

# **PERSONNEL POLICIES**

## **WELCOME TO THE CITY OF LEWISTON**

Welcome to the City of Lewiston! We're happy that you have decided to join us and hope you have a long and successful career that will allow you to fulfill your career goals while serving our residents.

City employees form the core of our organization and are its most important resource. Accordingly, these Personnel Rules and Regulations are designed to guide you and your fellow employees in your daily activities, including your responsibilities, rights, and benefits as a City employee. Your careful attention to this document will help to provide you with a rewarding and satisfying career in City service.

This document sets forth a uniform and equitable system of personnel administration governing City employment. These Rules and Regulations apply to all positions not covered by collective bargaining agreements as well as to employees covered by such agreements in areas and on issues not addressed in those agreements.

Nothing in the policies, programs, and benefits summarized here should be interpreted as creating an employment contract, either expressed or implied, and nothing in what follows affords employees any contractual rights. Where this document contains descriptions or references to insurance or other benefit plans, the specific provisions of the plan will govern should a conflict arise concerning interpretation, application, or benefit level. The City may change, amend, repeal, or modify any of these rules or regulations at any time, and such change shall take precedence over any of the provisions included here.

The day-to-day administration of these Personnel Policies is a function of the Human Resources Division. Any questions regarding their application or effect should be directed to the Human Resources Division or City Administrator's Office.

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## EMPLOYMENT RELATIONSHIP

### PROBATIONARY PERIOD

Everyone hired by the City shall serve a probationary period of six (6) months unless otherwise stated in a collective bargaining agreement. During this period, the employee may be terminated without cause and for any reason upon notice from their immediate Supervisor or Department Head.

### EMPLOYMENT DEFINITIONS

In order to determine eligibility for benefits and overtime status and to ensure compliance with Federal and State laws and regulations, the City classifies its employees as shown below. The City may review or change classifications at any time.

*Exempt* - Employees who are paid on a salaried basis and are not eligible to receive overtime pay.

*Non-exempt* - Employees who are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

*Regular, Full-Time* - Employees who are not in a temporary status, work a minimum of 37.5 hours weekly, and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefit program.

*Regular, Part-Time* - Employees who are not in a temporary status and who are regularly scheduled to work fewer than 37.5 but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered on a prorated basis by the City and are subject to the terms, conditions, and limitations of each benefit program.

*Temporary, Full-Time* - Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the City's full-time schedule for a limited duration not to exceed 26 weeks without a break in service. Temporary, Full-Time employees are not eligible for benefits.

*Temporary, Part-Time* - Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 37.5 hours weekly for a limited duration or work less than an average of 20 hours weekly in a 52 week period. Employment beyond any initially stated period does not imply a change in employment status. Temporary, Part-Time are not eligible for benefits.

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## CLASSIFICATION AND PAY PLAN

The City utilizes a series of classification and pay plans for each of its bargaining units and its non-union employees. These plans provide a systematic arrangement and inventory of positions for employees. The Plan groups the various positions into understandable classes indicative of the range of duties, responsibilities, and level of work performed. Compensation allocated to each position takes into consideration the relative difficulty and responsibility existing between the various classes and prevailing rates of pay for similar types of work in private and public employment.

The Classification and Pay Plan is utilized to:

1. Determine qualifications for employment by the City;
2. Determine salaries to be paid for the various classes of work; and
3. Determine lines of promotion.

The Classification and Pay Plan consist of:

- A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications, and which can be equitably compensated within the same pay grade.
- A class title indicative of the work of the class that is used on all personnel, accounting, budget, and related official records. No person can be appointed on a regular basis to a position in the City service under a title not contained in a Classification and Pay Plan.
- Written job descriptions for each classification containing the nature of work and relative responsibilities of the position, typical illustrative tasks performed, requirements of the position setting forth the necessary knowledge, skills, and abilities desired for adequate performance of the work, and the desirable experience and training needed.
- A schedule of salary levels and seniority steps for each title in the plan.

*Unclassified Service* - The unclassified service (paid positions for which the City is not responsible; compensation or positions of any advisory or consulting nature, especially part-time) shall consist of the following:

1. Elected Offices
2. Members of Boards and Commissions
3. Positions where the salary is prescribed by the Charter

The Finance Department is responsible for administering and maintaining the Classification and Pay Plan for Non-union Personnel and is available upon request. The classification and pay plans for the City's bargaining units can be found in the respective bargaining agreements. The City Administrator shall direct necessary reviews and preparation of reports recommending appropriate action to assure that the non-union Classification Plan is kept current and that important changes in duties and responsibilities in any existing position are reflected in the plan so that proper compensation levels can be determined. The Human Resources Division shall provide, subject to the approval of the City Administrator, for the allocation of new positions and

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for the reallocation of any position from one class to another class whenever a change in duties and responsibilities of such position makes the class to which the position was previously allocated no longer applicable.

Any employee has the right to make a request to the City Administrator for a change in the classification of that employee's position, subject to the requirements outlined in any applicable bargaining agreement. Employees should address a reclassification request to their respective Department Head. The Department Head will evaluate the request and recommend approval or disapproval to the City Administrator. The City Administrator will refer the request to the Human Resources Division for evaluation and to provide a recommendation. The City Administrator will then either accept or deny the request.

### INITIAL APPOINTMENT

All new City appointments shall be at the first step of the pay grade established for the job classification to which the appointment is made. All initial offers of employment shall be in writing and conditioned upon the applicant successfully completing all pre-employment requirements. However, on the recommendation of the Department Head and with approval of the City Administrator, new appointments may be made at above the minimum rate established for the job classification where it is found necessary to take such action in order to fill a job vacancy in which there is a lack of qualified applicants or because of other unusual or extenuating circumstances. All offers of initial appointment shall be made on a conditional basis subject to verification of pre-employment requirements. A standard form is available from Human Resources. Prior to providing this form to the selected applicant, the offer must be approved by the Director of Finance and the City Administrator or designee.

### RATE OF PAY UPON PROMOTION, TRANSFER, OR DEMOTION

When an employee is temporarily or permanently transferred, promoted, or demoted, the rate of pay and effective date for the new position shall be determined by the City Administrator. When an employee is promoted, that employee will generally be placed on the pay step and seniority level of the new grade that provides a minimum 5% increase.

### STANDARD WORK WEEK AND OVERTIME COMPENSATION

*Regular Hours of Work:* The City Council establishes the regular work week for City employees; however, the hours of work for any employee or groups of employees may be established at different times by their respective Department Heads as approved by the City Administrator or designee for purposes of convenience, departmental efficiency, or any other special departmental needs.

*Method of Payment:* Subject to the limitations listed below, all employees customarily working seven and one-half (7 1/2) or eight (8) hours per day shall be paid at the rate set forth in the Classification and Pay Plan. Should a non-exempt or a permanent part time employee be required to work more than the customary seven and one-half (7 1/2) or eight (8) hours in any work day, it shall be considered overtime work and shall be compensated at the overtime rate.

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Temporary Employees are paid overtime for all hours worked in excess of forty (40) hours in a work week.

*Overtime Authorization:* City policy is to avoid having employees work frequent or considerable overtime. Department Heads, on occasion, may authorize or direct an employee to work overtime when necessary in order to meet emergency situations and/or special operating needs. Each Department Head shall maintain records, compliant with Department of Labor standards, of all overtime worked by employees in their respective departments. No overtime pay shall be granted except on the basis of such records, and all such records shall be available at all times for review by the City Administrator or designee.

*Overtime Rate of Pay for Regular Non-Exempt Employees within the Non-Union Pay Plan:* Subject to the provisions of the Fair Labor Standards Act, compensation at the rate of one and one-half (1½) times the employee's hourly rate of pay shall be provided for all authorized and necessary overtime worked before or after the regular work shift. In lieu of overtime pay, employees may select compensatory time-off as the method of payment.

*Compensatory Time-Off:* Accumulation of compensatory time-off shall be limited to a total of seventy-five (75) hours, or fifty (50) hours of overtime work. Non-exempt employees may elect to cash out compensatory time at the end of each fiscal year by providing a written notice to the applicable payroll clerk no later than June 15<sup>th</sup> of each fiscal year.

### MEAL AND REST BREAKS

*Rest Periods:* All employees working seven and a half (7 ½) or eight (8) hours per day shall be allowed a fifteen (15) minute rest period during each one-half (½) shift whenever feasible.

*Lunch Periods:* All employees working seven and one-half (7 ½) or eight (8) hours per day shall be given an unpaid lunch period during each work shift. Whenever possible, the lunch period shall be scheduled near the middle of the shift.

Lunch and rest period breaks shall not be used for the purpose of shortening the work shift unless approved in advance by the employee's immediate Supervisor or Department Head.

### TIME RECORDS

All non-exempt employees are required to keep accurate time records of hours worked. The City has established a system to accurately record time as required by government regulations and to use for calculating regular and overtime pay. Employees should review their time records and report any discrepancies immediately to their supervisors. Further detail is provided in the Standard Operating Procedure – Payroll for Non-Exempt Employees, available from the Finance Department.

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### PAYCHECKS

All City Employees are required to participate in direct deposit. With few exceptions, the City's work week runs Thursday through Wednesday. Direct deposits are made the following Wednesday. If Wednesday is a holiday, direct deposits will be made the preceding Tuesday.

### ACCESS TO PERSONNEL FILES

Employees are permitted to review their personnel file upon written request to or by prior arrangement with the Human Resources Division or the appropriate office at their work location or in their department. Such review shall take place during normal office hours and shall be conducted under the supervision of the appropriate records custodian or department representative. An Employee shall be allowed to place in such file a response of reasonable length to anything it contains that the Employee deems to be adverse.

An Employee's personnel file shall include, but not be limited to, all memoranda and documents relating to such Employee including commendations, performance appraisals, or rating records.

Once each calendar year and upon request, the City will provide, at no cost to the employee, one copy of the entire personnel file. The cost of copying any other material requested during that calendar year must be paid by the employee.

### DISCIPLINE

The City recognizes its responsibility to provide its citizens with the most efficient and effective service delivery system possible. This requires that we develop and administer rules, regulations, policies, and disciplinary measures in an equitable and consistent manner. Employees must recognize their obligation to conform to all applicable rules, regulations, and policies. Should an employee fail to observe them, the City may initiate appropriate disciplinary action based on the severity of the violation. Such disciplinary action may include, but is not limited to, oral or written reprimands, suspensions with or without pay, reassignments or transfers, demotions, probation, or termination. Permanent full or part-time employees may appeal any discipline imposed by filing a letter of grievance with the Deputy City Administrator or by following the grievance policy outlined in their respective collective bargaining agreement.

Temporary employees may appeal any discipline imposed by filing a written letter with the Deputy City Administrator. The Deputy City Administrator and City Administrator will evaluate the details relating to the discipline imposed and the information contained in the appeal to render a final binding decision.

### LAYOFFS

Any regular employee of the City may be laid off for any reason by the City Administrator.

No employee shall be laid off except upon written notice from the employee's Department Head giving not less than two (2) weeks' notice before the effective date of the layoff, or any

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combination of ten working days' notice and pay, or two (2) weeks' pay with immediate notification.

### RESIGNATIONS

*Notice to Department Head:* Any employee wishing to leave in good standing shall file with that employee's Department Head a written resignation stating the date that the employee is leaving City service and the reasons for leaving. The written resignation shall be submitted at least ten (10) working days prior to its effective date. Non-union and Pro-tech employees filling positions in classification levels above 6 should make every attempt to provide a 30 day notice. Failure to comply with this procedure may be cause for denying such employee future re-employment by the City.

*Unauthorized Absence:* Unauthorized absences from work for a period of three (3) days or more without permission from the employee's immediate supervisor or Department Head shall be considered a voluntary resignation by the employee.

*Final Responsibilities:* The effective date of separation shall be at the close of business on the last day the employee reports for duty; the date specified in a written resignation; or, the last day of leave granted should the employee fail to report to duty on the first working day following the expiration of leave. Separating employees shall turn in all City-owned property in their possession, including keys and City identification cards. Separating employees shall also leave a forwarding address with the Human Resources Division for purposes of forwarding Internal Revenue forms and any remaining checks for unpaid compensation.

Amounts owed to the City for advance payments of health insurance incentives, stipends, employee portions of benefits accrued during absence from work, other advance payments, or non-returned City-owned property will be deducted from the employee's final pay. Amounts exceeding the employee's final pay will be invoiced to the employee and collected through the City's normal collection practices.

