

COUNTY OF DUKES COUNTY
PERSONNEL BYLAWS

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**COUNTY OF DUKES COUNTY
PERSONNEL BYLAWS**

1.0 General Provisions

- 1-1. Authorization. The Personnel Bylaws for the County of Dukes County are established pursuant to Chapter 35, section 48 through 57A of the Massachusetts General Laws and the County of Dukes County Home Rule Charter MGL Chapter 34A section 18.
- 1-2. Purpose. The purpose of these bylaws is to establish a system of personnel administration with policies and procedures governing employment within the County of Dukes County which are consistent with the following merit principles:
 - a. Employment shall be open to all segments of society.
 - b. Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under fair and open competition.
 - c. Fair treatment of all applicants and employees shall be guaranteed in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.
 - d. Retention of employees shall be determined on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance. If, following such effort, inadequate performance cannot be corrected, separation shall occur.
- 1-3. Application. All County departments and positions shall be subject to the provisions of this bylaw except elected officers, employees covered by contractual agreement or collective bargaining agreements.
- 1-4. Rules of Interpretation
 - a. The bylaw is intended to be in accordance with all applicable state and federal laws. In the event of inconsistencies with the applicable state or federal law, the applicable law shall apply. Employees covered by a collective bargaining agreement shall have their terms and conditions of employment governed by said agreement and shall not be covered by this Personnel Bylaw.
 - b. Words imparting the singular number may extend and be applied to several persons; words imparting the masculine gender shall include the feminine gender.

- 1-5. Definitions. The following definitions shall apply:
- a. "anniversary date" is one year following date of hire or date of last promotion and every year thereafter.
 - b. "appointing authority" shall mean any Board, Department Head or Official authorized by General Law or otherwise to appoint employees.
 - c. "continuous service" shall mean employment uninterrupted except by authorized leaves.
 - d. "County" shall mean the County of Dukes County.
 - e. "day" shall mean the average number of regularly scheduled working hours the employee is required to perform his/her duties for the County in a given twenty-four (24) hour period.
 - f. "department" shall mean any department, board, committee, commission, or other agency of the County subject to this bylaw.
 - g. "department head" shall mean the officer responsible for supervising a department's operations and activities. A department head may be an appointing authority.
 - h. "emergency appointment" shall mean a non-competitive appointment to a position for a period of time not to exceed thirty (30) days to prevent stoppage of public business, or to cover an unforeseen emergency. Emergency employees shall be released at the earliest possible time or at the completion of the project or emergency not to exceed 30 days. Emergency employees will not be eligible for leave and sick day benefits as outlined in this Bylaw.
 - i. "employee" shall mean an employee of the County occupying a position in the Classification Plan.
 - j. "full pay status" shall mean to include vacation day, holiday, and personal day.
 - k. "full-time employee" shall mean a person who is occupying a position for six months or longer and who regularly works a minimum of 37.5 hours per week for fifty two (52) weeks a year, minus authorized leaves provided for in these Personnel Bylaws.
 - l. "part time employee" shall mean a person who regularly works less than 37.5 hours per week for fifty two (52) weeks a year. Part time employees who work twenty (20) or more hours will be pro-rated for leaves and benefits based on the ratio of the average hours worked per week relative to the total number of full time work week hours, regardless of which days are worked during the week.

- m. "promotion" shall mean an employee's advancement from one pay classification grade to a higher classification grade.
- n. "temporary/seasonal employee" shall mean any employee needed to meet conditions caused by seasonal work loads, special projects, illness, or absence of a regular employee may be hired on a temporary basis, not to exceed six (6) months. Temporary employees shall be released at the earliest possible time but no later than the return of the regular employee. Employees hired for a project or for longer than six months shall be released at the completion of the project. Temporary employees will not be eligible for leave and sick_benefits as outlined in this Bylaw.
- o. "week". The regular work week for full-time employees shall mean 37.5 hours of actual work within 7 days.
- p. "layoff" shall mean an involuntary suspension from employment not involving delinquency, misconduct, inefficiency, or on the job injury.
- q. "resignation" shall mean the separation of any employee by his/her voluntary act.

- 1-6. Amendment of the Bylaw – This bylaw may be amended at any public hearing of the County Commissioners after notification.

2-0. Administration

- 2-1. The County Manager shall be responsible for the administration of this Bylaw. The responsibilities of the County Manager shall be as follows:
 - a. Ensure that the County maintains an effective personnel system, monitor the effectiveness of the bylaw, procedures and practices, and prepare an annual report.
 - b. Formulate and review the Classification Plan and the Compensation Plan.
 - c. Evaluate and classify positions, review requests for reclassification, and cause a review of all positions in the Classification Plan at appropriate intervals in accordance with proper personnel practices.
 - d. Monitor the implementation of the County's Personnel Bylaw and practices.
 - e. Provide advice and assistance to department heads, supervisory personnel and employees on all aspects of personnel management.
 - f. Supervise and maintain a centralized personnel record keeping system.
 - g. Evaluate the effectiveness of forms used in the administration of this Bylaw.

3.0 County Personnel Records

- 3-1. Centralized Record Keeping. The County Manager shall be responsible for establishing and maintaining personnel records as may be required by law, and are necessary for effective personnel management. All employees shall comply with and assist in furnishing records, reports and information as may be requested by the County Manager.
- 3-2. Contents of Records. The County Manager shall maintain an individual personnel file for each employee which may include, but may not be limited to, the following:
 - a. The employment application.
 - b. A copy of all background investigation reports.
 - c. A copy of any physical examination reports and health reports. Medical reports will be filed separate from other personnel records.
 - d. A report of all personnel actions reflecting the original appointment, promotion, demotion, reassignment, transfer, separation, or layoff. Results of tests, history of employment and correspondence directly related to the employee's past employment record, reclassification or change in the employee's rate of pay or position title, commendations, records of disciplinary action, employee's response to disciplinary action, training records, performance evaluation, and other records that may be pertinent to the employee's employment record.
- 3-3. Access to Records. Personnel records shall be considered confidential and access to records shall, unless circumstances dictate otherwise, be limited to the County Manager and appointing authorities. Any employee may upon request to the County Manager have access to review their personnel file by scheduling an appointment in advance during regular business hours. The employee's review of their employment record shall be in the presence of an authorized personnel employee, the County Manager, or the Appointing Authority.
- 3-4. Release of Information. Unless written authorization is received from an employee, no information concerning that employee, other than employment verification, shall be released, unless dictated by law.

4.0 Recruitment and Appointment

- 4-1. Coverage. All employees.
- 4-2. Policy. The County shall make every effort to attract and employ qualified persons. Every person regardless of age, race, creed, color, nationality, religion, sex, or handicap applying for employment in the county will receive equal treatment. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel policies.

- 4-3. Recruitment. All department heads shall be responsible for the recruitment and selection of personnel. The qualifications, classification and salary range for positions shall be established in accordance with the classification and Compensation Plans.
- a. Notice of Vacancies. Department heads shall, upon determining the need to fill a vacancy in an existing position or an authorized new position, prepare a job vacancy notice. The job vacancy notice shall include: the job title, major duties of the position, qualifications, hours of work, location, salary, a closing date for applications, and application instructions.
 - b. Posting and Advertisement of Job Vacancy Notices. Notices of vacant positions, not including emergency appointments, shall be posted for fourteen (14) days on the County bulletin boards. Job vacancy notices shall be placed in a local newspaper at least fourteen (14) days prior to the close of applications. Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies.
 - c. Applications. All candidates applying for employment in the County shall complete an official employment application form and return the form to the appointing authority prior to the end of the working day of the closing date specified for the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications.
 - d. Examinations. The appointing authority may require an examination as one part of the selection process as a precondition for employment following an offer of employment. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant to the requirements of the position. A pre-employment physical examination will be required of all full time new personnel by a practicing physician, approved by the Department Head. This report is to be made on a form provided by the County. Examination is to be at the expense of the County.
 - e. References. A candidate's former employers, supervisors, and other references shall be contacted as part of the selection process. References and other background investigations shall be documented and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment.
 - f. Application Records. The application, documentation of reference checks, and related documents submitted shall be maintained by the Department Head and after filling of a vacancy, materials shall be turned over to the County Manager. The County Manager shall maintain application records for a period required by law. Appointing authorities, Department Heads and the County Manager shall, to the extent possible, maintain the confidentiality of any application.

- 4-4. Appointment. All appointments shall be made in writing by the appointing authority and shall be subject to the limitations of its appropriation. The written notice of appointment shall include the salary, the starting date, and appropriate additional information. Copies of the notice of appointment shall be provided to the County Manager (see section 3-1).
- 4-5. Failure to Report. An applicant who accepts an appointment and fails to report to work within three days after the date set by the appointing authority, shall be deemed to have declined the appointment and the offer of employment shall be withdrawn.

5.0 Orientation and Probation

- 5-1. Coverage. All employees.
- 5-2. Policy. Appointing authorities shall inform new employees of their rights, responsibilities, duties, and obligations. Performance of all new employees must meet acceptable work standards.
- 5-3. Orientation. Appointing authorities or their designee shall:
 - a. Notify the new employee of a date, time and designated location for starting work.
 - b. Thoroughly explain all the benefits and options the employee is entitled to and shall assist the employee with the completion of appropriate forms. The appointing authority shall provide the employee with a copy of this Personnel Bylaw.
 - c. Provide on-site training and orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures.
- 5-4. Probationary Period. All newly appointed and promoted employees shall be required to successfully complete a probationary period to begin immediately upon employee's starting date or promotion date and to continue for a six (6) month period, which may be extended by the number of days the employee may be absent from work. The probationary period shall be utilized to help new and promoted employees achieve effective performance standards. The probationary period shall be used by the appointing authority to observe and evaluate the employee's conduct and work habits. Upon expiration of the probationary period, the appointing authority shall notify the County Manager in writing that:
 - a. The employee's performance meets satisfactory standards and the individual will be retained in the position; or
 - b. The employee's performance, due to extenuating circumstances requires additional observation and that the probationary period will be extended an additional three (3) months; or

- c. The employee's performance or conduct was unsatisfactory, stating the specific reasons, and that removal may occur or the person promoted may be returned to his/her prior position.
- d. The employee may be removed by an appointing authority if it is revealed that the employee intentionally falsified information relating to application for employment, was unable or unwilling to perform the required duties, or displayed conduct, habits, or dependability which did not merit continuing the employee in the position. The employee and the County Manager shall be notified in writing of the reasons for the termination and the effective date of the action.

6.0 Classification Plan

- 6-1. Coverage. All employees.
- 6-2. Policy. The policy of the County is to establish and provide a uniform system for classifying all positions and to establish proper relationships between positions based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class ensuring equal pay for equal work.
- 6-3. Contents of the Classification Plan. The Classification Plan shall consist of the following:
 - a. Position Descriptions. Position descriptions for positions which are similar in duties, degree of difficulty and level of responsibility so that each position in the class can:
 - 1. be given the same job title
 - 2. require essentially the same training and experience
 - 3. be filled by substantially the same methods of selection
 - 4. be of same relative value and therefore deserving of the same range of compensation.

Each position shall have a written description. The description shall contain the essential functions of the position and consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and necessary special qualifications.

Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.

- b. Position Titles. The title of each class of position shall be the official title of every position allocated to the class, and shall be used for administrative purposes such as payroll, budget, financial and personnel forms and records. No person shall be appointed or promoted to any position in the County under a title not included in the Classification Plan. No employment or promotion hereunder shall become effective until such time as the appropriation or other moneys out of which the compensation is to be paid shall be adequate.
 - c. Change in Position Description or Title. The Department Head shall submit a new position description and any change in position title to the County Manager for evaluation and classification.
- 6-4. Administration of the Classification Plan. The County Manager shall have responsibility for the administration of the Classification Plan and shall be authorized to:
 - a. Complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;
 - b. Provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
 - c. Conduct periodic studies to insure the Classification Plan remains uniform and current; and,
 - d. Develop procedures to determine the proper classification of each position and classify positions.
- 6-5. Classification of New Positions. Appointing authorities proposing the creation of new positions shall provide the County Manager with a description of the duties, skills, knowledge, abilities, and other work performance requirements of a proposed position in sufficient detail to enable the County Manager to appropriately classify the position.
- 6-6. Reclassification of Positions and Periodic Reviews. Positions may not be reclassified without the Department Head submitting a new position description and any change in position title to the County Manager for evaluation. The Manager shall at three-year intervals review all positions subject to the Classification Plan in accordance with proper personnel practices.
- 6-7. The Classification Plan. The Classification Plan is appended to this Bylaw and shall be considered a part of this Bylaw.

7.0 Compensation Plan

- 7-1. Coverage. All employees.
- 7-2. Policy. The County Manager shall annually establish a Compensation Plan. The Compensation Plan shall be related to the Classification Plan and shall consider: relative responsibilities between various classes; wage rates for comparative type of work; economic conditions in the labor market; fiscal policies of the County; and ratifies labor agreements. Employees shall be paid in accordance with the rates in the Compensation Plan.
- 7-3. Starting Rates for New Appointments. Persons appointed to positions shall be paid at the minimum rate, provided, however, the Department Head may recommend compensation at a higher step within the Compensation Plan on the basis of exceptional qualifications or a lack of qualified applicants available at the minimum rate. Such a request shall be made to the County Manager in writing by the Department Head at the time of employment or at the expiration of the probationary period. The County Manager shall approve or disapprove the request.
- 7-4. Performance Evaluations. All employees, regardless of their position on the Classification Plan, shall have an annual written goal-oriented performance evaluation, which shall be prepared by the Department Head or appointing authority on such form as is approved by the County Manager. The Performance Evaluation shall be submitted to the County Manager fourteen (14) days prior to the employee's anniversary date. If the Department Head fails to submit a Performance Evaluation at the prescribed time limit, the County Manager shall take action. The Performance Evaluation shall include the recommendations for a step increase or the denial of a said step increase by the Department Head or appointing authority if applicable. The employee's new rate, if granted, will become effective at the beginning of the next pay period immediately following the calendar anniversary date.
- 7-5. Promotion. An employee who receives a promotion shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay or at a step that the appointing authority, subject to approval of the County Manager, believes the employee's qualifications and performance warrant.
- 7-6. Working Out of Grade. Employees working out of grade or temporarily assigned to a higher grade shall, after actively working two consecutive weeks in said higher grade, be entitled to receive the salary of the higher grade at Step One or at the step higher and closest to the employee's current wage, whichever is higher. The two weeks shall be exclusive of sick leave or vacation leave. An employee shall have the right, without fear of discrimination, to refuse permanent assignment to a higher job grade.
- 7-7. Notice of Employment. Department Heads shall notify the County Manager of all persons employed, the classification and the rate of compensation.

- 7-8. Salary Rates Above Maximum. Any salary rate which is above maximum rate for a job, as established by the County Salary Administration Plan, shall be deemed to be a personal rate, and apply only to the incumbent. When such incumbent leaves the employ of the County or is transferred to another job, the personal rate shall disappear and no other employee assigned to, or hired for, such job shall advance beyond the maximum of the job.

8.0 Overtime

- 8-1. Coverage. All employees.
- 8-2. Policy. It is the responsibility of the Department Head to use judgment in authorizing overtime work by employees. Overtime shall be authorized by the Department Head or his/her designee in advance, and shall be kept within the appropriated funds.
- a. Exempt employees, managerial and supervisory employees and employees in other positions qualifying for executive, administrative, or professional exemption, are deemed to have a continuous responsibility to the public and are not entitled to overtime compensation consistent with the Fair Labor Standards Act. However, such employees may accrue compensatory time except that time earned will be at the rate of one hour for each hour worked in excess of 40 hours per week and up to a maximum of 120 hours.
 - b. All non-exempt employees who work in excess of forty (40) hours in one calendar week shall be paid for overtime hours at an hourly rate of time and one half for all hours of actual work over forty (40) in one calendar week. With the approval of the Department Head, a non-exempt employee may elect compensatory time off at the rate of time and one half for all hours of actual work over forty (40) in one calendar week.
 - c. A non-exempt employee required to work on a Saturday or Sunday that is not a regularly scheduled work day shall be compensated at one and one half times his/her normal hourly rate; a non-exempt employee required to work on a holiday that is not a regularly scheduled work day shall be compensated at two and one half times his/her normal hourly rate.

9.0 Holidays

- 9-1. Coverage. Full-time and part-time employees.
- a. Full-time employees – Full holiday pay
 - b. Part-time employees – Pro-rated based on the ratio of the average hours worked per week relative to the total number of full-time work hours, regardless of which days are worked during the week.

- 9-2. Policy. The following holidays shall be recognized by the County on the day on which they are legally observed as established by State statute, and on these days, employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential County services. Holidays which fall on a Saturday will be observed on the preceding Friday and those falling on a Sunday will be observed on the following Monday.

New Year's Day
Martin Luther King Day
Presidents' Day
Patriots' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving (Employee Appreciation Day)
Half day last work day before Christmas
Christmas Day

- 9-3. Terms of Holiday Pay. Holiday pay shall be granted as follows:
- a. Holiday pay shall be granted to an employee provided that the employee shall have worked on the employee's last scheduled working day prior to such holiday, the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of these regulations, or was appropriately excused.
 - b. An employee paid on an hourly basis shall receive one day's pay at the regular rate of the employee based on the number of hours regularly scheduled on the day on which the designated holiday occurs; and
 - c. A non-exempt employee required to work on a holiday that is not a regularly scheduled work day shall be compensated at two and one half times his/her normal hourly rate.
 - d. If an employee's regularly scheduled day off falls on a holiday, the employee shall be given an additional day off on a day set at the discretion of the appointing authority within thirty (30) working days of said holiday.
 - e. Exempt employees who are of necessity required to work on holidays shall be given an additional day off within sixty (60) days. If such additional day off cannot be granted by reason of a personnel shortage, the employee shall be entitled to an additional day's pay.

10.0 Vacation Leave

- 10-1. Coverage. Full-time and part-time employees.
- 10-2. Policy. An employee shall be entitled to take vacation after one (1) year of employment has been completed.
- a. An employee in continuous service shall be granted 2 weeks of vacation with pay after completion of one year of service but less than four and one half (4 ½) years of continuous service.
 - b. An employee in continuous service shall be granted 3 weeks of vacation with pay after four and one half (4 ½) years of continuous service but less than nine and one half (9 ½) years of continuous service.
 - c. An employee in continuous service shall be granted 4 weeks of vacation with pay after nine and one half (9 ½) years of continuous service, but less than nineteen and one half (19 ½) years of continuous service.
 - d. An employee in continuous service shall be granted 5 weeks of vacation with pay after nineteen and one half (19 ½) years of continuous service.
- 10-3. Scheduling. Vacation must be taken in the twelve months following the year in which it was earned. Unused vacation may be carried over for one succeeding year, into the next twelve month period with the approval of the Department Head, provided at least 2 weeks vacation is taken each year. Employee vacation requests are to be submitted to his/her Department Head by April 1st for the next fiscal year with no two employees taking vacation at the same time without the Department Head's permission.
- 10-4. Vacation Buy Back. Upon termination, an employee or the beneficiary of the deceased employee shall be paid an amount equal to the vacation allowance as earned and not graded in the vacation year prior to such termination. An employee shall not be eligible for vacation buy back if the employee is terminated or resigns before completing one (1) year of employment. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which termination occurred up to the time of the employee's separation from the payroll with the following exceptions:
- a. The employee had not completed one year of employment.
 - b. The employee failed to give proper notice of termination. (see section 24-3.)
 - c. The employee was terminated due to delinquency or misconduct on the part of the employee.
- 10.5. Ineligibility. An employee on unpaid leave or absent without pay shall not be eligible to accumulate vacation leave until returning to continuous employment.

- 10-6. Additional Days Vacation. An employee shall be granted another day of Vacation, if while on vacation leave a designated holiday occurs.
- 10-7. Working on Vacation. With the approval of the Department Head, an employee may elect to work up to half of earned vacation time at regular compensation. Exceptions may be granted by the County Manager.
- 10-8. Transfers. An employee transferring from public service in another county in the State shall not enter with seniority. Vacation days from this previous service shall not be transferred to the new position in the County of Dukes County.
- 10-9. Other Uses of Vacation Leave. At the discretion of the appointing authority, sick leave used in excess of that authorized may be charged to vacation leave. Notice of such a decision shall be provided to the County Manager.

11.0 Sick Leave

- 11-1. Coverage. Eligibility for sick leave pay:
 - a. Full-time employees – Full day's sick pay.
 - b. Part-time employees – Pro-rated based on the ratio of the average hours worked per week relative to the total number of full-time work week hours, regardless of which days are worked during the week.
 - c. Temporary, seasonal and casual employees are not eligible for sick leave pay.
- 11-2. Policy. Sick leave shall not be considered a privilege which an employee may use at his/her discretion, but may be allowed only in case of actual sickness or disability or for sickness prevention measures. In no event shall earned days for illness or accident be construed as additional vacation allowance.
- 11-3. Use of Sick Leave. Sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury or a quarantine by public health authorities. Injury, illness, or disability, self-imposed or resulting from the use of alcohol or drugs, may not be considered proper claim for leave under this section, except in the case of an employee under the care of a physician or participating in a recognized treatment or rehabilitation program.

- 11-4. Accrual of Sick Leave. An employee shall be credited with the unused portion of leave granted under this section up to an unlimited number of days. No sick leave credits will be accrued while absent on leave without pay. However, sick leave credits will accrue while absent on leave with pay. Accrual of sick leave for employees who have successfully completed the required probationary period shall be at the rate of one and one quarter (1 ¼) day for each month of service completed. Sick leave will accrue in the first month of employment if the new employee has actual work days of ten (10) or more. Upon completion of the probationary period an employee shall be credited with seven and one half (7 ½) days of sick leave.
- 11-5. Notification. Sick leave will commence on the date and time that notification of the employee's sickness, injury or quarantining is given to the Department Head by the employee or the employee's family or physician. Notification shall be made to the employee's supervisor, if possible. Notice of absence on account of sick leave shall be given whenever possible on the first day of such absence, prior to starting time but no later than one hour after starting time or otherwise at the earliest possible date. If such notice is not given, the absence may be deducted from the vacation leave or be granted as leave without pay.
- 11-6. Certification of Illness. A Department Head may request a physician's certificate of illness after three consecutive days of absence or after a series of repeated absences during the year. If certification is not provided, the absence may be deducted from vacation leave or be granted as leave without pay.
- 11-7. Sick Leave Register. No allowance for such leave may be granted to an employee unless an adequate register, in such form as may be approved by the County Manager is maintained by the employee's Department Head or appointing authority. Such register shall show records of sick leave, both accrued and granted, for the employee. Copies of such a register shall be provided to the employee and submitted to the County Manager at least monthly. Department Heads or appointing authorities shall clearly indicate on their payrolls all payments for sick leave, and are responsible for the control of such sick leave in their department. Sick leave which is inadequately documented may be revoked by the County Manager.
- 11-8. Post Separation. Employees recalled to service or rehired within a period of six (6) months after being laid off will be credited with the balance of accrued sick leave as of his/her separation date.
- 11-9. Sick Leave Buy Back. Upon retirement, resignation after five years of continuous employment, or death of an employee, the County shall pay to the employee or his estate, as the case may be, and amount of money equal to 20% of the employee's accumulated sick leave as of the effective date of retirement, resignation, or the day of death. The rate of pay for the sick leave buy back shall be based on the number of hours in the week for which the employee is employed by the County at the time of retirement, resignation, or death.
- 11-10. Workers' Compensation. An employee receiving workers' compensation shall be compensated at the difference between the employee's normal base pay and the workers' compensation benefit.

- 11-11. Injury Leave. An employee on leave due to a certified and reported injury that occurred while at work shall be compensated at full pay while awaiting qualification for Workers' Compensation, without the loss of sick days. Upon receipt of Workers' Compensation, an employee will be paid an amount equal to the difference between an employee's normal straight time compensation and the amount received for Workers' Compensation.
- 11-12. Sick Leave Bank.
- a. Employees may choose by written notification to contribute two of their personal sick leave days initially and then one per year thereafter, into a sick leave bank to be administered by a Sick Leave Bank Committee consisting of three members and one alternate. One shall be the County Manager and the other two shall be employees, one being a Department Head. The two employee members shall be elected by the employees. The term of office shall be two years, with no more than two succeeding terms. The alternate member shall also be an employee, elected in the same manner and serve the same term as the other membership of the Committee. In the event of a committee vacancy, the alternate member will serve as an acting member of the committee.
 - b. This Committee shall be empowered to make rules and regulations consistent with the intent of the Bylaw.
 - c. The Committee shall designate a yearly enrollment period during which time all eligible employees will be asked to indicate, in writing, their desire to be included in the Sick Leave Bank.
 - d. An employee who has exhausted all of his/her accumulated sick leave can make written application to the Committee for use of bank days in case of serious long term illness. However, employees who had not joined the Sick Leave Bank (as above) shall not be eligible to draw from the Bank.
 - e. A majority vote of the Committee shall be necessary for the granting of Sick Leave Bank days, and in making its decision the Committee shall review the facts surrounding the request. A maximum of 30 sick leave days can be awarded by the Committee without further review
 - f. If the decision of the Sick Leave Bank Committee is not favorable, it may be appealed to the County Commissioners for review, and the decision of the County Commissioners shall be final and binding and not subject to further review.
 - g. If the Sick Leave Bank is exhausted, it shall be renewed by the contribution of one additional day of sick leave by each member covered by this Agreement. Such additional days will be deducted from the employee's annual sick leave. The Sick Leave Bank Committee shall determine the time when it becomes necessary to replenish the Bank.
- 11-13. Transfers. An employee transferring from public service in another county in the State shall not enter with seniority. Sick days from this previous service shall not be transferred to the new position in the County of Dukes County.

12.0. Bereavement Leave

- 12-1. Coverage. Full-time employees.
- 12-2. Policy. Emergency leave of up to four (4) days may be granted for a death in the employee's immediate family. Immediate family shall include: wife, husband, mother, father, grandfather, grandmother, child, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandchild, or person living in the immediate household of the employee. Compensation shall be limited only to the time lost from the employee's normal straight time schedule.

13.0. Military Leave

- 13-1. Coverage. All employees.
- 13-2. Policy. Employees called for temporary period of training in the military forces of the Nation or the Commonwealth shall be paid for a period of up to seventeen (17) days an amount equal to the difference between an employee's normal straight time compensation and the amount received for military training. Employees shall remain entitled to vacation time, annual raises, step increases, promotions and job security. At the expiration of military leave, the employee shall be restored to the previous position with the same status, pay, length of service credit, and seniority.

If the employee is called for a period of time over the seventeen (17) days, then on the eighteenth (18) day, the employee will be paid an amount equal to the difference between an employee's normal straight time compensation and the amount received for military training. The County can also consider dropping the employees medical/health coverage for that extended period of time as he/she and their family will be covered under Tri-Care health insurance.

14.0 Jury Leave

- 14-1. Coverage. All employees.
- 14-2. Policy. Employees called for jury duty shall be paid for the amount equal to the difference between compensation paid for the normal working period and the amount paid by the court excluding allowance for travel. An employee released from jury duty on or before 12:00 noon, shall report to work in order to be paid for the morning absence.

15.0. Family & Medical Leave

- 15-1. Coverage. Full-time employees.
- 15-2. Policy. Entitlement to Leave: Subject to certification by the appropriate health care provider, an eligible employee shall be entitled to a total of twelve (12) unpaid workweeks of leave during any 12-month period for one or more of the following:
- a. Because of the birth of a child of the employee and in order to care for such child.
 - b. Because of the placement of a child with the employee for adoption or foster care.
 - c. In order to care for the spouse, domestic partner, son, daughter, parent, or person living in immediate household of the employee if such spouse, domestic partner, son, daughter, parent, or person living in immediate household has a serious health condition.
 - d. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- 15-3. Expiration of Entitlement. The entitlement to leave for the birth or placement of a child shall expire at the end of the 12-month period beginning on the date of such birth or placement.
- 15-4. Intermittent Leave or Reduced Hours of Schedule. Leave may be taken intermittently or a reduced hours schedule may be taken with the written recommendation of the Department Head and approval of the County Manager. Leave taken intermittently or a reduced hours schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.
- 15-5. Relationship to Paid Leave. The employee may elect, or the Department Head may require the employee to substitute any of his/her accrued paid vacation leave, sick leave, or personal leave for any part of the 12-week period of such leave.
- 15-6. Notice. In any case where the expected leave is foreseeable, the employee shall provide not less than 30 days notice before the leave is to begin. In cases where 30 days notice is impossible, the employee shall provide such notice as is practicable.
- 15-7. Employment and Benefits Protection. At the expiration of the leave, the employee shall be restored to the previous position with the same status, pay, length of service credit, and seniority as of the date of the leave. The employee shall not be entitled to the accrual of seniority or other employment benefit (vacation, sick, etc.) covered by this Bylaw during any period of leave.

- 15-8. Illness in the Family. Sick leave shall be granted to an employee, not to exceed seven (7) days in case of serious illness in the immediate family of the employee which requires the personal presence of such employee. These seven (7) days need not be consecutive calendar days; they are charged to sick leave; are allocated on an annual basis; and may not be accumulated if not used. Immediate family shall include: wife, husband, mother, father, grandfather, grandmother, child, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandchild, or person living in the immediate household of the employee.

16.0 Personal Leave

- 16-1. Coverage. Full-time employees.
- 16-2. Policy. Each full-time employee shall be allowed up to three (3) days of leave with full pay during each year for the purpose of transacting or attending to personal, legal, business or family matters which require absence during regular working hours. Leave under this agreement shall be available for reasons of hardship or other pressing need and not merely for personal convenience. These days shall not be accumulated, accrued or carried into the next twelve month period.

17.0 Leaves of Absence

- 17-1. Coverage. All employees.
- 17-2. Policy. For the purpose of this section "Leaves of Absence" shall mean any leave of absence not described in sections 10 through 16 inclusive of this Bylaw. Appointing authorities with the approval of the County Manager may grant leaves of absence without compensation. Leaves of absence of over three months duration shall be considered a break in service and on return to work the employee shall have the status of a new employee, unless an extension of leave beyond the three-month period has been authorized in advance by the County Manager.

18.0 Longevity Bonus

- 18-1. Coverage. Full-time employees.
- 18-2. Policy. Longevity pay shall be paid to employees as follows:
- a. After seven (7) full years of continuous service to the County, employees shall be paid an additional 1% of their base annual salary per year.
 - b. After ten (10) full years of continuous service to the County, employees shall be paid an additional 2% of their base annual salary per year.
 - c. After fifteen (15) full years of continuous service to the County, employees shall be paid an additional 3% of their base annual salary per year.

- d. After twenty (20) full years of continuous service to the County, employees shall be paid an additional 4% of their base annual salary per year.
- e. Longevity pay shall be paid to an employee on his/her anniversary date.

19.0 Sexual Harassment Policy

- 19-1. Coverage. All employees.
- 19-2. Policy. It is the policy of the County of Dukes County that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is a form-of misconduct that undermines the integrity of the employment relationship. No employee, either male or female, should be subjected to unsolicited and-unwelcome sexual overtones or conduct, either verbal or physical. Sexual harassment refers to behavior that is not welcome; that is personally-offensive; that lowers morale and that, therefore, interferes with our work-effectiveness. Each Department Head has a responsibility to maintain the workforce free from sexual harassment. This duty includes discussing this-policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment. False accusations will result in severe disciplinary action up to and including termination.
- 19-3. Examples of Prohibited Conduct:
Included but not limited to:
 - a. Engaging in reprisal (not granting promotions, assigning undesirable shifts, making negative statements about the victim's personal or work conduct etc.) after an individual has refused to engage in social and/or sexual behavior;
 - b. Touching any traditionally sexual part of the body;
 - c. Touching a person on a traditionally non-sexual part of the body, i.e. shoulder, etc., after that person has verbally indicated no desire for such physical contact;
 - d. Refusing to enforce disciplinary measures or otherwise condoning such behavior.
 - e. Continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities;
 - f. Displaying sexually suggestive pictures, objects, cartoons or posters after being told that they are offensive;
 - g. Continuing to write suggestive notes or letters after being informed that they are not welcome;

- h. Referring to or calling a person an endearing, demeaning, or sexualized term when that person has verbally indicated that he/she does not wish to be addressed or referred to in that manner; and/or telling sexual jokes or using sexually vulgar language in the presence of a person who has verbally indicated a dislike of such language or conversation.

It is noted that recent court decisions have determined that unwelcome behavior need not be sexual in nature in order to constitute sexual harassment.

19-4 Complaint Procedure.

- a. An employee who perceives the comments, gestures or actions of another employee or supervisor to be sexually harassing should communicate to that person that such behavior is unwelcome. Failure to express unwelcomeness will not prevent the employee from filing a complaint, nor does it exonerate the harasser.
- b. Any employee who believes he/she has been sexually harassed should report the incident promptly to the Department Head. If the harasser is the employee's Department Head, or if the employee does not feel that the situation was adequately resolved, he/she should report the incident(s) within fifteen (15) business days of the action to the County Manager.
- c. Nothing in this policy is intended to interfere with or precluded the right of an employee to file charges with any administrative agency or court with jurisdiction over the matter.

19-5. Responsibility of Department Heads

- a. Complaints of sexual harassment will be immediately examined impartially, and resolved promptly at the earliest possible stage. A Department Head will treat such complaints with seriousness and will not minimize or discourage employees from reporting such complaints.
- b. Informal Resolution. Upon a receipt of a complaint of sexual harassment a Department Head will: immediately attempt to resolve the matter informally, where appropriate. In the event the complaint is not in writing, record and document the complaint, ask the complainant to sign it; conduct an informal review, including an interview the complainant, and another with the individual charged; in all cases, submit copies of all reports and documentation to the County Manager.

In determining whether a reported conduct is sexual harassment, the record as a whole will be considered including previous complaints against the charged individual. Informal resolution of the complaint will include counseling the charged individual, advising the complainant of the action taken, and asking that any further behavior be immediately brought to the Department Head's attention.

- c. Intermediate Resolution. If informal resolution of the incident has not been successful, or is inappropriate because of the seriousness of the reported conduct, the Department Head will report to and consult with the County Manager. The complaint will be in writing and will be signed by the reporting employee. The County Manager will investigate the complaint including interviewing the reporting employee, and the charged individual. The County Manager will respond in writing to the complainant within fifteen (15) business days from receipt of the written complaint. The Department Head will take one (1) or more of the following actions:
 - 1. Any action discussed under informal resolution
 - 2. Recommend disciplinary action against the individual charged
 - 3. File the complaint as not warranting any further action.

All individuals involved in sexual harassment investigations will protect the confidentiality of information relating to the case, and such information will only be disclosed as required in the conduct of proceedings related to the case. Violations of this section are, in and of themselves, grounds for disciplinary action.

19.6 Disciplinary Action. An employee who is found to have engaged in conduct that constitutes sexual harassment will be subject to disciplinary action up to and including discharge (section 22.0 of the Dukes County Personnel Bylaws.) In addition, employees should be aware that engaging in sexual harassment can result in civil and/or criminal penalties. Volunteers and contractors, found to have engaged in conduct that constitutes sexual harassment will be subject to action up to and including loss of contract for services, revocation of access, etc., and can be subject to civil and/or criminal penalties.

Employees may also contact the following state and federal agencies to file a formal sexual harassment complaint:

- | | |
|---------|---|
| Federal | Equal Employment Opportunity Commission (EEOC)
1 Congress Street, 10 th Floor, Boston, MA 02114
617-565-3200 |
| State | Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place, Room 601, Boston, MA 02108
617-727-3990 |

20.0 Safety

- 20-1. Coverage. All employees.
- 20-2. Policy. The County shall provide and maintain safe working conditions in compliance with all state and federal regulations.
- 20-3. Procedures. As appropriate, employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.
- 20-4. Responsibilities of Department Heads and Employees.
 - a. Department Heads and supervisors shall: assume full responsibility for safe working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment, or attitudes; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.
 - b. Each employee shall: observe all safety rules, operating procedures, facilities, safety clothing or equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.
- 20-5. