value of the uniform will be taken from your final paycheck. Your supervisor will inform you if this affects you.

All employees who participate in this co-share uniform program must sign an authorization for payroll deduction before uniform cost is deducted from any paycheck.

4.18 EMPLOYEE RECREATIONAL ACTIVITIES

A variety of voluntary recreational, social, and athletic functions are supported by the Town from time to time at its discretion, for the benefit of our employees. Financial support for these programs may be supplied by the Town. The Town of Ocean City is not responsible for injuries or accidents resulting from your participation in any of these voluntary activities.

5.0 TIME OFF FROM WORK

We hope that the provisions in this Section of the Handbook will provide periods of rest and recreation for you and your family.

5.1 PAID VACATION

All full-time employees in the Town of Ocean City are eligible for a paid vacation. We believe that all employees need a period for rest and recreation. We encourage you to make full use of our Vacation Plan and all of the vacation hours to which you are entitled each year.

Vacation hour accrual rates for full-time employees, based on years of service, is earned each pay period as follows:

Length of Service:	Earning Rate	Annually:
Beginning employment, but less than 5 years	3.08 hours	10 days
5 th year but less than 10 th year	4.62 hours	15 days
10 th year but less than 20 th year	6.15 hours	20 days
20 years or more;	7.69 hours	25 days

On your vacation earnings anniversary date, you may carry over 80 hours into your new year. This would be in addition to your accrual earnings level which is based on your years of service.

Your vacation must be scheduled and approved in advance by your Supervisor. Approval of vacation at a particular time may be denied by your Supervisor

due to operational needs.

If a designated holiday is observed during your vacation period, the holiday can be used or you may accrue it for later use. When using vacation time off and you experience an illness or disability, a physician's note may be provided to qualify for sick hours, and your vacation hours will be reinstated.

If your employment with the Town is terminated, you will receive pay in lieu of any unused vacation hours.

Note: Use of vacation hours between Memorial Day and Labor Day must be approved by the City Manager except for sworn police officers.

5.2 PAID HOLIDAYS

Full time Classified City employees are granted the following holidays off with pay (one holiday equals eight (8) hours):

New Year's Day	Martin L. King's Birthday
Presidents' Day	Memorial Day
July Fourth	Labor Day
Columbus Day	Veterans' Day
Thanksgiving Day (2 days)	Christmas (2 days)

All non-exempt employees who work on Thanksgiving Day, Christmas Day or New Year's Day will be paid at the rate of time and one-half. All exempt employees will earn compensatory time at the rate of time and one-half.

An employee who works on a City holiday other than Thanksgiving Day, Christmas Day or New Year's Day will be paid at straight time, and will be given an alternate day off for the holiday. Holiday hours are available for use through the last day of each calendar year. A maximum of forty (40) hours

holiday time can be carried over into the next calendar year.

In order to be eligible for holiday pay, an employee must work or have paid leave applied to the day before and the day after the paid holiday hours. If sick hours are used the day before and/or the day after the paid holiday, a medical excuse will be required in order to be paid the holiday hours. If a holiday occurs while an employee is on authorized sick leave, the time will be counted as sick leave and the holiday hours can be accrued or paid out during the respective sick leave period.

If the employee is on authorized Family-Medical Leave, the holiday hours “for leave purposes” will be available after the respective Family-Medical Leave period.

The balance of all unused holiday hours will be paid out upon separation of employment.

5.3 PERSONAL LEAVE

Full-time employees are granted sixteen (16) paid personal hours each calendar year. Personal hours may be used by employees for any personal issue on an unscheduled basis, subject only to the following requirements:

1. Sixteen (16) hours of personal time will be credited to each employee’s account on January 1st. New employees in active, full-time status will receive pro-rated hours during the first year of employment, based on month of hire.
2. These hours are available for use through the last day of each calendar year. Hours not used by the last day of the calendar year will be lost. Personal hours used are not considered work time and do not count

- towards overtime calculations.
3. Personal hours used must be coded as personal hours (PH) on the time sheet for each pay period the hours are taken, to ensure correct record keeping.
 4. The balance of all unused personal hours will be paid out upon separation of employment.

5.4 BEREAVEMENT LEAVE

The Town of Ocean City recognizes the problems involved when a death occurs in an employee's immediate family. Bereavement Leave with pay may be granted for up to three (3) consecutive work days, or four (4) consecutive work days if the funeral is more than 200 miles, one way from Ocean City, ending no later than the day after burial. To be eligible, the employee must have been scheduled to work. Immediate family includes employee's spouse, children, parents, brother, sister, grandparents, grandchildren, legal guardian, current parents-in-law, current grandparents-in-law, current brothers-in-law, current sisters-in-law. Absences in excess of the three (3) days or four (4) days will be charged against other accrued leave time.

5.5 CIVIL LEAVE - COURT DUTY

Full-time employees are eligible for paid Civil Leave for certain court duty.

Jury Duty: Employee is paid for regularly scheduled work time served as a juror. Fees received for jury duty must be returned to the City.

Witness Duty (non Work-related): Employees subpoenaed to appear as a witness can take annual

leave or compensatory time (if earned).

Time spent on official City duty in court is considered worked time and Civil Leave does not apply.

5.6 CIVIL LEAVE - VOTING PRIVILEGE

An employee who is registered to vote may be excused from work for a reasonable amount of time for the purpose of voting, when approved by the Department Head.

5.7 FAMILY AND MEDICAL LEAVE

It is the policy of the Town to grant periods of unpaid leave to employees who request time off for family or medical reasons, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The eligibility criteria and general guidelines used in administering this policy are set forth below:

Covered employees: To be eligible for leave under the FMLA, you must have been employed for at least twelve months, whether consecutive or intermittent, and worked at least 1,250 hours during the twelve month period preceding the leave.

Reasons for Leave: You may request leave under the FMLA for the following events: birth of a child; placement of a child with you for adoption or foster care; time needed to care for a spouse, child or parent with a serious health condition; or you are unable to perform your job due to your own serious health condition. For purposes of this policy, a serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing

treatment by a health care provider.

Length of Leave: Leave under the FMLA is limited to a total of twelve work weeks during a twelve-month period. In determining your entitlement to FMLA, we will consider the twelve-month period preceding the date the leave is to be used. The Town applies the method described by the Department of Labor as the 'rolling twelve (12) month' period. Leave taken to care for a sick family member, or because of your own serious health condition, may be taken intermittently or on a reduced work schedule when medically necessary and supported by certification from your doctor or other health care professional. In such a situation, however, you may be transferred temporarily to a position, which, at the discretion of the Town, better accommodates the leave schedule but is equivalent in pay and benefits to the position held prior to the leave. FMLA leave taken for the birth of a child, or for the placement of a child for adoption or foster care, must be taken as a single block of time, unless otherwise agreed to by the Town. Eligibility for such leave ends twelve months after the date of birth or placement. If both parents are employed by the Town, they will be 'jointly' entitled to a 'combined' total of 12 workweeks of Family and Medical Leave.

Pay Status During Leave: Your pay status during a period of leave under the FMLA will depend on the reason for the leave, the length of the leave and the amount of accrued earnings available. You may use the time you have available to cover all or a portion of your absence in accordance with applicable policy, and you will receive full pay until your available paid leave or donated accrued leave is exhausted. If appropriate, you may be paid short term

disability benefits during the leave. Once your paid leave and /or donated accrued leave benefits are exhausted, you will be in unpaid status during the remainder of the leave. Sick, compensatory and holiday time will not accrue during any period for which you are receiving short term disability benefits or are in unpaid status.

Notice Required: If the need for leave is foreseeable, you must notify us at least thirty days prior to the date the leave is to begin. If the need is not foreseeable, you should provide as much notice as possible. The request for leave should be made in writing and include the reason for the leave and amount of time required. If the leave is needed because of a serious health condition, whether yours or that of a family member, you will be required to provide us with a health care provider's certification to support the need for the leave. In the case of leave taken because of your own serious condition, certification of your ability to return to work will also be required. The City requires re-certification from employees on FMLA every thirty (30) days unless it has reason to require certification more frequently.

Effects on Benefits and Employment: Coverage under our health plan will continue as though you were working during any period that you are on FMLA leave. You will be required to continue payment of any cost associated with insurance while on this leave. Coverage under the Town's life and long-term disability policies will be continued, in accordance with the provisions depicted in our Evidence of Coverage Documents. Should you fail to return to work after the expiration of your leave, you may, depending on the circumstances, be required to refund to the Town any insurance premiums paid on your behalf during the leave.

Upon return to work from leave under the FMLA, you will be placed in the position you held prior to the leave or in one which, in the Town's judgment, is equivalent in pay, benefits and other conditions and terms of employment to that held prior to the leave. If you are considered a key employee under the FMLA, however, we are unable to guarantee reinstatement.

The provisions set forth above are a brief summary of the entitlements and requirements of FMLA. It is our intention to administer the policy in a manner consistent with regulations issued by the Secretary of Labor. Questions regarding the FMLA should be directed to your supervisor or the Director of Human Resources.

5.8 PAID SICK LEAVE

Full-time employees earn 96 hours of sick leave each calendar year which are accrued at the rate of one (1) eight-hour (8) day per month of employment not to exceed a usable maximum of 240 hours. Sick leave time may be taken in increments and is intended to be used for personal illnesses and injury.

Leave must be requested by the employee in writing, and approved by the supervisor and include an adequate medical explanation from the attending physician except in situations which, in the Town's judgment, constitute an unexpected illness that would preclude such notice.

In cases of extended absence, re-certification of the continuing illness is required from the attending physician every thirty (30) days.

Upon approval, all leaves of absence will be certified under the Family and Medical Leave Act (FMLA) as well, and the two will run concurrently. The Town of Ocean City applies the method recognized by Department of Labor described as the

'rolling twelve (12) month' period. It is the Town's expectation that employees will quickly return to productive employment, including light duty if available, immediately after release by their attending physician. All full-time employees out on disability or on 'light/restricted duty status' for six (6) months or more, will be eligible to continue their health insurance at their own expense. Health benefit coverage would be extended should the employee be eligible and receive donated hours through the Town's Accrued Benefit Donor Program. All full-time benefits will cease due to full-time status ending, when caused by the employee's inability to return to full-time work, and/or inability to perform all of the essential functions of the job assignment due to continuing illness or injury, which is confirmed by a physician.

Sick leave accrued and intended to be available in time of need will not be cashed out upon employment termination with the Town. Sick leave hour balances will be applied to employee's pension plan for service credit at the rate of 22 days (176 hours) equal to one (1) month of service. (See pension Plan Section 4.8)

5.9 MILITARY LEAVE

Any full-time or part-time employee who voluntarily or involuntarily enters active duty in the Armed Forces, will be entitled to re-employment rights as stipulated under the Uniformed Services Employment and Re-employment Rights Act (USERRA), 38 U.S.C.S. §§ 4301. Employees are requested to provide us adequate notice of an approaching absence, in accordance with USERRA.

The Town of Ocean City provides a full-time employee ten (10) days (80 hours) of paid military leave for training purposes each calendar year. The

employee must provide a copy of Training Orders to their Department Head as soon as they receive the official notification.

The Town of Ocean City will pay employees who are called to active duty the difference between their military pay and their Town wages. The benefits including accruals, pension and insurance coverage will remain intact as though employee was actively at work rather than on active duty. All insurance coverages are subject to the standard policy contract provisions, including any applicable war exclusions.

6.0 YOUR CAREER DEVELOPMENT

Continued training and development in your job can be beneficial both to you and the Town, but you must show the initiative and desire to move ahead in your work life.

6.1 EDUCATIONAL ASSISTANCE

In order to improve your ability to progress, the Town of Ocean City will refund one-half of the approved educational tuition amount up to \$1,500 each calendar year paid by any regular full-time employee, who has been employed continuously by the Town for six (6) months or more.

Your application for coverage must be submitted on a tuition approval form available from the Human Resources Department, including evidence of payment for the course and must be approved by your Department Head at least two (2) weeks prior to class beginning. To receive approval, the course of study must, in the Town's judgment, be of good quality, from an accredited educational institution and relate to your present position, and/or provide attainable skills for career mobility within the Town.

Upon completion of the course, you must submit to the Director of Human Resources your report of grades containing evidence of satisfactory completion of the course. You must be actively employed by the Town on a full-time basis for at least one (1) year after the completion of the course or be responsible for reimbursing the Town the full amount. The amount of reimbursement for which you are eligible will be reduced by the amount of any governmental educational assistance or scholarship you receive.

Department Heads may also approve full-time,

part-time, or temporary employees to attend short-term workshops, seminars and other non-credit courses to acquire additional skills and knowledge to enhance their performance directly related to their duties. Program costs may be paid out of the respective department operating budget.

6.2 PERFORMANCE REVIEWS

All full-time classified employees other than Department Heads, will be evaluated every six (6) months. Department Heads will be evaluated annually. The review includes your job performance, a discussion of your work-related concerns and your career goals. We also want to identify and discuss your strong points as well as areas that need improvement. Moreover, we will take into consideration the results of your job performance evaluations when making our decisions on pay increases.

Performance appraisals of full-time employees occur in early April and October each year. Department Heads are evaluated annually in January. Performance reviews may be conducted more or less frequently, at any time, however, depending on management's judgment of circumstances and its business needs.

Your performance will be rated by the Town in its discretion as either satisfactory or unsatisfactory. Our performance appraisal form provides a space for you to make your own comments about your evaluation, although the Town's appraisal and evaluation is binding on you as a condition of your employment.

6.3 JOB BIDDING, PROMOTIONS AND TRANSFERS

Promotion from within is the Town's policy whenever it is appropriate to do so at our discretion. We normally use a job posting notice in all City Departments to inform employees of classified positions that are open and available.

Except for Department Head positions, when a vacancy (other than temporary) or a new regular job opening occurs and the Town deems it necessary to fill such vacancy, we will usually post a notice of such job opening for a period of not more than ten (10) consecutive calendar days. The posting period may vary, however, depending upon the urgency of our need to fill the open position as designated in the notice.

If you desire to be considered, submit a Town Employment application to our Human Resources Department within the time specified in the notice. The Town will review and give consideration to the comparative ability, training, attendance, work performance, length of Town service (seniority), and other factors and qualifications we deem relevant, as they relate to all candidates before making our selection, at our discretion, of the successful applicant for the job opening.

If you bid successfully on the job opening and accept the job offer, you must serve a trial period of twelve (12) months. If we later decide that you, as the successful bidder cannot perform the job satisfactorily, you may be returned to your former job or another job which the Town determines you are qualified to perform, if one is available, at the Town's discretion. Other actions that may be taken by the Town are described as follows:

1. Promotion - movement from one job

- classification to another with a higher salary grade. The promoted person will receive at least a 5.0% increase in the new grade.
2. Transfer - voluntary movement from one job class to another in the same grade. The person must serve a twelve (12) month probation in the new position.
 3. Reassignment - initiated by either the department head or City Manager, these are movements of incumbents in positions within or between departments, to improve efficiency, budget requests or other reasons as determined by management.
 4. Demotion - moving to a position in a lower salary grade. If voluntary, will be assigned to salary range for new position. If position is reclassified, individual's salary may be maintained in new grade. If individual's salary is beyond the new grade's maximum, person's salary will remain same until grade range catches up.

6.4 RE-EMPLOYMENT

An employee who resigns in good standing will be considered reinstated and not suffer a break in service, if he or she is rehired within thirty (30) days of termination.

An employee who terminates in good standing shall be considered for rehire. Thirty (30) days after termination in good standing, a break in service will have occurred and if rehired the employee will be placed in probationary status.

6.5 ACHIEVEMENT COMPENSATION 4 EXCELLENCE POLICY

The Town's ACE (Achievement Compensation 4 Excellence) program is a way the Town can recognize consistently outstanding performance by members of the staff at all levels. This allows recognition and rewarding of superior employee performance through the approval and awarding of merit increases. A written discussion of the employee's performance will be supported by this evaluation form and other attachments that speak of the person's clearly outstanding contributions to the Town. The City Manager may then approve an increase determined by the employee's position in the assigned grade range.

This monetary form of meritorious recognition would be effective on regular annual increment dates. ACE forms include instructions and are available in the Human Resources Department.

6.6 SERVICE AWARDS

The Town believes that one of our most valuable assets is the loyal service of its employees. In recognition and appreciation of this service, awards for each five (5) years of continuous employment with the Town are made to employees at our Annual Awards Luncheon. We hope that as you achieve each fifth anniversary, your selection and the presentation of this award and accompanying certificate will provide you with enjoyment and will remind you of your career with the Town of Ocean City.

6.7 WORK REDUCTIONS

Although the Town strives to maintain work for all Town of Ocean City employees, there may be situations where we determine that it is necessary to reduce our work force. Before making a final decision as to which employees are affected, Town management will give consideration to comparative ability, training, work performance, length of service (seniority), needs of the business and other factors and qualifications we deem relevant, in our discretion and judgment.

6.8 EMPLOYMENT TERMINATION

Voluntary

Every organization must plan its future personnel needs if it is to operate efficiently. Should you decide to leave the Town of Ocean City, notify your Supervisor at least two (2) weeks in advance of your final day of work. Failure to report for work three (3) consecutive days will be viewed as voluntary termination. Also, an employee who verbally quits and walks off the job will be seen to have voluntarily terminated.

Employees who voluntarily terminate their employment without notice, will not be eligible for re-employment.

Involuntary

Can be in the form of:

1. Failing probation, whether it is initial or after transfer or promotion, after reasonable attempts to correct, train and counsel inadequate performance.
2. Lay off, reduced funding, reorganization or changed work loads. In these cases, there may be cause for temporary, then full-time

probationary employees to be released before full-time employees based on their service time, relevant qualifications and performance evaluations.

3. Continuing poor performance after remediation attempts.

On your last day worked, you must return all Town property charged to you such as tools, books, equipment and other items. Clearing yourself of these personal account liabilities will expedite disbursing your final paycheck. Remember that you must continue to protect confidential and proprietary Town information, if applicable, even after you leave the Town.

Before you depart, your supervisor or the Director of Human Resources may conduct an exit interview with you. They will welcome your frank opinion on how we can improve our Town.

The Town of Ocean City provides all eligible terminating employees the opportunity to continue their health insurance under the federal mandate Consolidated Omnibus Budget Reconciliation Act (COBRA).

Full-time employees who separate from employment after fifteen (15) years of service or more are eligible to continue their health insurance coverage under Resolution 1986 – 10 as discussed in Section 4.3.

6.9 EMPLOYMENT TESTING

Whenever appropriate in the Town's discretion and in accordance with applicable laws, the Town of Ocean City may authorize written and/or performance (competency) tests including job-related skills, physical agility or other types of tests, singly or in groups, as circumstances warrant. Employees should follow all appropriate testing procedures. You are encouraged to discuss these matters further with your supervisor.

7.0 PROGRESSIVE DISCIPLINE

Whenever a group of people work together, there must be standards of conduct and attendance for common guidance and efficiency. It is impossible to define in detail every standard for every circumstance, and the Town of Ocean City tries to keep rules to a necessary minimum. We hope that your common sense will guide you as to the proper thing to do in most cases, so we have listed only a few specifics regarding what we expect from you. This should not be regarded as an all-inclusive list of our expectations or standards and may be amended by Town of Ocean City officials.

If you have any questions about these standards of conduct, performance and attendance, or about what to do or not to do in a situation, please contact your supervisor.

Obviously when employee misconduct or continuing poor performance occurs, measures must be undertaken to correct the situation and to curtail further occurrences, for the good of us all. The approach we take to discipline may vary depending on our discretion in such things as the gravity of the offense, the circumstances under which it occurred, your duties, your length of service (seniority) with the Town, and your overall work record, including any prior misconduct. In order of severity, discipline can take one of the following forms:

1. Oral Reprimand.
2. Written Reprimand.
3. Suspension from work without pay for the remainder of a work day by the immediate supervisor or up to five consecutive work days, can be authorized by department/division heads after the Human

Resources Director has approved the action. Suspensions issued by a supervisor or department/division head, may be appealed directly to the City Manager. Suspensions initiated or lengthened by the City Manager may be appealed directly to the Grievance Committee.

4. Suspension without pay pending investigation of charges or trial.
5. Denial of Anniversary Increment or Demotion when discharge not warranted by infraction or performance.
6. Dismissal preceded by at least a five (5) day suspension after approval by the Human Resources Director and City Manager. Will be given a written notification and may appeal to Grievance Committee. The suspension may be unpaid if it is a disciplinary matter or paid if it is performance based. The final decision will be determined by the department head and City Manager.

Keep in mind that the Town of Ocean City has no obligation to use any one or more of these forms of discipline prior to discharging an employee. Any or all of these steps may be omitted, as the Town deems appropriate in its discretion. Moreover, by establishing this disciplinary procedure, the Town is not relinquishing nor limiting its managerial right to discharge for any reason at all, at any time, with or without notice.

The use of progressive discipline as a pre-condition to termination thus is discretionary, in the Town's judgment. The Town's decision in every case is final and binding on all concerned, including the disciplined employee and all other persons or entities involved in any way, directly or indirectly.

If you do receive the benefit of any of these methods of constructive counseling, however, be sure to take advantage of the opportunity to learn and improve.

7.1 BE HEALTH AND SAFETY CONSCIOUS

The Town of Ocean City is vitally interested in the health and safety of each employee, which is your concern as well. Observe and obey our safety rules. Report promptly to your supervisor any condition, which you believe is unsafe or unhealthy, and any on-the-job or work-related injury. Safety practices, which the Town expects you to follow, include but are not limited to the following:

1. Wear hard hats, respirators, safety glasses, safety gloves, safety shoes, ear protection and other protective clothing or devices as directed by your Supervisor.
2. Learn how to lift properly. Bend your knees and keep your back erect. Get help for heavy loads.
3. Make sure that safety guards and other protective devices are in place on power equipment when it is in operation.
4. Make certain that ladders are in good condition, firmly placed, and secure. Have both hands free when going up or down.
5. Care for hand tools properly. Always stop machinery before cleaning or maintaining it.
6. Make sure that all power tools and other electrical devices are properly grounded before using.
7. Do not take riders, speed, hot rod, or use a vehicle for any purpose other than performing your job. Make certain you know what is behind your vehicle before

- backing up. Get out and look, if necessary.
8. Do not throw or drop anything from a high place without warning persons below.
 9. In case of fire, you must sound the alarm and assist with evacuation before fighting the fire.
 10. Do not leave tools, equipment, or other items where someone might trip or fall over them.
 11. Pile and un-pile materials carefully. Keep all work and storage areas neat, clean and orderly. Good housekeeping prevents careless accidents.
 12. Use warning signs such as Danger, Watch Your Step, Caution, Working Overhead and Wet Paint as needed.
 13. Follow the Town's hazard communication guidelines for handling any hazardous substances in the workplace.

Additional health and safety information can be found in the Town's current Health and Safety Manual.

7.2 BE ALERT TO SECURITY

Our construction sites, facilities, premises and other installations contain valuable machinery, equipment, furnishings, merchandise and other property. It is important in order to protect your job and the jobs of everyone employed by the Town of Ocean City that all employees pay close attention to the security of Town facilities as well as all other property. Notify your supervisor immediately if you see any suspicious or illegal activity of any kind, including the presence of strangers on our job sites or other Town premises.

7.3 OBSERVE OUR RULES ON WORKPLACE SMOKING

The Town observes all current State ordinances concerning smoking. Since all Town-owned buildings are public facilities, smoking is not permitted in any City-owned structure. Smoking is only permitted in City-owned vehicles that are assigned to a single person and only when there are no passengers. It is never permitted in City-owned pool cars. Numerous facilities have identified outside areas where the practice is permitted. Smokers should observe the applicable procedures in each location including clean up of their smoking litter.

7.4 REMEMBER COURTESY

We view service to our customers and business family as one of our most important responsibilities. You are expected to help us carry out this policy by extending every courtesy and all assistance necessary to residents, your fellow employees, and callers or visitors to the Resort. If someone asks you for assistance that you are unable to give, refer them to your supervisor or to the appropriate Town department.

7.5 BE AWARE OF YOUR PERSONAL APPEARANCE

Individual appearance is an important aspect of the Town's overall image, and each employee has a responsibility to be properly dressed at all times. Your common sense should lead you to practice good personal hygiene and to wear clean and neat clothing. Consult with your supervisor for the specific guidelines regarding personal appearance in your

work area.

7.6 RESPECT CONFIDENTIAL INFORMATION

Much information concerning the operation of the Town of Ocean City, its taxpayers, sub-contractors and employees is confidential in nature and should always be handled carefully. However, under the Maryland Public Information Act, certain information must be shared with the public when requested according to the procedure.

If you are not sure about whether particular information is available, refer your inquiry to your Department Head, the City Clerk or the Human Resources Director.

7.7 RESPECT OUR POLICIES ON E-MAIL, COMPUTERS AND OTHER COMMUNICATIONS EQUIPMENT

All communication systems including but not limited to Town of Ocean City provided phones, computers, e-mail, Internet access, fax machines, radios and similar business devices (PDAs, laptops, etc.) are the sole property of the Town. Any information transmitted by, received from, or stored in such equipment is the Town's property. Employees should only use these systems for legitimate business purposes to advance the Town's business interests. These systems must not be used to transmit or download solicitations or offensive, vulgar or otherwise disruptive messages or materials, including but not limited to those that oppose the Town's policies regarding Equal Employment Opportunity and Harassment.

The Town of Ocean City reserves the right to initially issue this equipment free of cost to the

employee. Should the equipment later require replacing due to the user's negligence, the employee will be charged an appropriate amount.

All messages and materials transmitted by, retrieved from or stored within the Town of Ocean City's business systems shall be regarded as non-personal, business communications. The Town reserves the right to monitor and intercept electronic or telephonic communications in the ordinary course of business and may monitor or copy communications in accordance with applicable law. Employees should not use passwords or retrieve any stored communications or files without prior authorization. Passwords are on loan to employees and, at all times, remain the property of the Town.

Employees found to have violated these policies shall be subject to disciplinary action, up to and including termination of employment. Expanded or related policy information can be found in the current Town of Ocean City's Computer Policy Manual.

7.8 RESTRICT PERSONAL PHONE CALLS

While personal phone calls on either City-owned or personal cell phones are permitted, they must be kept to a minimum. Calls should be made or received only when necessary and be as brief as possible. Personal long distance calls are not to be charged to the Town of Ocean City.

7.9 RESTRICT CONFLICTING OUTSIDE ACTIVITIES

In limiting employees' involvement in certain

outside activities, we are not attempting to interfere in your personal life but rather we want to protect the best interests of the Town and all of our personnel. We cannot permit you to pursue activities which, in the judgment of the Town, may be in conflict with the general welfare of the Town or have the appearance of impropriety, or which might otherwise damage the Town of Ocean City's reputation, or interfere with Town business or the proper performance of your duties.

Certain activities which obviously are not proper for employees include but are not limited to use of the Town's time, facilities or equipment to engage in another business or occupation and any outside activity which results in your losing time from work, being distracted from work or otherwise performing unsatisfactorily, or which could result in an appearance of conflict. You should consult with your supervisor or department head before engaging in any activity which might be covered by this policy.

7.10 AVOID CONFLICT OF INTEREST

You are expected to avoid any conflict between your personal interest and the interest of the Town of Ocean City in dealing with suppliers and all others seeking to do business with the Town. The responsibility for exercising care and discretion rests initially with you. If you are uncertain about whether a conflict exists, ask for the advice and guidance from your Supervisor.

7.11 OBEY OUR EMPLOYEE SOLICITATION AND DISTRIBUTION RULES

No employee may solicit another employee for any purpose while either employee is on work time. The distribution of handbills or other literature during work time or in working areas is forbidden.

Persons who are not employed by the Town of Ocean City are prohibited from soliciting any employee or distributing literature on Town job sites, premises or at employee work locations at any time.

7.12 EMPLOYEE CONDUCT

You should be aware that there are certain major offenses, which may result in an immediate penalty of probation or suspension prior to discharge. In other words if you commit a major offense, all or any part of our progressive counseling procedure may be omitted in the Town of Ocean City's discretion. For those sworn police personnel covered under the Law Enforcement Officer's Bill of Rights (Public Safety Article, Title 3, Subtitle 101-113), the exclusive remedy for all disciplinary actions shall be the guidelines set forth in the Law Enforcement Officer's Bill of Rights (LEOBR). The list below is intended to be a guide only, is not all inclusive and in no way limits management authority to discipline in a manner they deem to be appropriate. In order to avoid such severe consequences, follow simple common sense guides and avoid major offenses such as, but not limited to, the following:

1. Failure or refusal to carry out orders or instructions.
2. Unsatisfactory work performance.
3. Failure to fulfill the responsibilities of the job to an extent that might or does cause injury to a person, or damage to or loss of product, machinery, equipment, facilities, or other property of the Town.

4. Violation of a safety, fire prevention, health or security rule, policy or practice.
5. False, fraudulent, misleading or harmful statement, action or omission involving another employee, a customer, the Town or relations with the Town, or any action disloyal to the Town, or other offensive conduct toward the public or other employees such as to bring the city into public disrepute.
6. False, fraudulent, misleading or harmful statement, action or omission related to an employment application or any other information provided to or requested by the Town whether oral or written; or refusal or failure to timely provide such information.
7. Unauthorized use of, removal of, theft of or damage to the property of the Town, an employee, an independent contractor or a customer.
8. Threatened or actual physical violence.
9. The use of profane or abusive language.
10. Carrying any weapon or explosive while on Town business, job site premises or property without authorization from the Town, except as authorized under State law.
11. Violation of any of the provisions of the Town's Drug and Alcohol Abuse Policy as provided in this Section.
12. Organized gambling or disorderly or immoral conduct while on Town premises, job site or business.
13. Accepting or engaging in any outside employment without approval of the Department Head; conducting or attempting to conduct any outside business while on the Town's premises or business; accepting gifts in conflict with Section 48-4 of the Code of

- the Town of Ocean City; purchase goods or services for personal use by using the Town's name and/or tax exempt status.
14. Garnishments beyond the type and number protected by law.
 15. Chronic, habitual or excessive lateness or absenteeism of any type, early departure from work and/or other violation of the Town's Standards of Attendance as provided in this Section.
 16. Harassment of another employee of a sexual nature or otherwise, including but not limited to verbal or physical conduct, or unwelcome advances with regard to or on the basis of race, color, religion, creed, age, sex, national origin or disability. See separate expanded Policy Statement.
 17. An arrest, criminal complaint, summons to answer a criminal charge, statement of charges, indictment, criminal information, or any other criminal charge or conviction of an employee, depending on the particular circumstances and the offense charged, including but not limited to the Town's judgment as to the potential risk to safety or health of employees, the security of Town premises and property, and/or the Town's reputation.

7.13 COMPLY WITH OUR STANDARDS OF ATTENDANCE

It is your obligation to notify your supervisor as far in advance as possible of your scheduled work day

whenever you will be late or absent to state the reason for such lateness or absence, and to advise when you expect to return to work. If your supervisor is not available when you call, you must leave a message with the front office. The message should include a telephone number where you can be reached. If you are physically unable to make a personal call, you must have someone else call for you. A written medical excuse may be requested by the Town from the employee's doctor for any absence at the Town's discretion, and will always be requested for absences longer than two days in length. Obviously, following these steps does not excuse the absence.

No absence is automatically considered to be excused. Chronic, habitual or excessive absenteeism or lateness, as judged by the Town of Ocean City in its discretion, may result in disciplinary action up to and including termination in circumstances including but not limited to:

1. Frequent short-term absence or lateness in violation of Town rules. The City regards as "excessive" absenteeism, those occasional instances not due to a certified medical condition, with second absences occurring within sixty (60) days of the first.
2. Absence from work for three (3) consecutive, scheduled work days without notifying the Town during the absence of an illness or accident which prevents you from working, as evidenced by written certification of a medical doctor if requested by the Town, or other satisfactory reason for such absence, as determined by the Town.
3. Failure to return to work within two (2) consecutive scheduled work days after being released for duty by a doctor, unless specifically requested not to do so by the

Director of Human Resources, or after being notified of recall from layoff status by the Town.

4. Subject to our policy on family and medical leave, absence from work for any reason, including but not limited to illness, or off-the-job injury, layoff, or leave of absence, for a period in excess of six (6) consecutive months since your last day worked for the Town or for a period exceeding the length of your continuous service with the Town, whichever is shorter.

7.14 MAINTAIN A DRUG AND ALCOHOL FREE WORKPLACE

In order to protect the safety, health and productivity of all employees and the general welfare of the Town, the following actions are excerpted from the full policy but are considered by the Town to be unacceptable conduct. The Town's full Substance Abuse Policy and supporting program is available from the Human Resources Department and should be consulted. A violation of any of these rules will be considered a major offense which, in the Town's judgment, may result in probation, suspension subject to discharge, or discharge:

1. Bringing onto the Town's premises, property or job site, having possession of, having present in the body system, being under the influence of, using, consuming, distributing or attempting to distribute, manufacturing or dispensing any form of narcotic, depressant, stimulant, hallucinogen, or any kind of perception-altering drug or controlled substance (excepting only the taking of a prescribed

- drug under the direction of a physician, to the extent it does not impair job performance or threaten safety, health, security or property), at any time during the hours between the beginning and end of your work day, whether or not on Town business, premises, property or job site.
2. Bringing onto the Town's premises, property or job site, having possession of, being under the influence of, using, consuming, distributing or attempting to distribute, manufacture or dispense any form of alcohol at any time during the hours between the beginning and end of your work day, whether or not on Town business, premises, property, or job site except in moderation for authorized Town sponsored social activities or business entertainment purposes.
 3. Having possession of, being under the influence of, using, consuming, distributing or attempting to distribute, manufacture or dispense drugs, alcohol or any other mind or perception-altering substance off Town premises, property or job site, and outside your working hours, that could or does adversely affect your job performance, your or other persons' safety, health, security or property, or the Town's reputation.
 4. Refusing to cooperate in or submit to questioning, medical or physical tests or examination, or an inspection or search, when requested or conducted by the Town or its designee.

Examinations and Searches for Drugs and Alcohol

The Town of Ocean City reserves the right in its

discretion, to require all employees and applicants for positions to submit to physical examinations or tests at any time by a person or agency designated by the Town at the Town's expense. Such examinations can include but are not necessarily limited to blood, urine, breath or other tests for evidence of the presence of alcohol, drugs and perception-altering or other substances in the body. As further set forth in this Handbook, the Town also reserves the right to search employees' packages, vehicles, lockers, handbags and similar items while on Town property or business.

In particular, the Town reserves the right, in its discretion, to examine or test for the presence of alcohol and drugs (as stated above) in situations such as, but not limited to, the following, in accordance with applicable law:

1. As part of a pre-employment physical examination.
2. As part of a physical examination which the Town may require employees to undergo on a regular basis, on a schedule to be determined by the Town.
3. Due to the safety or health risk or sensitive security duties of a specific job, as determined by the Town, at any time.
4. Following a safety infraction or work-related accident that does or might cause bodily injury or damage to property in the Town's judgment.
5. Specific employee behavior on the job, which the Town determines, gives management reasonable suspicion that such behavior might be or is due to alcohol or drug use.
6. As otherwise required or permitted by applicable law.

8.0 GRIEVANCES

Employee Relations Philosophy: It is the policy of the Town of Ocean City to treat all employees fairly and equitably in matters affecting their employment. Open, sincere communication with each other in the spirit of cooperation and teamwork play a key role in the progress our Town has experienced. It is the responsibility of all managers, supervisors, and employees to establish and maintain a work climate within which a problem or complaint may be promptly identified, discussed, and given fair, timely consideration. It is recognized that there may be conflicts, which will be resolved only after a formal appeal and review.

A grievance is defined as any cause of complaint arising between an employee and his employer, on a matter concerning discipline, alleged discrimination, promotion, demotion, assignment, or interpretation or application of City Personnel Rules and Regulations and contractual agreements. Complaints pertaining to the general level of wages, placement in a pay grade and/or increment step, fringe benefits or other broad areas of financial management, staffing and performance evaluations, are issues that can not be grieved.

Grievance Committee: The Grievance Committee shall be composed of three residents of the Town of Ocean City, not employed by this government entity. The Grievance Committee members shall be appointed by the Mayor with confirmation by the City Council and shall be selected based on their demonstrated interest in, and knowledge of, public personnel administration.

8.1 GRIEVANCE PROCEDURES

Grievances must be initiated within fifteen (15) calendar days of the actions being grieved, or within fifteen (15) calendar days of the employee having reasonable knowledge of the actions.

STEP 1 - Immediate Supervisor:

The aggrieved employee shall present his grievance in writing to the immediate supervisor who will meet with the grievant within seven (7) calendar days, and will render a decision in writing to the employee within another seven (7) calendar days.

STEP 2 - Department Head:

If a grievance is not satisfactorily resolved at Step 1, the grievant may present his grievance in writing to the Department Head within seven (7) calendar days of receipt of the Step 1 decision.

The Department Head and the Human Resources Director shall meet to discuss the grievance with the employee within seven (7) calendar days and give a written decision within another seven (7) calendar days.

STEP 3 - City Manager:

If a grievance is not satisfactorily resolved at Step 2, the grievant may present his grievance in writing to the City Manager or his designee within seven (7) calendar days of the Step 2 decision.

The City Manager or his designee shall meet and discuss the grievance with the employee and, within seven (7) calendar days following the meeting, give a decision in writing to the employee.

Employee Representation: Each employee can be represented at Steps 3 and 4 in the grievance process by a representative of his/her choice at his/her expense. Grievance hearings shall be held

during work hours.

STEP 4 - Grievance Committee:

If a grievance is not satisfactorily resolved at Step 3, the grievant may present his grievance to the Grievance Committee within fifteen (15) calendar days following receipt of the Step 3 decision. The Committee shall hear the grievance as soon as three (3) Committee members can be secured for a hearing. Committee will issue a decision within fifteen (15) calendar days after the hearing. Committee decisions are final and binding on all parties.

Appeals on Disciplinary Suspension or Dismissal
Employees wishing to appeal suspension by a department or division head may appeal directly to the City Manager as outlined in Step 3. Employees wishing to appeal suspension by the City Manager may appeal directly to the Grievance Committee as outlined in Step 4.

An employee dismissed or terminated for any reason, except for separation or lay-off while on original probation, may appeal directly to the Grievance Committee as outlined in Step 4.

Other Procedures:

- Similar grievances may be consolidated and processed together as a single issue. Unless prior permission has been granted at any step by the grievance authority, the grieving group may not select more than three (3) members to attend Step 1 and/or Step 2 meetings of the grievance, or five (5) members to attend Step 3 and/or Step 4 meetings of the grievance.

- No employee shall leave his post of duty to engage in grievance-handling without the

designated supervisor's knowledge and permission.

- A record of the grievance hearing will be made by someone assigned at Steps 3 and 4.
- At any point in the grievance procedure, an employee may elect to change or dismiss his representative by providing a written notice of same to the person hearing the grievance. Such action in no way allows the grievant to return to a previous step in the procedure.
- The intent of the Grievance Procedure is that a City employee, designated as a witness by either party to a grievance, shall not suffer any loss of pay for time spent in testifying in any step of the Grievance Procedure. Paid release time from normal work schedules shall be granted all witnesses to attend grievance hearings.
- All grievance hearings shall be open hearings unless either party requests that the hearing be closed.
- At any step of the grievance procedure, either party may require that witnesses be excluded from the hearing room until called.

Grievances by Department Head

Department Heads, who are aggrieved by the action of the City Manager other than the City Clerk, the Chief of Police, and the Fire Marshal, may appeal such action as follows:

- Contact the City Manager, inform him of the grievance in writing, and set up a mutually convenient time to meet and discuss the grievance.
- If the grievance is not satisfactorily

resolved, the Department Head may address the grievance in writing to the Secretary of the Council. The Secretary shall arrange for a time within seven (7) calendar days for the City Council to hear the grievance. The Council shall conduct a hearing in Executive Session unless the aggrieved requests a public session.

- The aggrieved may be represented by anyone of his or her choice. The municipality shall be represented by the City Solicitor.
- The City Clerk, Chief of Police and Fire Marshal incumbents may present their grievances directly to the Mayor and City Council for resolution.

9.0 OUR RESPONSIBILITIES

Notwithstanding any other provision of this Handbook, all managerial and administrative functions and prerogatives entrusted to and conferred upon employers inherently, expressly, and by law, are retained and vested exclusively with the Town of Ocean City including but not limited to, the right to exercise our judgment and discretion to take whatever action is necessary, to operate the Town's business, protect its health, property, security and general welfare; to reduce, contract out, sell, close down, or relocate the Town's operations or any part thereof; to hire, lay off, direct, discipline, discharge or increase the efficiency of the work force in the manner and to the degree the Town deems appropriate; to set the standards of productivity, maintenance, services, security, research and development; and, in general, to take whatever other actions necessary in the Town's judgment and discretion, to administer the Town's operations and direct its work force.

Although the Town from time to time expects to expand the wages, benefits, work rules, services and policies summarized in this Handbook, we reserve the right to alter, amend, reduce or discontinue any wage schedule, policy, work rule or benefit included in this Handbook. The failure of the Town to exercise any prerogative or function in a particular way shall not be considered a waiver of the Town's right to exercise such prerogative or function, or preclude it from exercising that prerogative or function in some other way.