### TERMINATION OF EMPLOYEE STATUS

An employee who is absent from employment because of a non-work related sickness or disability will retain employee status for a period of six (6) months (with FMLA counting towards the 6 month period) plus accumulated sick leave. Absence from employment for any reason in excess of three hundred sixty-five (365) calendar days shall result in termination of employment. An individual's status as an employee may be extended for further periods at the discretion of the City Administrator or designee. Any extension shall not exceed six (6) months and shall only be granted after receiving an advance written request from the employee and after a finding that the employee is likely to return to work within or at the end of such extension. In the event two (2) or more absences from employment due to the same illness or injury are interrupted by one or more attempts to return to work, the periods of absence shall be combined in computing the employee's total absence from employment.

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### **REINSTATEMENT**

Employees resigning/retiring may be reinstated at the discretion of the City Administrator on a case-by-case basis. Such reinstatements shall have no precedent value. The City Administrator shall make such reinstatement decisions based on a determination that the availability of the employee's unique skills and abilities is in the best interest of the City and the employment of anyone else would diminish the effectiveness of the position being sought by the former employee.

If reinstated within thirty (30) days from the effective resignation date, the employee will maintain seniority rights regarding such items as sick and vacation leave accrual. If the employee retired under the provisions of MEPERS, then the employee shall begin anew as if the employee had never worked for the City.

If reinstated beyond thirty (30) days from the effective resignation/retirement date, the former employee shall begin anew as if never having worked for the City.

This section does not apply to employees participating in an In-Service Retirement Program established by a collective bargaining agreement. All terms of the In-Service Retirement Program will be applied based on the applicable agreement.

### **WORKPLACE GUIDELINES**

#### **ATTENDANCE**

All employees are expected to arrive on time, ready and able to work, every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact their supervisor as soon as possible.

Excessive absenteeism, tardiness, or misuse of sick leave will result in discipline up to and including termination.

Failure to show up or call in for a scheduled shift without prior approval may result in disciplinary action. If an employee fails to report to work or call in to inform their supervisor of the absence for 3 or more consecutive days, the employee will be considered to have voluntarily resigned employment.

#### **JOB PERFORMANCE**

##### **Employee Performance Evaluation**

The employee performance evaluation is an orderly and systematic approach to appraising an employee's job performance. The most obvious objective of a performance evaluation program is establishing communication, on a regular basis, between supervisors and employees regarding performance.



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Department Heads are responsible for the overall employee performance evaluation program within their department. However, the employee's immediate supervisor is responsible for evaluating all employees under the supervisor's management, providing that the supervisor supervises the employee at least 50% of the time.

All employees shall be evaluated at least annually, except probationary employees (including promoted employees) who shall be evaluated quarterly.

### EDUCATION AND TRAINING

As a condition of employment, each employee shall attend and participate in all training sessions or courses required by the City's Safety Coordinator, Department Head, or the City Administrator. Employees are encouraged to participate and be members of boards, committees, or organizations relating to their employment. Whenever possible, and with the prior approval of their Department Head, employees may be allowed time-off during regular work hours to attend meetings of such organizations. Any time spent on such voluntary activities after regular work hours shall not be considered hours of work. (This is not intended to relieve the City of its obligation to properly compensate employees for work hours that are legally due.)

### OUTSIDE OR NON-DUTY EMPLOYMENT

No employee shall, during non-duty hours, be engaged in any employment, activity, or enterprise that is incompatible or in conflict with the employee's City duties, functions, and responsibilities. For purposes of guidance, no employee shall accept outside employment with duties which would interfere with or not permit the employee to leave for reasons of emergency, special assignment, or overtime requirement in conjunction with City duties.

### TRAVEL

The City will reimburse all authorized and reasonable expenses incurred for travel by employees in connection with their jobs. Since no set rules can cover all travel situations, two tests will be applied to determine an expense is appropriate:

1. The expense must be directly related to City activities, and
2. The expense must be reasonable under the particular circumstances involved.

The City Administrator must approve any and all requests to travel outside of the State of Maine. In-state travel must be approved by the employee's Department Head.

Travel advances may be requested by submitting a travel advance authorization form. The form must be approved by the authorizing authority before any commitments, advances, or disbursements are made. Advances must be fully documented and approved by the Finance Director and should be based on minimum estimated travel cost or using the IRS per diem rate.

The City will supply all appropriate forms for travel or other reimbursable expenses, including mileage. Expense vouchers shall be turned in no later than the end of the month in which the

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expenses were incurred. Employees who draw cash advances must submit documentation to settle their account within seven (7) days after completion of their trip.

Approval of the expense vouchers shall be the responsibility of the Finance Director.

Specifically authorized charges for employees attending conventions, conferences, or seminars are as follows:

1. On trips held in New England or within a three hundred (300) mile radius, an employee may use a private automobile; mileage in excess of 300 miles will be reimbursed at the lesser of the total mileage at the IRS per diem rate or an equivalent airline ticket unless specifically approved by the City Administrator or designee.
2. The City will honor less-than-first-class travel expenses based on current airline, train, or bus fares. If less-than-first-class accommodations are not available and is so documented, the City will honor first-class accommodations.
3. The employee will be allowed the actual cost of overnight accommodations, travel and parking based upon Department Head approval and budgetary constraints.
4. The City will reimburse for meals on a per diem basis at the standard Internal Revenue Service (IRS) rate based upon geographical location and prorated for travel days.
  - a. The per diem allowance will be allocated for specific meals which the employee will have while attending seminars, conferences, or business meetings. The per diem allowance will exclude any meals that are paid for as part of any conference registration package.
  - b. Alternatively, reimbursement for meals on an *actual itemized* receipted basis will be allowed if an employee elects that method of reimbursement. In no instance will any form of alcohol be reimbursed.
5. The Finance Director shall require itemized receipts for the following expenses:
  - Airline, train or bus fares
  - Hotel and motel charges
  - Boat fares and tolls
  - Auto storage and parking
  - Car rentals
  - Registration fees

### MILEAGE REIMBURSEMENT

In-town mileage shall be reimbursed at the standard rate allowed by the Internal Revenue Service, except for motorcycles, which shall be reimbursed at 75% of the rate established for other vehicles.

Authorized in-town mileage expense reimbursements shall be requested by periodically submitting an itemized mileage log indicating: date, purpose and/or address, number of miles, to the Finance Department.

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## LIABILITY INSURANCE

Due to Maine law, employees utilizing privately owned vehicles while performing City business shall be required to possess liability insurance. Proof of such insurance must be kept in the employee's vehicle. A copy of the current proof of insurance shall be made available upon request by the employee's Department Head, Human Resources or Administration. Upon approval by City Administrator, the City may reimburse the employee for out-of-pocket costs of an accident that occurs while performing a municipal task after pursuing reimbursement from all possible insurance coverage including the Maine Municipal Association. The amount of reimbursement per employee per fiscal year is limited to the lesser of the unreimbursed costs or \$500.

## DRESS AND GROOMING

The City provides a business casual work environment for its employees. Even though the dress code is business casual, it is important to project a professional image to our citizens, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Examples of appropriate business casual dress typically include slacks or khakis, dress shirt or blouse, open-collar or polo shirt, optional tie or seasonal sport coat, a dress or skirt at knee-length or below, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot.

## SOCIAL MEDIA

The City encourages employees to share information with co-workers and those outside the City for the purpose of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on the internet is available to the public and, therefore, the following guidelines are provided for employee participation in social media.

“Social media” refers to blogs, forums, and social networking sites such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Myspace, among others.

Employees may maintain personal websites or web logs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the City considers social media activities to be personal endeavors and employees may use them to express their thoughts or promote their ideas.

Employees may engage in social media activities during work time only if the activities are work related and the employee has prior supervisory approval.

We ask that you demonstrate respect for the City, its citizens, vendors, and fellow employees when posting to social media. If identifying yourself as a City employee, your site should include a disclaimer. For example: “The views expressed on this website/web log are mine alone and do not necessarily reflect the views of the City of Lewiston.” Employees should keep in mind that if

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they post information on a social media site that is in violation of City policy and/or Federal, State, or Local law, the disclaimer will not shield them from disciplinary action.

Employees are expected to comply with all applicable laws including, but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws.

The City Seal, trademarks, or logos **may not** be posted to social media without the express consent of the City Administrator or designee.

Nothing in this policy is meant, nor should it be interpreted in any way, to limit an employee's rights under any applicable Federal, State, or Local laws. For more information, please refer to the IT Department's Social Media Policy.

### BULLETIN BOARDS

All required governmental notices are posted on the boards located in the break room of each City Department/location. These boards may also contain general announcements.

Employees may submit notices of general interest, such as for-sale notices, recreational type announcements, and/or club functions; postcards; expressions of gratitude or sympathy; and notices looking for/offering carpools, tickets, roommates, or pets. Please deliver notices to the appropriate Department Head for approval. The City reserves the right to refuse permission to post or to take down any announcement. All notices posted by employees will be removed after 2 weeks unless otherwise stipulated. The appropriate Department Head will approve personal posts and take down all notices.

### SOLICITATION

Employees may not offer for sale or solicit contributions during the work day. Employees may solicit or offer items for sale to other City employees after hours and/or through use of their personal email account and equipment. More generally, solicitations are prohibited on City property unless authorized by the City Council or City Administrator.

### COMPUTERS, INTERNET, EMAIL, AND OTHER RESOURCES

Electronic mail, Internet, and telecommunication access are resources made available to City employees to communicate with each other, other governmental entities, companies, and individuals for the sole benefit of the City.

The internet/email system, including hardware and software, is City property and intended for City business only. All data and other electronic messages sent or received within the system are the property of the City. All employees should be aware that most email messages are a matter of public record and are subject to right-to-know laws.

The City, through its system administrators and department supervisors, reserves the right to review the contents of employee's email communications. Employees may not intentionally

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intercept, eavesdrop, record, read, alter, or receive other persons' files or email messages without proper authorization.

Employees may not rent, copy, or lend the City's software or its documentation. The City has invested significant time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not download or install alternative or unapproved software on any City equipment or systems. Employees may be held responsible for any damage caused by using unauthorized software or introducing any viruses into the City system. Department Heads and the MIS Department are responsible for the implementation and adherence of this policy within their departments and city wide.

While users may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that email is a property right of the employee. Passwords must be periodically changed to ensure security of the email system. Users should not share passwords with anyone else, other than their supervisor or as applicable State and Federal laws may require.

A computer user who has been authorized to use a password-protected account may be subject to civil and criminal liability if the user discloses their password or otherwise makes the account available to others without express permission of the system administrator.

The use of the Internet system for access and dissemination of information is intended solely for City business. Users must use caution in the transmission and dissemination of messages outside of the City and must comply with all State and Federal laws. The City reserves the right to monitor all Internet activity. Software is in place to monitor Internet sites visited and the amount of time spent at each site by employees.

### *Prohibited Uses*

When using the internet or sending email messages, appropriateness and good judgement should be used.

The following are examples of uses that are prohibited:

- Communications that may be construed by others as disruptive, offensive, abusive, or threatening;
- Communications of sexually explicit images or messages;
- Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious beliefs;
- Downloading and/or distributing copyrighted software or information;
- Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations; and
- Any other use that may compromise the integrity of the City and its business in any way.

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### *Retention of Email*

Employees should be aware that when they have deleted a message from their workstation mailbox, it generally has not been deleted from the central email system where it may remain for an indefinite period. Note that email has been classified as a public document, i.e., available to the public and the media. Keep this in mind when you create email.

### Applicability to Employees who Leave Employment, Part-time Employees, Contractors and Other Users

Employees who leave employment with the City have no right to the contents of their email messages and are not allowed continuing access to the email system unless approval is granted by the City Administrator. Supervisors or administrators may access an employee's email if the employee is on a leave of absence, vacation, or is transferred from one department to another department and/or it is necessary for the City's business purposes.

The misuse of internet or email privileges may be considered sufficient cause for disciplinary action. In addition, violations of this policy or misuse of the email system may be referred for criminal prosecution.

### SMOKING POLICY

In our continuing effort to preserve the health, comfort and safety of our municipal employees, the following Smoking Policy is hereby adopted:

There shall be no smoking allowed by anyone including City employees, visitors conducting business or other members of the public in any municipal building or work vehicles. Additionally, tobacco use is prohibited within twenty-five (25) feet of any municipal building to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means. There shall be no additional time-off granted to smokers.

## **TIME OFF AND LEAVES OF ABSENCE**

### HOLIDAYS

*Legal Holidays:* The following days are recognized as legal holidays in the City. When any of these holidays falls on Sunday, the following Monday shall be observed as a holiday; when any of the described holidays falls on Saturday, the preceding Friday shall be observed as a holiday.

New Year's Day - January 1st  
Martin Luther King, Jr. Day - the third Monday in January  
President's Day - the third Monday in February  
Patriot's Day - the third Monday in April  
Memorial Day - the last Monday in May  
Juneteenth Day – June 19th  
Independence Day - July 4th

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Labor Day - the first Monday in September  
Columbus Day - the second Monday in  
October  
Veteran's Day - November 11th  
Thanksgiving Day  
The day after Thanksgiving  
Christmas Day - December 25th  
One-half day before Christmas

*Holiday Pay Exceptions:* As a general rule, all regular employees shall be allowed holiday pay on every established holiday based on their regular pay. Holiday pay shall not be allowed if the employee is on a leave of absence without pay, suspension, or other form of non-pay status on the date of the holiday or fails to work the scheduled work day before and after the holiday unless such absences was previously approved by the respective Department Heads. Employees out of work with or without pay due to a workers' compensation injury are eligible to receive holiday pay.

### VACATION

*Accumulation:* Regular employees shall accrue paid vacation time at the rate of one (1) day per month. After completing five (5) years of employment, one and one-half (1 ½) days of vacation time per month are allowed. After completing fifteen (15) years of employment, one and three-quarters (1 ¾) days of vacation time per month are allowed. After completing twenty (20) years of employment, two (2) days of vacation time per month are allowed. Employees must have been compensated at least ten (10) days in a month to accumulate vacation time for that month.

*Use of Vacation Leave:* Vacation leave may be taken by an employee at any time after its accrual, subject to Department Head approval. Nonunion employees may accumulate vacation leave to a maximum of forty (40) days; thereafter, any and all vacation leave that would otherwise accrue shall be lost except in those bona fide circumstances where an employee was prohibited from taking a scheduled vacation due to departmental operations. Any such carry-over of accumulated vacation time shall be documented and approved by the Department Head.

Vacation leave shall be chargeable in increments no smaller than one-quarter (1/4) hour.

*Payment upon Termination:* Upon termination from employment, employees shall receive a lump sum payment for all accrued and unused vacation leave. Such payment shall be made at the employee's regular rate of pay at the time of termination.

### SICK LEAVE

*Accumulation:* Employees shall be allowed one (1) day of sick leave for each month of service. Nonunion employees may accumulate up to one hundred eighty (180) sick leave days. Employees must be compensated at least ten (10) days in a month to accumulate sick time for that month. After an Employee has been on worker's compensation for three (3) months, worker's compensation benefits shall not be deemed to be money paid for the purpose of sick leave accumulation if no other leave from the City is being paid. Any employee who receives worker's compensation benefits from another employer shall not accrue sick leave during the

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time which the employee receives another employer's worker's compensation benefits unless another form of leave is being paid by the City.

*Use of Sick Leave:* Sick leave may be taken by any employee for any non-service connected sickness or disability, including pregnancy, which renders the employee unable to perform the duties of their employment to the extent of that employee's accrued sick leave. Employees may also utilize up to twelve (12) days per year for sickness involving a spouse, parents, step-parents, and/or children, provided the employee has the available sick leave. In addition, sick leave for catastrophic illnesses involving the employee's spouse and/or children may also be utilized to provide care to the extent of accrued sick leave. All such use of sick leave must be consistent with other provisions of these policies, namely Accumulation of Sick Leave and Termination of Employee Status. In the case of a service-connected sickness or disability through workers' compensation, the employee shall be entitled to sick leave to cover the differential between the usual gross weekly salary and the amount of workers' compensation payments.

If an employee elects to use sick or vacation time prior to a workers compensation or income protection claim being approved or in conjunction with leaves covered by income protection and/or workers compensation, the employee may not buy back their time after the fact.

*Computation of Sick Leave:* One day of sick leave shall be charged against an employee, excepting firefighters, for each standard work day or shift that such employee is absent from duty for the reasons stated above. Firefighters shall be charged two (2) days of sick leave for each standard work day or shift. Absence for part of a work day or shift chargeable to sick leave shall not be charged in amounts less than one (1/4) hour.

*Sick Leave Requests:* Requests for sick leave shall be made to the employee's Department Head or designee promptly. Proof of illness or disability may be required at any time by the Department Head by requiring the submission of a physician's certificate excusing the employee from work, any restrictions, and the probable date the employee will be fit to return to work. Such physician's certificate shall be obtained at the employee's expense. The City also may require a return to work physical, at the City's expense, be completed prior to reporting for duty.

*Entitlement upon Separation or Retirement:* Accumulated and unused sick leave is forfeited upon separation from City employment unless the employee participated in either MEPERS or a City-sponsored deferred compensation plan, or has completed the MERPERS service requirement typically defined as 25 years of service or age 62. There shall be no continuing right for such accrued sick leave in the event an employee returns to City employment unless the return to City employment is within thirty (30) days of the date of termination. Upon retirement or separation (as noted above), either through the MEPERS or Social Security, nonunion employees shall receive one-half (1/2) of their accumulated unused sick leave to a maximum payment of ninety (90) days. Such payment shall be made at the employee's regular rate of pay at the time of retirement or separation. In the event of an employee applying for a disability pension, such payment shall be withheld until the application has been approved.

*Abuse of Sick Leave:* Use of sick leave based on false claims of sickness or disability, or falsification of proof to justify such sick leave shall be cause for disciplinary action up to and including termination. Sick leave is a privilege and, unlike vacation leave, must be 'earned' by an



## PERSONNEL POLICIES

employee; therefore, it may not be used for any other purpose except those specifically permitted under these rules and regulations.

*Sick Leave Incentive:* As an incentive to conserve sick leave, the City agrees to provide non-union employees with one vacation day for each four (4)-month period in which no sick leave is used. Employees meeting this criterion may submit their written request to their department's payroll clerk for said reimbursement no later than thirty (30) days after becoming eligible. Absence of such written request shall disallow the employee from receiving the incentive for any given four (4)-month period. (It is understood that sick leave used in conjunction with receiving workers' compensation benefits shall not be considered sick leave solely for the purpose of eligibility to receive the sick leave incentive.) In its discretion, the City may reserve payment of the sick incentive to eligible employees to a week in which the employee earned no overtime. Covered employees, in lieu of one days' pay, may elect to be credited with an additional vacation day to be taken in accordance with the department vacation policy.

### EARNED PAID LEAVE

*Applicability:* This policy covers employees that are not provided leave accruals under collective bargaining agreements, individual contracts or other policies that satisfy the requirements of MRSA Title 26 Labor and Industry, Chapter 7 Employment Practices, § 637, Earned Paid Leave.

*Accrual of Earned Paid Leave:* Employees are entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins on start of employment. Earned Paid Leave will be paid at the employee's regular rate of pay as established in the week immediately prior to taking Earned Paid Leave. Earned time is to be calculated quarterly and made available to employees at that time based on hours worked. Employees whom have a vacation accrual already, earned paid time is included in this accrual time. 40 hours of vacation time per year may be used for any type of time off as needed, not exclusive to vacation

*Use of Earned Paid Leave:* Once employees have been employed for 120 calendar days, they may use earned paid leave for any reason and can use in increments of 15 minutes or more.

*Notice Requirements:* Employees must provide at least 2 weeks' prior notice to their supervisor of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

*Leave Accrual upon Separation:* Unused accrued leave (up to 40 hours) will be paid to the employee at time of separation based on their current hourly rate

### LEAVE OF ABSENCE WITH PAY

Upon approval of the appropriate Department Head, special leave with pay shall be granted to regular employees as follows:

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*Jury/Witness Duty Pay:* A leave of absence with pay shall be granted to an employee called for jury duty or as a witness in a case (where the employee is not a plaintiff or defendant). The City will pay the difference between the juror's pay or witness fee and the employee's regular rate of pay. An employee required to report for jury duty or as a witness during that employee's regular working hours, but then not detained by the Court, shall immediately return to their regular place of employment with the City.

*Bereavement Leave:* An employee, who suffers the loss of spouse, child, parent, step-parents, or step-children, shall be allowed paid leave at the employee's regular rate of pay for all scheduled hours lost for up to five (5) days for attendance at the funeral and/or handling of necessary arrangements. An employee who suffers the loss of a brother, step-brother, sister, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, and grandchildren may be allowed to receive the employee's regular rate of pay for the scheduled hours missed for up to three (3) days for attending the funeral and/or handling the necessary arrangements.

*Special Meetings and Examinations:* Whenever it is deemed to be in the best interest of the City, an employee may be granted time off with pay to attend professional seminars, institutes or conferences, or other similar meetings. In all cases, such leave requires prior approval by the employee's Department Head.

*National Guard and other Armed Forces Reserve Training:* An employee who is an active member in one of the United States military or naval reserve units shall be granted a leave of absence when required to perform in active duty training (drills) or annual training sessions. The employee (or an officer from their command) must give advance notice (either written or verbal) of scheduled/upcoming military service of any type. The City will pay the difference between the per diem received from the military, including subsistence and quarter's allowance, and the employee's regular rate of pay; conversely, the employee shall be entitled to keep the amount received from the military that exceeds the regular rate of pay. During these training periods, an employee may choose to utilize part or all accrued vacation time, not to exceed the total accrual. If vacation time is elected, the employee may keep the pay received from the military for those days taken as vacation.

*Cancer Screening:* The City recognizes the importance of the American Cancer Society's guidelines for the early detection of cancer and, therefore, allows up to four (4) hours leave per fiscal year for individuals customarily working daytime hours, Monday through Friday, for various cancer screenings, i.e. breast, prostate, colon, uterus, etc. Unused cancer screening leave hours shall not be carried forward into subsequent years nor paid in the event they are unused or the employee separates from service during the year in which they are available.

### CATASTROPHIC LEAVE

In the unusual event of a non-occupational, life-threatening illness or disease that has disabled an employee from performing duties, that employee may, upon exhausting all accrued sick leave, petition the City Administrator through the employee's Department Head to become eligible for catastrophic leave. This program allows employees to continue receiving sick leave benefits based upon the amount of donations received up to one hundred and fifty (150) days, until released to return to work by a physician (either part-time or full-time). In order to be eligible for

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catastrophic leave, an employee must first utilize at least twenty-five (25) days of sick leave, vacation, leave of absence without pay, or a combination thereof, before becoming eligible for this program. Catastrophic leave may also be requested to provide care to an employee's spouse and/or children in a documented catastrophic situation.

The City Administrator has the discretion to determine whether or not to grant such leave based on all of the medical information provided by the employee's attending physician(s). The decision in any particular case will not create a precedent for how future requests are decided.

Upon approval by the City Administrator, a notice shall be issued to all other City employees advising them of the approved leave. Employees with at least 30 days of accumulated sick leave shall be allowed twenty (20) work days to submit a written notice to Human Resources specifying the number of sick leave days that they are interested in donating, not to exceed six. The specified number of donated days shall be deducted from the donor's accumulated sick leave and held in reserve to cover the request. Should the employee return to work on a part-time basis, only the unworked hours shall be considered sick leave time. Any unused donated sick leave shall be restored to the donors on a pro-rated basis once the catastrophic leave period has ended.

The City does not permit “double dipping” while on catastrophic leave. If an employee is receiving income protection coverage while on leave, only the amount of pay not covered by income protection will be covered under the catastrophic leave.

This policy is intended to be consistent with other provisions of the Personnel Policies, namely Accumulation of Sick Leave and Termination of Employee Status. Therefore, these policies shall remain in full force and effect during catastrophic leave.

### LEAVE OF ABSENCE WITHOUT PAY

*Family and Medical Leave Act (FMLA):* The City complies with the Federal Family and Medical Leave Act (FMLA) and the State Family Medical Leave Act. The more generous of the two laws will apply if an employee is eligible under both Federal and State law. Please note there are many requirements, qualifications, and exceptions under these laws, and each case will be evaluated on an individual bases.

While on FMLA, an employee's job, or an equivalent job, is protected while the employee is on leave. Both Federal and State law require that the employee be reinstated to the employee's position or to another job of like pay and status at the end of FMLA leave.

To qualify for Federal FMLA, employees must have worked for the City for at least 1,250 hours in the preceding 12 months. Eligible employees can take up to 12 weeks of unpaid, job protected leave within a 12-month period, starting from the first qualified day of absence, for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;

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- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use FMLA leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

When the City becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the City will provide written notice to that employee of eligibility for FMLA leave. Typically, if an employee is absent due to the same qualifying event for a combined period of five (5) days, FMLA period will commence retroactive back to the first day of absence.

If an employee does not expressly request FMLA leave, the City reserves the right to designate a qualifying absence as FMLA leave and will give notice of the FMLA designation to the employee. If an absence is due to a qualifying event under FMLA, the leave will run concurrently with short-term disability, PTO, worker's compensation, and/or any other leave where permitted by State and Federal law. FMLA leave and paid vacation or sick leave will run concurrently as provided under the City Policies.

Under FMLA, benefits will continue as if the employee was still at work. Employees are responsible for paying their share of benefit premiums while on uncompensated FMLA. Failure to pay premiums or make payment arrangements may result in benefit cancellation.

Generally, employee's must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the City as soon as possible and, generally, follow the City's usual absence procedures.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, 866-4-USWAGE or [www.dol.gov/whd](http://www.dol.gov/whd) if they believe the City has misinterpreted or misapplied FMLA.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

*Leave of Absence:* Any regular employee of the City may be granted a leave of absence without pay by the City Administrator upon recommendation of the applicable Department Head. Such leaves of absence will only be granted when the Administrator determines it to be in the best interest of the City. The employee's past record and the purpose for which the leave is requested shall be the governing factors for granting such leave.

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During such unpaid leave periods, the City will no longer provide its share of the cost of all fringe benefits otherwise available to the employee. The employee may maintain these benefits by paying the full cost. In addition, if the employee is on unpaid leave status for a period exceeding ten (10) days within any given month, the accrual of vacation and sick leave shall cease.

*Military Leave (USERRA):* The Uniformed Services Employment and Reemployment Rights Act ensures that members of the uniformed services are entitled to return to their civilian employment upon completion of their service and that they be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by the City. USERRA prohibits discrimination against a person in hiring, retention, promotions, or other benefits of employment because that person “is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service.”

An employee who leaves the City to serve in a uniformed service will be placed on military leave without pay for the period that individual is required to remain in the military service.

A five (5) year limit (with some exceptions) is imposed on the cumulative length of time a person may serve in the military and remain eligible for reemployment rights. This does not include scheduled drills or annual training sessions. The employee must have been released from service under honorable or general conditions.

An employee must give advanced notice either written or verbally to the City prior to departing for military service, unless the notice is precluded by military necessity (classified recall).

Employees need to comply with the time limits set under USERRA for reporting back to work after military service. The required reporting time is based on the length of time in uniformed service, not the type of service, and requires documentation of such service, if available. The City may request documentation directly from the military if none is provided.

The City will provided health insurance coverage at the employees request for an 18-month period with payment of up to 102% of the full premium in conjunction with COBRA.

The employee may use their vacation time in conjunction with Military leave, but is not required to do so. If vacation pay is elected, the employee will not be eligible to “buy back” that time at a later date.

Military service is not considered a break in employment for pension benefit purposes and is considered service for vesting and benefit accrual purposes. The employee has the right to make up any missed contributions that would have otherwise been made if not for active military duty. The employee has three times the duration of military service (up to a maximum of fifteen years) to make-up the contributions. The City will make any matching contribution due the employee during the employee’s make-up period.

For further information on USERRA and other military protection acts, you can visit the United States Department of Labor Website: <https://www.dol.gov/vets/programs/userra/>

# PERSONNEL POLICIES

## NON-DISCRIMINATION, BULLYING, SEXUAL AND UNLAWFUL HARASSMENT

### EQUAL EMPLOYMENT OPPORTUNITY

The City of Lewiston does not discriminate in hiring, promotion, discharge, layoff, recall, transfer, leave of absence, pay, fringe benefits, job training, classification, referral, or any other aspect of employment on the basis of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, hair textures, hair styles or military service.

### AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATIONS

The City also provides reasonable accommodations that do not impose undue hardship on the City to qualified applicants and employees with disabilities.

Employees and applicants who require a reasonable accommodation should contact their Department Head and/or the Human Resources Division. Please see Appendix B that outlines the procedure for making and responding to a request for accommodation by a disabled employee or applicant.

### HARASSMENT PREVENTION POLICY

The Maine Human Rights Act and the Civil Rights Act of 1964 (Title VII) as amended, prohibit sexual and other unlawful harassment. The City has zero tolerance for unlawful and/or sexual harassment. Harassment based on a characteristic protected by law, such as race, color, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law, is prohibited.

The City of Lewiston prohibits bullying, sexual or any form of unlawful harassment, and intimidation in all city services, activities, programs, and facilities. Acts of harassment, bullying, including cyberbullying, of City employees by City officials, management, supervisors, coworkers, or nonemployees is absolutely prohibited. Any retaliation against an individual who reports bullying, sexual or unlawful harassment, witnesses an act of bullying sexual or unlawful harassment, or retaliation against individuals for cooperating with an investigation of a bullying or sexual or unlawful harassment complaint, is also unlawful and will not be tolerated.

“Bullying” is generally defined as any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that may be based on an employee’s actual or perceived protected characteristics or on an employee’s association with a person or group with any of the actual or perceived characteristics protected or any other distinguished characteristics such as ethnicity, personal appearance, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, source of income; and can reasonably be predicted to:

- Place the employee in reasonable fear of physical harm to their person or property;
- Cause a substantial detrimental effect on the employee’s physical or mental health;

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- Substantially interfere with the employees job performance or attendance; or
- Substantially interfere with the employee's ability to participate in or benefit from the services, activities, programs, facilities, or privileges provided by an agency or contractor or agent thereof.

“Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affecting an individual's employment opportunities because of that individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, inappropriate: epithets; slurs; jokes or pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile or intimidating acts based on race, color, ancestry, national origin, gender, gender identity, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law.

“Sexual harassment” is generally defined under both State and Federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

Within each City Department, the Department Head or designee is responsible for day-to-day compliance with this policy and for the prevention and correction of illegal discrimination.

Any employee who feels subjected to bullying, sexual or unlawful harassment, or any other form of discrimination, or who has observed another employee being subjected to sexual or unlawful harassment or any other form of discrimination, should report the conduct to their Immediate Supervisor, Division/Department Head, or Human Resources. The Human Resources Division will be available to assist in processing complaints. An employee can report bullying, sexual or unlawful harassment or discriminatory treatment verbally or in writing. All allegations of bullying, sexual or unlawful harassment and discrimination will be investigated immediately.

Employees are also entitled to file a complaint with the Maine Human Rights Commission. The Maine Human Rights Commission can be reached by telephone at (207) 624-6290, fax (207) 624-8729 or by mail at #51 State House Station 19 Union Street, Augusta, ME 04333.

The Maine Human Rights Act also prohibits any employer or individual from punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise the rights

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protected by the Maine Human Rights Act, for reporting a violation of the Maine Human Rights Act, and for testifying in any proceeding brought pursuant to the Maine Human Rights Act.

The City's procedure for investigating harassment complaints can be found in Appendix A.

### SAFETY

Providing a workplace free from foreseeable hazards and promoting safe work practices for employees is of paramount importance to the City. When an employee is injured, the employee suffers pain, potential disability, and loss of income and the City loses valuable services provided by that employee. Where there is property loss or loss from a liability exposure, the taxpayers of the City are put at risk. Through the collective efforts of all City employees working safely and protecting the City's assets, the City, its employees, and its citizens benefit.

No job or task is so important or urgent that employees cannot take the time to perform it safely. When in doubt, the safe course must be taken. By accepting City employment, the employee agrees to abide by generally accepted safety rules and regulations.

Departments may establish safety regulations to be followed by those working or operating under the jurisdiction of those departments. Employees assigned to work at work sites outside their regularly assigned department will follow the safety procedures of the site at which they are working.

The City is responsible for the proper maintenance of all City property, so it is vital that oversights and negligence in work practices be eliminated. All City employees must contribute to the welfare of the City by being alert to deficiencies and conditions that may reasonably lead to injury or property loss and reporting such conditions to the responsible department.

Every supervisor and manager is responsible for ensuring that each employee under that supervisor's authority is aware of necessary safety protocols and that assigned work locations are free from recognized hazards and that each task or function is performed in compliance with applicable safety provisions. Supervisors and managers set the standard by leading "by example," following all applicable safety standards and supporting employee efforts to work safely at all times.

Every employee has the responsibility to perform each task in a safe and efficient manner. Safe working habits and conditions, such as cleanliness, use of first-aid kits, or required Department of Labor regulations, will be observed by all employees. All safety equipment assigned to the employee such as safety glasses and hard hats will be worn as required by the employee's supervisor, Department Head, and/or the Safety Coordinator. Failure to comply with such requirements will be just cause for discipline, up to and including termination.

PPE (personal protective equipment) shall be assigned by the appropriate supervisor, Department Head, or the Safety Coordinator. All equipment must be treated with care and properly maintained by the employee. Equipment like confined space entry tripods, harnesses, retrieval devices, fall protection, gas meters respirators, and other such devices are important life safety



## PERSONNEL POLICIES

equipment. This equipment is also expensive to replace which adds an additional financial burden to citizens. Employees found damaging these pieces of equipment due to lack of care will be subject to discipline up to and including termination.

In accordance with State law, seatbelts shall be worn by all employees while operating or riding in City owned/leased vehicles. Employees using their personal vehicles during the performance of their duties on behalf of the City shall wear seatbelts.

All City employees have the responsibility to notify a responsible City official of legitimate unsafe working conditions. There shall be no reprisal or retaliation against any employee for bringing such information forward. Frivolous reports by employees or retaliation by supervisors shall be dealt with in accordance with established disciplinary policies.

Department managers and supervisors shall make periodic informal inspections of building facilities to ensure that the desired standards for housekeeping and safe employee conduct are maintained. On-the-spot correction of deficiencies shall be noted. Corrections requiring special unbudgeted funds or those that are beyond the control of the department manager shall be presented to the City Administrator.

The City has a standardized procedure of reporting injuries and property loss to facilitate the correction of unsafe working conditions. All departments shall use this standardized procedure and report injuries at once to the department's designee, Human Resources, and the Safety Coordinator.

All personal injuries must be reported immediately to the appropriate supervisor or Department Head. If an employee is unable to immediately report the injury, it must be reported within 30 days under workers compensation guidelines. The City must submit the first report of injury within 7 days of the employee's notification and provide a copy of the first report to the injured employee.

Supervisors and managers shall:

- Provide safe work location facilities, machinery, and equipment;
- Educate City employees in safety standards, policies, and accident reporting;
- Provide training on the proper method to perform each job safely;
- Provide proper orientation to new employees, with particular emphasis on introducing the City's and departmental safety policies and operating procedures;
- Identify and correct unsafe work conditions and/or actions in a prompt manner;
- Investigate work related injuries or illnesses thoroughly and in a timely fashion;
- Monitor employee actions and behavior in the workplace to ensure that no employee is endangering that employee, the safety of other employees, or the public;
- Provide fair and consistent application of safety rules and procedures by informing employees of these rules and by using corrective action to gain compliance, if necessary;
- Make safety recommendations to facilitate or improve any existing work situation;
- Ensure that employees follow all applicable policies concerning the prohibited use of

## PERSONNEL POLICIES

- drugs and alcohol while performing their job for the City;
- Inform all employees of unsafe conditions that cannot be immediately corrected and take steps necessary to establish all precautions to prevent loss;
- Ensure that all required Federal, State, and local training is provided and documented.

To the extent this is accomplished, the employee is afforded maximum safety in the workplace and the City is provided with a workforce that is both efficient and responsible.

Employees shall:

- Conduct themselves in a professional and courteous manner that ensures maximum safety to all persons;
- Know and follow the proper and safe way to perform all of their job tasks;
- Know how to use and properly maintain all required personal protective equipment;
- Be knowledgeable of, and follow, all departmental safety rules, policies, and procedures;
- Report any unsafe working conditions or practices to their immediate supervisor or to another appropriate responsible supervisor;
- Report all accidents or injuries to persons or property promptly to their supervisor or other responsible official;
- Make safety recommendations to facilitate or improve any existing work situation;
- Wear clothing that is appropriate and suitable for the work environment and of the type that offers required or appropriate protection from accidental injury or foreseeable hazards;
- Ensure the workplace is secure and not allow the public in before and after hours of operations;
- Report to work free from the influence of drugs and/or alcohol, which could cause or contribute to unsafe working conditions for the employee, co-workers, or the public.

In the event that voluntary compliance with this policy cannot be achieved and for situations involving violations of this policy and the Drug Free Workplace Policy found in Appendix F, the following progressive discipline may be used as a guide, depending upon the infraction and the severity of the offense. Any disciplinary action taken should be in accordance with the City's personnel rules and regulations or appropriate collective bargaining agreements.

1. Counseling session
2. Oral warning
3. Written warning
4. Suspension
5. Discharge

### EMERGENCY CLOSINGS

Closings due to inclement weather are at the full discretion of the City Administrator or designee. In the event of a delay or closing due to weather, all regular employees who would

## **PERSONNEL POLICIES**

have normally been at work during the delayed hours or closing will be compensated for the regular work time lost.

If an employee is on scheduled and pre-approved vacation, using sick leave, on leave without pay, or out using their comp time when an emergency closing takes place, the employee will continue to be charged for vacation, sick, leave without pay, or comp time as planned.

If an employee decides not to report to work due to weather conditions on a day that the City operates for part or all of that day, the employee's absence must be charged to vacation, comp time, or leave without pay for the entire time during actual working hours that the employee is absent.

### **ETHICS, CONFLICTS OF INTEREST, CODES OF CONDUCT, AND CONFIDENTIALITY**

The proper operation of democratic government requires that City employees be honest, fair, impartial, and responsive to the needs of the people in performing their respective functions and duties; that public office not be used for personal gain; and that City employees maintain a standard of conduct that will inspire public confidence in the integrity of the City's government. To this end, the City has adopted a Code of Ethics. The Code covers issues such as City contracting, purchasing, and employment; the disclosure of confidential information; gifts, favors, and things of value offered to employees from individuals, organizations, or companies in an attempt to influence an employee in that employee's official capacity; the use of City property for personal purposes; and other situations that may create a real or perceived conflict.

### **USE OF CITY PROPERTY**

No City employee shall use or permit the use of any City-owned property, including but not limited to motor vehicles, equipment, and buildings, for any private purposes except in accordance with written policies established by the City Council, City Administrator, City Department Head, or collective bargaining agreement.

### **POLITICAL ACTIVITIES**

No City employee shall participate in any political activity that would be in conflict or incompatible with the performance of that employee's official functions and duties for the City. Employees may not use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election, nor shall they solicit or accept funds or contributions during the work day from other City employees for political purposes. Nothing herein shall be construed to prohibit any City employee from participating in the political process in their capacity as private citizens or as candidates for elected office.

*Hatch Act:* Certain employees are covered by restrictions of the Federal Hatch Act, which applies to those departments receiving federal funds, and are subject to its provisions. Where such provisions are more restrictive than the provisions of these Personnel Policies, such additional restrictions shall apply. The Federal Hatch Act also restricts the political activity of those employees involved with programs financed in whole or in part by Federal loans or grants.

## **PERSONNEL POLICIES**

Employees involved in such activities should familiarize themselves with the requirements and limitations imposed by this Act. Employees found to have violated the Hatch Act may be subject to dismissal or the employing agency forfeits a portion of the federal assistance equal to two years' salary of the employee.

### **INCOMPATIBLE EMPLOYMENT**

No City employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that employee's official duties or would tend to impair independence of judgement or action in the performance of those official duties.

### **REPRESENTING PRIVATE INTERESTS BEFORE CITY AGENCIES OR COURTS**

No City employee shall appear on behalf of private interests before any agency of the City. City employees shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party unless the employees are representing themselves as private citizens on purely personal business or have been subpoenaed to appear. No City employee shall accept a retainer or compensation that is contingent upon a specific action by a City agency.

### **DISCLOSURE OF INTEREST IN LEGISLATION**

Any City employee who has a financial, special, or other private interest, and who participates in discussions with or gives an official opinion to the Council, shall disclose the nature and extent of such interest to the Council and the public.

### **DISCUSSION OF FUTURE EMPLOYMENT**

When a City employee has been offered or is discussing future employment with a person, firm, or any other business entity that is presently dealing with the City concerning matters within the employee's current official duties, that person should disclose such possible future employment to the Human Resources Division.

### **APPLICABILITY OF CODE**

When a City employee has doubt as to the applicability of a provision of this Code to a particular situation, that employee should apply to the Deputy City Administrator for a written advisory opinion and be guided by that opinion when given. The employee shall have the opportunity to present that employee's interpretation of the facts at issue and of the applicable provisions(s) of the Code before such advisory decision is made. All such requests for advice shall be treated as confidential.

### **EMPLOYEE CONVICTED OF A CRIME**

Any City employee convicted of any crime involving falsification in official matters; bribery and corrupt practices; obstructing governmental administration; or of an offense determined to have a

## PERSONNEL POLICIES

detrimental effect on the employee's credibility to carry out the duties and responsibilities of employment with the City, may be subject to discipline up to and including termination.

### ANTI-NEPOTISM

A municipal employee shall not hold a supervisory position, or be senior in the chain-of-command, to an individual with whom that employee has a familial relationship or financial involvement. No new municipal employee may be hired where such hiring would create such a situation. No existing municipal employee may be promoted, transferred, demoted, or otherwise reassigned into a new position where that change would create such a situation or where it would violate the principals of internal control.

A municipal employee may hold a supervisory position, or be senior in the chain-of-command, to an individual with whom there is a familial relationship or financial involvement when, and only when, the following conditions are met:

- a. The relationship is disclosed to the City Administrator's office in advance;
- b. The City Administrator's office approves a written management plan that provides ongoing oversight by a person or persons not subordinate to either of the individuals who have the familial relationship or financial involvement. The plan will be structured to prevent favoritism or any other improper influences in connection with the employment relationship; and
- c. The Management plan is on file and available for public inspection in Human Resources.

Should a familial or financial relationship arise between a municipal employee who is a supervisor or in any part of the chain-of-command of another municipal employee and create a relationship that would be subject to this section, the supervisor or individual within the chain of command must immediately disclose the relationship to the City Administrator and meet the conditions outlined above.

### CONFIDENTIAL INFORMATION

As a City employee, you may have occasion to come into knowledge and/or possession of personal and private information relating to city residents, other employees, or those who conduct business with or on behalf of the City. City employees have a fiduciary duty to protect all confidential information to which they have access and to keep such information private.

No City employee shall, without proper legal authorization, disclose confidential information concerning the finances, personnel, property, government, or affairs of the City, nor shall employees use such information to advance their financial, special, or personal interest or the financial, special, or personal interest of others. "Confidential information" shall mean any information, oral or written, that comes to the attention of, or is available to, a City employee only because of the employee's position with the City and that is not a matter of public record. Information received and discussed during an executive session of the City Council or any City agency pursuant to 1 M.R.S.A. § 405 et seq. shall be considered confidential and shall not be disclosed to any third party unless permitted by such body.

## **PERSONNEL POLICIES**

Financial and employee information from any source and in any form, including information about another employee that comes to the City directly from that employee, belongs to the City, is private and confidential, and is available solely because of the employees relationship with the City. A City employee should not disclose private and confidential financial or employee information to anyone or to any entity, and shall use that information solely for the performance of official job duties. City employees should not access financial or employee information outside of their respective job duties without express written authorization from the administrative authority responsible for the use of that information. Breaches of confidentiality will result in disciplinary action up to and including termination of employment.

If an employee is unsure whether specific information is confidential or a matter of public record and subject to release, that employee should consult with the supervisor or the City's designated Freedom of Access Officer.

### **AFFIRMATIVE OBLIGATION**

City employees have an affirmative obligation to report all suspected violations of this Code of Ethics, Code of Conduct, Conflict of Interest, or breaches of confidentiality. Community members, officers, or employees have an affirmative obligation to report information related to any of the following prohibited activities, including, but not limited to: violation of any law, regulation, or ordinance; conflicts of interest; fraud, waste, or misuse of City property, resources, or time; improper or illegal use of authority; creation of a specific and substantial danger to public health or safety by failing to perform duties required by the City position held; theft, misuse of, or misappropriation of City resources, property, information, assets, or funds, or an attempt to do any of the same; intentional falsification of records or the willful and unauthorized destruction and/or mutilation of any City document or other official document, report, or form, including City financial records, other than in accordance with the City's record retention policy and/or applicable State law; intentionally submitting false claims for payment or reimbursement; knowingly submitting and/or signing a timesheet that contains false information; forgery or intentional unauthorized alteration of a City document or other official document, application, report, or form including but not limited to City financial documents; improprieties in the handling or reporting of financial transactions for the City; authorizing or receiving payment by the City for goods not received or services not performed; computer related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of City-owned software; acts of discrimination, sexual, or unlawful harassment.

Reporting procedures are outlined in Appendix C, Whistleblower Reporting Procedures.

Violations of this affirmative obligation may result in disciplinary action up to and including termination.

### **WHISTLEBLOWER PROTECTION**

In compliance with the Maine "Whistleblower's Protection Act," the City has established procedures for City employees, officers, and community residents to report alleged illegal, fraudulent, and/or improper activities by employees and to assure that such reports do not result in retaliation by the City.

## PERSONNEL POLICIES

No officer or employee shall use or threaten to use any official authority to influence, restrain, or prevent any other person who is acting as a whistleblower in good faith or upon a reasonable good faith belief. No officer or employee shall use or threaten to use any official authority or influence to cause any adverse employment action (including discharge, demotion, suspension, harassment, or other forms of discrimination) as retaliation against an officer or employee who acts as a whistleblower in good faith and with reasonable belief that improper conduct has occurred.

The City may not discharge, threaten, or otherwise discriminate against an employee or a person acting on behalf of the employee, regarding the employee's compensation, terms, conditions, location, or privileges of employment because they report, orally or in writing in respect to the following:

- What the employee has reasonable cause to believe is a violation of the City's Code of Ethics or a law or rule adopted under the laws of this State, the City, or the United States;
- What the employee has reasonable cause to believe is a condition or practice that would put at risk the health or safety of that employee or any other individual;
- What the employee has reasonable cause to believe is an act or omission that constitutes a deviation from the applicable standards governing City licensing or regulatory procedures or violations of City policy on the provision of benefits to clients or residents; or
- The employee is requested to participate in an investigation, hearing or inquiry held by the City, or in a court action; or
- The employee, acting in good faith, has refused to carry out a directive to engage in activity that would be a violation of the City's Code of Ethics Policy, a law or rule adopted under the laws of this State, the City, or the United States, or that would expose the employee or any individual to a condition that could result in serious injury or death, after having sought and been unable to obtain a correction of the illegal activity or dangerous condition from the City.

Procedures for reporting alleged illegal, fraudulent, or improper activities are outlined in Appendix C.

### *Anonymity*

Although every effort will be made to protect the anonymity of the whistleblower, there may be situations where anonymity cannot be guaranteed.

### *Investigation of Complaints*

Depending upon on the nature of the complaint, the City Administrator or designee or the City Attorney will investigate the complaint to determine if misconduct and/or a violation of this policy have occurred. To the extent permitted by personnel privacy laws and collective bargaining agreements, the City Administrator, designee, or the City Attorney will meet with

## **PERSONNEL POLICIES**

the complainant to discuss the findings of the investigation. Any action required by local, State and Federal law will be applicable.

In the event that the complaint involves the City Administrator, the City Attorney shall advise the City Council of the report. Any investigation of the City Administrator must be compliant with the requirements of the City Charter and State/Federal law.

### *Penalties*

Any officer or employee who violates this policy may be subject to discipline up to and including dismissal. All applicable collective bargaining and City Policy provisions shall apply. All applicable local, State, and Federal penalties shall apply. In addition to all penalties provided by law, any employee, officer, supervisor, or Department Head who has been found by a court to have violated this Policy and the State and/or Federal law under which it is promulgated may be individually liable for damages in an action brought against them by the injured employee.

### **SPECIAL DEPARTMENTAL RULES**

Due to the duties, needs, and responsibilities of the City's various departments, each department may find it necessary to establish and maintain specific rules of conduct and regulations governing its employees. This is particularly the case in public safety departments facing the requirement to efficiently discharge responsibilities for protecting public life and property. Such departmental rules and regulations shall have the same force and effect as do these City-wide rules and regulations. Individual departments shall be responsible for informing employees of such rules, and employees are responsible for complying with them.

## **EMPLOYEE BENEFITS**

Employees are eligible for benefits beginning on the first of the month following date of hire. If an employee does not elect coverage at the time of hire, they must experience a qualifying event or will have to wait until the next open enrollment period to add or make changes to their coverage.

Qualifying events are: birth of child, divorce, marriage, death of dependent/spouse, or loss of coverage provided by entities other than the City. Documentation of a qualifying event may be required. Employees have 60 days from the date of the qualifying event to add or change coverage.

Open enrollment is scheduled for November of each year; benefits to go into effect on January 1<sup>st</sup>.

### **F.I.C.A. BENEFITS**

The City provides F.I.C.A. coverage for each employee, excluding sworn members of the Police and Fire Departments

### **SECTION 125 CAFETERIA PLAN**



## PERSONNEL POLICIES

The City provides a Section 125 Cafeteria Plan that enables employees to pay certain qualified expenses (such as health insurance premiums) on a pre-tax basis, thereby reducing their total taxable income and increasing their spendable/take-home income.

### HEALTH INSURANCE PLANS

The City provides the Maine Municipal Employee's Health Trust (MMEHT) Dual Option Point-of-Service (POS) C Comprehensive Plan, the Preferred Provider Organization (PPO) 500, (PPO) 1500, or comparable vendor plans providing substantially similar coverages and deductibles (single, two-person, or family plan) to eligible employees and their eligible dependents.

Employees pay a percentage of the annual premium for health coverage. Employee contributions for the POS-C, PPO 500 or 1500 Plans will be determined in accordance to the schedule outlined in the City's Preventive Health Care Management System (see Appendix D).

In the event that an employee takes an approved leave of absence for medical reasons, the City shall continue to pay its share of health insurance costs for a period of six (6) months following the depletion of the employee's accumulated sick leave.

Coverages and benefits under this program may change from time to time. The Human Resources Division will maintain up-to-date information on all current program benefits. *Employee Health Insurance Premium:* While the City offers a number of health insurance plans, the employer premium share is based on the Maine Municipal Employee Health Trust's PPO 500 plan. Employees may also choose to enroll in MMEHT's POS C plan, a more expensive plan requiring a larger employee contribution, or MMEHT's PPO 1500 plan, which carries a lower premium and contribution. Human Resources can provide more information on the available plans and employee costs.

For PPO 500, all employees shall contribute no more than the Maximum Health Insurance Premium (MxHIP) payment of twenty-five percent (25%) for Employees hired before 9/1/07 and thirty percent (30%) for Employees hired on or after 9/1/07 for their share of premium costs.

All employees enrolled in MMEHT PPO 500 coverage may voluntarily participate in the Wellness and Health Care Management Program (Appendix C) to reduce their MxHIP by up to 10% (for Single or Employee with Child coverage) or up to 5% each for employee and spouse (for Employee and Spouse/Family coverage).

Employees wishing to participate in the MMEHT Point of Service (POS) C Plan may do so by paying the difference in premiums between the PPO and the Point Of Service Plan. If the employee chooses to voluntarily participate in the Wellness Program, any applicable credits earned through the Wellness and Health Care Management Program outlined in Appendix C shall apply.

## PERSONNEL POLICIES

The Human Resources Division shall annually provide employees with information on the required premium payments.

*Health Insurance Coverage Waiver:* Any eligible employee may elect to waive coverage in the City's health insurance plan. Any employee waiving full or partial coverage for which otherwise eligible shall be paid based on the health insurance premiums in according to the following conditions:

1. Any employee eligible for full family coverage, employee plus child(ren) or single coverage, and who elects to waive health insurance coverage shall receive an annual payment equal to the amount of four (4) months of the PPO 500 health insurance premiums for which the employee is eligible.
2. An employee who is eligible for full family plan who opts to take either a "single parent plan" or a "single plan" shall receive an annual payment equal to four (4) months of the difference in the premiums between the PPO plan for which the employee is eligible and the POS plan taken.
3. In the event both spouses are employees who are eligible for health insurance coverage, the ineligible spouse shall receive an annual payment equal to one (1) month of the PPO family plan premium.
4. The payments in lieu of health insurance shall be based on the premiums in effect the month the premiums are paid.
5. If the employee wishes to be reinstated on the health insurance plan or change coverage from a single parent plan (if otherwise be eligible for full coverage), the employee may do so as long as the employee follows the insurance carrier's requirements for evidence of insurability and portability of coverage provisions.
6. If an employee is reinstated (or covered for the first time) after receiving payments for waiving health insurance coverage and during the period covered by the waiver payment, the employee shall repay the City the balance of the payment pro-rated on a monthly basis.
7. In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the employee must complete a health insurance enrollment form and, for reinstatement, supply a copy of the loss of coverage letter within the 60 day requirement of the MMEHT.
8. Eligible employees who are married to other City employees covered by the MMEHT shall receive MMEHT life insurance coverage at no cost.

NOTE: Annual and pro-rated payments shall be based on the City's fiscal year, July 1<sup>st</sup> through June 30<sup>th</sup>.

### FLEXIBLE SPENDING ACCOUNT (FSA) AND HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

For all eligible employees, the City provides a medical and dependent care flexible spending account as allowed under Section 125 of the Internal Revenue Code. Eligible employees bear the cost of either the Flexible Spending Account and/or Dependent Care Options, except for a yearly City contribution of \$200 to the FSA of those employees who are not covered by a collective

## PERSONNEL POLICIES

bargaining agreement and who are participating in the Preventive Health Care Management System.

For those employees participating in the MMEHT PPO 500 or 1500 health insurance plans, the City shall contribute to the employee's Health Reimbursement Arrangement in accordance with the following:

PPO 500: \$1200 Single Plan; \$2400 Family Plan/Employee and Child/Employee and Spouse  
PPO 1500: \$1,700 Single Plan; \$3,400 Family Plan/Employee/Child/Employee/Spouse

Employees opting not to participate in the Flexible Benefits Plan or the Health Reimbursement Arrangement immediately upon being employed, or employees who do not comply with the requirements of the Preventive Health Care Management System during any year, will not be eligible to participate until the following calendar year.

Employees beginning service after the beginning of a FSA & HRA plan year will have the employer's contribution to their FSA and/or the HRA account prorated based upon the number of pay periods remaining in the play year.

### DENTAL PLANS

The City provides two dental plans through Delta Dental. The cost of dental premiums is the employee's responsibility. Coverage information and premiums can be obtained from the Human Resources Division.

### VISION PLAN

The City provides a vision plan through MMEHT and VSP. The cost of the vision premium is the employee's responsibility. Coverage and premium rates can be obtained from the Human Resources Division.

### LIFE INSURANCE

The City provides a life insurance program through the MMEHT. All participants receive basic coverage equal to one (1) times the employee's annual salary at no cost. Employees may elect to purchase supplemental coverage and dependent coverage at their cost. Rate information is available from Human Resources.

Employees not electing Supplemental Life upon date of hire but interested in obtaining it at a later date will be subject to an Evidence of Insurability requirement through MMEHT. Coverage will be provided at the discretion of the Health Trust.

### INCOME PROTECTION PLAN

The City provides the MMEHT Income Protection Plan to all employees customarily working at least twenty (20) hours per week on a year-round basis. Plan premiums are the employee's responsibility. Rate information is available from Human Resources.

## PERSONNEL POLICIES

Employees not electing Income Protection upon date of hire but interested in obtaining it at a later date will be subject to an Evidence of Insurability requirement through MMEHT. Coverage will be provided at the discretion of the Health Trust.

### DEFERRED COMPENSATION PLANS

The City provides three 457K deferred compensation programs through Mass Mutual, ICMA-RC, and Maine Start. For those employees **not** participating in MEPERS, the City will match the employee's 457 contribution up to a maximum of 6% of earnable compensation; not to exceed the maximum contribution allowed by law. The City does not contribute to the 457K's of employees participating in MEPERS.

### ROTH IRA

The City provides a Roth IRA Plan through ICMA-RC. Employees may either contribute a flat amount or a percentage of earned compensation. The City does not provide a matching contribution to a Roth IRA.

### MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (MEPERS)

An employee who is or would be covered by the United States Social Security Act as a result of employment by the City may elect to be a member in the Maine Public Employees Retirement System (MEPERS). Employees must elect to be a member of the program at the time of initial hire or on the date first eligibility to participate. Once an election is made, it is irrevocable with respect to all subsequent employment with the City. Emergency Service Personnel (Fire and Police) are required to participate in MEPERS and are not subject to Social Security.

### MAINE PUBLIC EMPLOYEES RETIREMENT NON-UNION IN-SERVICE RETIREMENT PROGRAM

The following conditions must be met for an employee to be eligible for the in-service retirement program:

- A. Employee must have a minimum of 25 years of MePERS service
- B. Employee must give 45 days' calendar days' notice
- C. Employee must agree to collect his/her MePERS retirement benefit, cash out all allowed accrued time and be immediately rehired on the 1<sup>st</sup> of the following month
- D. Employees shall be required to service a minimum of 12 consecutive months during the period of their participation in the in-service retirement program, with no maximum length of time limitation
- E. Employee's failure to satisfy the minimum 12 consecutive months of employment requirement shall permit the employer to recover all benefits that exceed the employee's period of employment
- F. Other In-service Retirement program conditions include:

## PERSONNEL POLICIES

- The employee shall be paid 95% of the regular rate of pay received on the last of employment prior to retirement
- Shall no longer be MePERS eligible
- Shall be offered 457 deferred compensation program, and the City shall match the employee's contribution, not to exceed 6% of earnable compensation and limited by the maximum contribution allowed by law.
- The City must zero out any unused sick/vacation time to ensure a bona fide termination under state and federal law. A bona fide termination is required in order for an employee to retire and return to work under MePERS.
- Employee shall receive five (5) days allowance of sick time as a new hire and will accrue sick/vacation as per personnel policies provisions accrual rates.
- The City shall fund the MePERS required retire-rehire contribution rate at the point of retirement
- All other applicable Personnel Policy Provisions shall apply

### RETIREMENT HEALTH SAVINGS PLAN

The City of Lewiston currently provides a Retirement Health Savings [RHS] plan to its non-union employees. On February 28<sup>th</sup> of each year, employees shall contribute the specified number of vacation and unused, accumulated sick leave days to RHS, based on the employee's number of accrued vacation and sick leave as follows:

**Accumulated Vacation:**

30 to 34 days - 5 days

35 + days - 10 days

**Accumulated Sick Leave:**

0-24 days - 0 days

25-49 days - 1 day

50-74 days - 2 days

75-99 days - 3 days

100-124 days - 4 days

125-149 days - 5 days

150-174 days - 6 days

175 days - 7 days

The dollar value of the contributed time taken will be calculated the following July using the employee's rate of pay in effect at that time.

### ACCIDENTAL/SICKNESS INDEMNITY PLANS

The City provides AFLAC Accident, Hospital and Cancer Coverage. Plan premiums are the employee's responsibility. Coverage and cost information is available from Human Resources.

# PERSONNEL POLICIES

## WORKERS' COMPENSATION BENEFITS

The City provides workers' compensation benefits as required under Maine law. Employees receiving workers' compensation benefits from another employer may receive sick leave benefits from the City; however, such benefits will be limited to the difference between the employee's full pay and the amount received in workers' compensation benefits from the other employer.

## EMPLOYEE ASSISTANCE PROGRAM

The City's Employee Assistance Program (EAP) is designed to assist in the identification and resolution of personal and/or work related problems. EAP functions as a resource for employees of the City and their covered household members. The Human Resources division is responsible for managing the program, and employees interested in utilizing it should contact Human Resources or call the confidential employee assistance program line 1-800-647-9151.

Personal concerns, including but not limited to health, marital, family, financial, alcohol, drug, emotional, stress, or other concerns which may adversely affect employee job performance can be addressed. EAP is expected to assist the City in maintaining a stable, well-functioning work force. EAP, together with the City's Wellness Program, offer education and training for employees on health awareness programs, wellness programs, and lifestyle changes.

This program is strictly confidential, voluntary, and participation in the program will not affect employee job security or advancement opportunities. Each employee utilizing EAP must sign a "Statement of Understanding" that must be witnessed by the EAP Coordinator guaranteeing that State and Federal confidentiality guidelines are followed.

Supervisory and management staff may refer an individual employee to the EAP; however, participation is not mandatory and the employee will not be disciplined if the referral is not accepted. An employee's use of EAP will not automatically shield that employee from disciplinary action related to performance issues or failure to comply with City regulations. It may, however, be utilized simultaneously with a disciplinary process, and the willingness of the employee to use this resource shall be considered in the disciplinary process.

EAP services include but are not limited to the following:

- Toll-free, 24/7 telephone consultation and referral services;
- Face-to-face counseling visits offered to employees and household members;
- Financial Consultation: Unlimited, telephone consultations with a Certified Consumer Credit Counselor;
- Legal Referrals & Discounted Fees: Free, 30-minute telephone or in-person consultation with a qualified attorney; 25% discount on attorney fees after consultation;
- Identify Theft Recovery: telephone consultation to help recovery from and minimize the impact of a breach of identity;
- Live Tobacco Free: online education; telephone consultation with a trained tobacco

## PERSONNEL POLICIES

- cessation coach;
- Unlimited child and elder care web-based self-search feature;
- Unlimited web-based convenience/and daily living resources such as household maintenance, relocation, pet care, etc.;
- EAP website resources;
- Case assistance for management referrals, return to work, etc.;
- Workplace trauma response: consultation and recommendations;
- Critical Incident Stress Debriefing (CISD)

### DEATH OF AN EMPLOYEE

In the event of the death of a current employee, the employee's estate shall be entitled to all of the benefits provided to an employee upon separation or, if applicable, retirement. This provision does not change, amend, expand, or further any provision of the various specific retirement plans for which an employee may be eligible.

# PERSONNEL POLICIES

## APPENDIX A

### SEXUAL AND UNLAWFUL HARASSMENT INVESTIGATION PROCEDURE

City policies and Federal and State law require prompt investigations of sexual and unlawful harassment complaints and, if verified, to remedy any unlawful discrimination in employment, including sexual or other unlawful harassment. It is the policy of the City to investigate every allegation of discrimination or harassment thoroughly. The steps outlined below describe, in a general way, the investigation process to be followed. The City has the discretion to alter the investigatory process as required by the individual circumstances of each reported discrimination or harassment.

#### Investigative Procedure

1. When a supervisor, Department Head, or the Human Resources Division receives a report of discrimination or harassment, the reporting employee will be encouraged to make a written report of the discrimination or harassment. The reporting employee must sign and date the written report.
2. If the employee does not make a written report, the supervisor, Department Head, or Human Resources Division will document the employee's verbal report and will immediately prepare a written report containing the name of the reporting employee, the date of the alleged discrimination or harassment, the date of the report, and all of the information provided by the reporting employee.
3. The report will immediately be forwarded to the Human Resources Division.
4. The Human Resources Division or the appropriate City official will conduct an investigation which may include interviewing the reporting employee, potential witnesses, and the individual alleged to have discriminated or harassed, and shall prepare a report outlining the results of the investigation.
5. This report will be reviewed by City management and, if necessary, by the City's legal counsel.
6. Management will then develop a resolution to the complaint and implement it.

The investigation may result in a determination that discrimination or harassment occurred, that no such conduct occurred, or that a particular remedy is appropriate even if conclusive findings cannot be made. Remedial action may include suspension with pay during an investigation, suspension without pay during an investigation, reinstatement with back-pay, time off with pay, payment of out-of-pocket expenses, transfer, additional training or termination of employment.

No employee has a right to any specific remedial measure. No employee has a right to any particular procedure. However, the City will treat all employees fairly throughout the course of the investigation.



# PERSONNEL POLICIES

## APPENDIX B

### PROCEDURE FOR RESPONDING TO A REQUEST FOR ACCOMMODATION BY A DISABLED EMPLOYEE

City policies and Federal and State law require the City to provide a disabled employee with any reasonable accommodation which is necessary for the disabled employee to perform the employee's job functions.

The Americans with Disabilities Act (ADA) and Maine Human Rights Act (MHRA) protect qualified employees who are disabled from employment discrimination. Under the ADA and MHRA, an employee has a disability if the employee has a physical or mental impairment that substantially limits a major life activity. The ADA and MHRA also protect employees who have a medical record of a substantially limiting impairment and employees who are regarded by others as having a substantially limiting impairment. A substantially limiting impairment is a physical or mental impairment that significantly limits or restricts the employee's ability to perform a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, or learning.

An employee with a disability must be qualified to perform the essential functions of the job in order to be protected by the ADA and MHRA. This means that the employee must meet job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related and must be able to perform all of the tasks that are essential to the job, with or without an accommodation.

An essential function of a job is a basic job duty that the employee must be able to perform in order for the job to be completed. Usually, a written job description establishes the essential functions of any position. However, the actual functions performed by any employee occupying that job, as opposed to those reflected in a written job description, should also be taken into consideration.

The City must provide a reasonable accommodation to any disabled individual who needs such an accommodation to participate in the employment application process or to perform the employee's job and otherwise enjoy the benefits and privileges of employment.

If an employee requests an accommodation on the basis of a disability, the City will take the following steps:

1. Determine, by speaking with the employee, whether the employee requests an accommodation because the employee is disabled.
2. If the employee asserts a disability and, therefore, claims entitlement to the protection of the ADA and MHRA, the supervisor must refer the employee's request for an accommodation to the Human Resources Division.
3. The Human Resources Division will work with the employee and the employee's Department Head to determine whether an accommodation is needed to perform the

## PERSONNEL POLICIES

employee's job and to determine what accommodation or accommodations are reasonable. That determination may include some or all of the following steps:

- a. An individualized examination of the nature and extent of the employee's disabling condition;
- b. An individualized analysis of the requirements of an employee's job;
- c. A medical examination;
- d. An analysis of whether a particular accommodation will enable the employee with a disability to perform the essential functions of the job.

The Human Resources Division, working with the employee and the Department Head, will have the final discretion to choose the effective accommodation, or the most reasonable accommodation, given all of the circumstances related to the employee's abilities and the functions of the job.

In some cases, the City will need to determine whether an employee who asserts entitlement to the protection of the ADA and MHRA is a qualified individual with a disability. This determination, like the determination of the appropriated accommodation, will be made on a case-by-case basis, usually involving the participation of the employee's health care provider(s), and will focus on whether the employee is substantially limited in the ability to perform a major life activity.

# PERSONNEL POLICIES

## APPENDIX C

### WHISTLEBLOWER REPORTING PROCEDURES

Prior to submitting a formal Whistleblowing report, employees reporting any alleged violation, unsafe condition, or practice outlined in the City's rules and regulations or consistent with the intent of the Whistleblower Policy, must first bring the concern to the attention of a person having departmental supervisory authority in order to demonstrate that the City has been allowed a reasonable opportunity to correct and properly report that violation, condition, or practice.

*When to Report:* A complaint filed under this Policy should be filed within 45 days of the date of the act or event that is subject of the complaint.

*Whom to and How to Report:* If a community member, officer, or employee submits a formal Whistleblower Complaint, they may utilize the form available on the City Administrator's page of the City's web site (<https://www.lewistonmaine.gov/DocumentCenter/View/3012/Whistleblower-Complaint-Form>) or the electronic submittal form located on the City Web site under the Administrator's web page (<https://www.lewistonmaine.gov/forms.aspx?FID=97>), or may submit an alternate written complaint (i.e., letter with contact information or email).

In most instances, employees should submit a Whistleblower complaint to their supervisor or Department Head. Once received by the supervisor or Department Head, a copy of the complaint shall be immediately forwarded to the City Administrator.

If the supervisor or Department Head does not respond to the employee's complaint within a reasonable period of time, the employee may notify the City Administrator using one of the written complaint procedures listed above.

If the employee believes that the employee is unable to report violations outlined in this policy to either their supervisor or Department Head, or the report involves either their supervisor or Department Head, the employee may submit the complaint directly to the City Administrator utilizing the direct reporting function in the City Administrator's web page (which will be directed to the City Administrator or the Acting City Administrator when applicable) or by downloading the form provided on the City Administrator's web site; or by picking up a form at the City Clerk's Office.

All mailed forms should be forwarded to: Lewiston City Administrator, 27 Pine Street, Lewiston, Maine 04240.

*Reporting Procedures For Community Members and Officers:* All reports or written complaints submitted by officers and community members that do not involve the City Administrator shall be submitted to the City Administrator using one of the complaint procedures listed above.

All reports or written complaints submitted by officers, community members, or employees regarding the City Administrator shall be submitted to the City Attorney. The complaint must be submitted in writing and mailed to the City Attorney c/o Martin Eisenstein, Esq., Lewiston Whistleblower Program, P. O. Box 3070, Lewiston, ME 04243-3070.

# PERSONNEL POLICIES

## APPENDIX D

### WELLNESS AND HEALTH CARE MANAGEMENT PROGRAM

The City of Lewiston Wellness and Health Care Management Program (The Program) is pleased to provide this voluntary health care management system which focuses on healthy lifestyles and healthy activities based on documented public health literature. The goal is to reduce the overall need for health care services among members and to prevent disease by rewarding employees and spouses for healthy behaviors that will contribute to healthier outcomes. The Program can be broken down as follows:

I. Health Risk Analysis and Educators

With the exception of Category 1 (or filing applicable spouse waiver), Section II, Category 2, 3, and 4 of this Wellness program will only be in effect upon the first HCE appointment listed in sub-section G(i) below. Failure to complete any part of the Category 1 requirements will result in the non-issuance of all Wellness health insurance premium reward reductions outlined in Category 1 through 4 of this Wellness program (if applicable, all waiver requirements outlined in Item D of this program shall be in effect).

- A. The initial element of this program is an individual health risk analysis, which will be available for each member that desires one. This service will be provided by a health care provider that will be under contract with the City to provide these services. The aggregate results of the analysis for all City employees will be available to the City. However, consistent with Federal law, the City will not have access to an individual's health risk analysis.
- B. The contracted health care provider will assign a Health Care Educator (HCE) to work with each and every employee and applicable spouse (herein referred to as "participant") that elect to participate in this health insurance benefit offered by the City. As a condition of enrollment into the City health insurance program, the participant must schedule an annual meeting with the HCE and fully participate in the program.
- C. The City has introduced this program to reward healthier lifestyles through a series of category rewards which can reduce the employee's *Maximum Health Insurance Premium (MxHIP)* payment by as much as 10% (5% each for married couples) if the participant achieves all program requirements (applicable exceptions noted in Section I, Item G(i) and in Section II, Item D).
- D. Working with those program requirements specified in Item II of this section, the HCE will work to establish a health plan strategy for each participant. Once established, the HCE will work with the participant to provide wellness goals and benchmarks. Educational material and motivation will be a core part of the program.
- E. After the HCE consultation, each participant may receive at least one additional face to face meeting annually.

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- F. All participants with access to a computer are required to book their annual HCE appointments utilizing the online appointment calendar. For participants who do not have a computer, appointments may be booked through the Human Resources office and must be done no later than March 31<sup>st</sup> of each year. All participants are obligated to book their appointments in sufficient time to guarantee that they secure an HCE appointment for the coverage year. The following outlines what constitutes a failure to meet the HCE appointment requirement and what qualifies as an exception to the requirement:
- Employee or spouse fails to schedule their appointment between January 1<sup>st</sup> and March 31<sup>st</sup> of each year.
  - Employee or spouse fails to appear for a scheduled appointment (only significant matters of a serious and personal nature will serve as cause for a waiver to be issued by the City Administrator or Deputy City Administrator).
  - Appointments cancelled by the HCE will be rescheduled by the HCE within 14 days of the cancellation and shall not result in any penalty to the employee or spouse on the condition that the employee and/or spouse meets with the HCE before the end of the coverage year. Exception, if there are less than 14 days remaining in the coverage year at the time of the HCE cancellation, the participant must meet with the HCE no later than February 28<sup>th</sup> of the following coverage year.
  - Unless management disputes an employee's claim that a cancellation or "no show" was job related, job related duties that result in employee cancellations or "no shows" shall require the HCE to reschedule the appointment within 14 days of the cancellation and shall not result in any penalty to the employee on the condition that the employee meets with the HCE before the end of the coverage year. Exception, if there are less than 14 days remaining in the coverage year at the time of the HCE cancellation, the participant must meet with the HCE no later than February 28<sup>th</sup> of the following coverage year.

Every effort will be made to hold the HCE meetings on the employee's job site. The meetings will be held in a private setting. Depending on the results of the health risk analysis and the goals of the member, additional meetings may be scheduled. Should a face-to-face HCE consultation not be practical (e.g., working out-of-State, serious illness, etc.), participants must contact Administration to approve any phone or other acceptable alternatives.

- G. Qualifying Periods: Fully complying with the requirements of Section II of this program requires the participant to meet the minimum requirement language of Section II within the qualifying period, which shall be as follows:
- The employee's wellness program will be in effect immediately upon the first HCE appointment following the start of employment.
  - All subsequent "Qualifying Periods" shall begin on the next day following the participant's HCE appointment and end in the following coverage year at the time of the next HCE appointment.

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- In order to initially receive the applicable category percentage rewards, the participant(s) must meet the conditions articulated in Section II of this program at the inception of the first Qualifying Period defined above. Meeting the minimum conditions will be required within the “Qualifying Period” as defined above thereafter in order to receive any applicable category percentage credit.

### II. Individual Health Care Management Requirements and Savings

All employees who receive city health insurance must pay the employee’s share of health insurance as specified in the City Policy or their collective bargaining agreement. Though this wellness program is voluntary, the employee health insurance payment can be reduced by as much as an additional 10% (5% for employee and spouse if applicable) if enrolled employees and/or applicable spouses meet all category program elements listed in this section.

The details are as follows:

Cat.	Category Requirements for employee & Covered Spouse	Single & Employee w/Child Reward Premium Savings	Employee & Spouse (family coverage) Reward Premium Savings per Person	Comment*
1	Annual HCE appointment or providing spousal waiver; evidence of participation in HCE/Provider/Doctor risk assessment plan; providing HCE with written proof of annual Provider physical for coverage year	3.50%	1.75%	Failure to comply with any requirement of this Category will DISQUALIFY employee and spouse (where applicable) for premium savings in all categories unless a waiver applies
2	Exercise program approved by HCE - may be reviewed by the participant's Provider	1.75%	0.875%	

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3	Non-tobacco product use, including the smoking, inhaling, vaporizing ("vaping") or consumption of nicotine-based products through so called "e-cigarette," "vapor," or similar non-tobacco nicotine delivery devices that utilize non-prescribed nicotine that can be ingested or delivered in any way into the body that is not part of a provider approved and supervised tobacco or nicotine cessation program. Written proof must be submitted to the HCE that participant has enrolled into a Provider approved and medically supervised tobacco or nicotine cessation program.	1.75%	0.875%	
4	Savings is possible by achieving one of three of the following metrics: A. <b>BMI (Body Mass Index)</b> as scored by the WebMD calculator (or similar public health agency calculator);or B. <b>WHTR (Waist-to-Height Ratio)</b> as scored by the Penn State calculator (or similar public health agency calculator);or C. Waist measurement health metric requirements as recommended by the Harvard School of Public Health	up to 3.0%	up to 1.50%	Applicable scoring and program savings listed in charts below
	TOTAL SAVINGS UP TO----- ----->>>>>>	10%	5%	

\* See Item D below for category waiver eligibility.

### A. *Body Mass Index (BMI) Chart and Applicable Savings:*

<b>BMI</b>	
<b>Underweight</b>	Below 18.5
<b>Normal</b>	18.5 – 27.4
<b>Overweight</b>	27.5 – 29.9
<b>Obesity</b>	30.0 and Above

Men and Women:

- BMI equal to/less than 27.4 = full compliance at applicable % savings
- BMI equal to/greater than 27.5 but equal to/less than 29.9 = 50% compliance savings
- BMI equal to/greater than 30.0 = not in compliance, therefore not eligible for savings

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Chart Source: National Institutes of Health -

[http://www.nhlbi.nih.gov/health/public/heart/obesity/lose\\_wt/risk.htm#limitations](http://www.nhlbi.nih.gov/health/public/heart/obesity/lose_wt/risk.htm#limitations)

Calculator Source: <http://www.webmd.com/diet/body-calculator>

### B. Waist-to-Height Ratio Chart and Applicable Savings:



Men:

- Ratio less or equal to 52% = full compliance at applicable % savings
- Ratio equal to or greater than 53% but equal to or less than 62% = 50% compliance savings
- Ratio equal to or greater than 63% = not in compliance, therefore not eligible for savings

Chart Source: Penn State University Hershey, Pro Wellness Center

[http://prowellness.vhost.psu.edu/prevention/understanding\\_risk/whtr](http://prowellness.vhost.psu.edu/prevention/understanding_risk/whtr)

Calculator Source: [http://prowellness.vhost.psu.edu/prevention/understanding\\_risk/whtr](http://prowellness.vhost.psu.edu/prevention/understanding_risk/whtr)



Women:

- Ratio less or equal to 48% = full compliance at applicable % savings
- Ratio equal to or greater than 49% but equal to or less than 57% = 50% compliance savings
- Ratio equal to or greater than 58% = not in compliance, therefore not eligible for savings



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Chart Source: Penn State University Hershey, Pro Wellness Center

[http://prowellness.vhost.psu.edu/prevention/understanding\\_risk/whtr](http://prowellness.vhost.psu.edu/prevention/understanding_risk/whtr)

Calculator Source: [http://prowellness.vhost.psu.edu/prevention/understanding\\_risk/whtr](http://prowellness.vhost.psu.edu/prevention/understanding_risk/whtr)

### C. *Waist Measurement:*

WAIST MEASUREMENT REQUIREMENTS	MEN	WOMEN	FULL COMPLIANCE ONLY
Cannot exceed specified waist measurement	=/< 40"	=/< 35"	5%

Organization	Measurement	Definition of abdominal obesity
American Heart Association, National Heart, Lung and Blood Institute (10)	Waist circumference	Women: > 88 cm (35 inches) Men: > 102 cm (40 inches)

Source: Harvard School of Public Health: <http://www.hsph.harvard.edu/obesity-prevention-source/obesity-definition/abdominal-obesity/>

### D. *Category Waivers:*

1. Waivers for all four categories may be approved on the condition that the participant’s Medical Provider (Doctor) has provided a written statement that confirms that the participant cannot achieve any one or more of the categories listed due to a medical reason.
2. The employee and/or spouse may attempt to re-qualify for category rewards after the annual meeting with the HCE, but this will require HCE verification. Participants may not schedule HCE verification appointments. HCE verification appointments must be scheduled through Human Resources and shall only be scheduled within the available appointment dates/times for the applicable calendar year.
3. Participants are authorized to have their Medical Provider confirm any metric needed to obtain a category reward that was not achieved by the participant. All updated medical metric information must be submitted to Human Resources in writing by the Medical Provider and verified by the HCE.
4. The “City of Lewiston Health Care Educator Spouse Waiver Form,” may be used by an employee’s spouse in place of meeting with the HCE. A completed and signed form must be submitted to the HCE in accordance with the guidelines outlined in the form. Information that shows the individual qualified for credit in categories 1 through 4 must be verified by the HCE in order to receive any category savings. Failure to fully comply with this requirement will result in the non-issuance of applicable percentage rewards. The “Spouse Waiver Form” can be found on the City Intranet site or can be obtained from Human Resources.

### III. Employee Health Insurance Premium Cap Table (The Tables)

The Tables below shall be increased by 10% each year. Premium payments between 15% and 25%, or 20% and 30% depending on the employee’s date of hire, shall

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be determined by the employee and covered spouse's participation in the Wellness Program.

### Weekly Employee Health Insurance Premium Payment Caps

	<b>1/1/2018</b>	<b>1/1/2019</b>	<b>1/1/2020</b>
Employees hired before September 1, 2007:			
Minimum Rate – 15%	\$120.63	\$132.69	\$145.96
MxHIP Rate – 25%	\$195.90	\$215.49	\$237.04
Employees hired on or after September 1, 2007:			
Minimum Rate – 20%	\$156.90	\$172.90	\$189.80
MxHIP Rate – 30%	\$255.60	\$281.16	\$309.20

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## APPENDIX E

### EMPLOYEE ASSISTANCE PROGRAM OFFERED THROUGH ANTHEM

Anthem's EAP provides standard referrals giving the caller the contact information for a minimum of three providers that best meet the caller's request. Anthem EAP makes every effort to offer counseling sessions at a time and place that is most convenient for members. Members may also access a full listing of providers by logging on to the EAP website at [www.anthemead.com](http://www.anthemead.com). The program has 12,000+ contracted providers, 14,000 locations nationwide, 220 EAP counselors in Maine. All EAP providers hold licenses to practice independently as a behavioral health professional in their respective states of practice and have experience in the provision of EAP services. EAP will offer a specified number of counseling sessions (typically between 3 and 6) with an EAP provider to address problems that affect employee workplace productivity. Members can choose which location and provider best meets their needs. Counseling sessions occur off-site at the provider's office.

EAP provides immediate, confidential access to information, referrals and crisis assistance 24 hours a day, seven days a week. All of the City's employees and their household members may access EAP services directly either toll-free (1-800-647-9151) or online ([anthemead.com](http://anthemead.com)), or be connected through Anthem's Customer Service. Callers speak directly to an EAP representative or clinician and never receive a busy signal. EAP representatives perform initial telephonic assessments to ensure the member is not in crisis. If the member screens positive for a crisis situation, telephonic counseling is performed for crisis stabilization. Callers in crisis speak with master's level EAP clinicians. Once the clinician stabilizes the caller, the consultant refers the caller to an EAP network provider in the field for face-to-face counseling. Routine callers are also assessed for non-EAP issues such as legal and financial counseling.

Anthem's EAP has confidentiality standards in place for record retention, accessibility, conditions for information release, and use of records. The EAP is HIPAA compliant and adheres to all State and Federal laws, as well as professional licensure standards pertaining to confidentiality and privilege. The EAP will only release individual information with a valid written consent. EAP information will not become part of an employee personnel or medical file.

EAP does not relay individual employees' counseling progress to the City without appropriate informed consent. EAP does provide utilization reports that include the number of individuals accessing EAP, levels of service offered and delivered, types of problems represented by the cases and limited demographics such as employee versus dependent. Individual identifying information is never used in the utilization reports.

For members with behavioral health benefits, EAP associates and providers assist in navigating the system and coordinating care among all available benefits and services. If needed, members may remain in counseling with a behavioral health network provider after exhausting their EAP counseling sessions (minimum 3 sessions), assuming they follow the guidelines of their

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insurance carrier. The EAP is not involved in charging or authorizing any services consumers receive beyond those available through EAP.

Anthem's EAP providers are members of the community who can help consumers identify appropriate and affordable resources within their local area. This often includes referrals to local service agencies or other resources if an individual does not have health insurance or cannot afford a copayment. The City's Anthem EAP clinical account manager will discuss opportunities to integrate with the employer's programs. Anthem's EAP fully integrates with Anthem's medical/behavioral health and care management programs.

For employees who have been absent from the workplace, return-to-work assistance can help minimize employer risk and support a returning employee to re-engage with the workplace. In these situations, the EAP clinicians can assess the employee and may establish a return-to-work agreement per the City's policies and procedures.

The City may also formally refer an employee to EAP. The City will consult with EAP Clinicians. Consent of release of information form will be provided to the employee along with details on why a referral is being made and desired outcome. The employee is asked to sign the consent form so the EAP can make a referral on the employee's behalf and provide periodic updates to employer.

EAP may follow employees referred through a formal process for up to 1 year if indicated.

EAP work-life services help increase productivity by compiling resources to assist employees in locating legal or financial professionals, responding to issues of identity theft, finding appropriate care for a loved one, obtaining consumer information, accessing moving and relocation resources, connecting with nearby contractors for home repair and even quitting smoking. EAP includes helpful online work-life services. With Enhanced EAP, work-life specialists provide personalized consultations and local referrals for a variety of care options either via telephone or online.

Anthem EAP offers orientation services to employees via the EAP website or video. Orientations provide a brief overview of services offered and how to access them. Employees are provided communication materials at time of new hire orientation with the City to introduce EAP and explain the services. Materials can be accessed any time at Human Resources.

EAP services include unlimited telephone consultations for supervisors and managers dealing with troubled employees or workplace situations, including management referrals to EAP. The supervisor or manager simply calls the toll-free EAP number to receive immediate guidance from EAP clinical professionals. Employers seeking to refer employees to EAP may simply provide a friendly reminder and encourage the employee to contact the EAP. EAP includes consultation and training services to management/supervisory personnel to assist in resolving employee and employee/supervisor issues. Most managers and supervisors will face a difficult employee situation at some point in their management career. Anthem EAP offers a comprehensive EAP orientation to leadership outlining these key components. EAP also offers

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more than 20 leadership trainings to aid managers and supervisor in the management of employees.

Anthem's EAP providers consist of psychologists, social workers, marriage and family therapists, counselors and psychiatric nurses who have successfully completed the mental health network selection and credentialing criteria for participating providers.

For routine EAP cases, if an employee or family member requests services and does not schedule an appointment with one of the offered providers within five business days, an EAP associate calls the participant to determine if services are still required and assist with scheduling the first appointment. For urgent calls, an EAP clinician maintains ongoing contact with the caller until appropriate services have been accessed. In emergencies, an EAP clinician maintains ongoing contact with the caller until the emergency is stabilized and EAP assesses that services are not required or were secured through other means.

Anthem's EAP continually measures its performance in the following ways:

- Monitor EAP intake and referral functions at multiple levels;
- Supervisors monitor answer timeliness, associate availability, hold times and abandonment rates daily;
- Supervisors share data for these measures with the team weekly, informing and involving them in plans for improvement;
- Conduct monthly system documentation audits and silent monitoring sessions to ensure quality;
- Ongoing monitoring is provided and managed through Anthem's Networks Quality Management Committee;
- Use an internally developed satisfaction survey to assess the consumer's experience with EAP. EAP associates ask all consumers if they would be willing to participate in a survey. EAP staff will mail the surveys monthly, and analyze them quarterly. For the previous year, the EAP had an overall satisfaction rate of 90%, and 92% of responders said they would recommend Anthem's EAP to others.
- Every three years, EAP obtains updated licenses, malpractice data and any changes to our network providers' information necessary for referrals.

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## APPENDIX F

### DRUG FREE WORKPLACE POLICY

The Drug-Free Workplace Act of 1988 became effective on March 19, 1989. Employees who use drugs, including alcohol, at work or come to work under the influence of drugs may create a hazardous situation for themselves and all those around them. This statement sets forth the policy of the City of Lewiston concerning the use and presence of drugs in the workplace.

It is the policy of the City of Lewiston to maintain a drug-free workplace. The unlawful manufacture, distribution, possession, or use of a controlled substance and alcohol is prohibited in the workplace, unless prescribed by a physician. A controlled substance includes, but is not limited to; marijuana, cocaine, “crack”, heroin, and amphetamines.

A violation of the prohibition against drugs and alcohol in the workplace will be treated severely. As a condition of employment, all employees must abide by the terms of the policy. Furthermore, an employee must notify the City of Lewiston if convicted of a drug violation occurring at the workplace within five (5) days of such conviction. If convicted, the following sanctions may be affected:

- A. Requiring such employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved by the City of Lewiston; or
- B. Appropriate disciplinary action which may include termination.

The City of Lewiston respectfully requests each employee’s cooperation and assistance in maintaining a drug-free workplace while creating a safer and healthier environment for all employees.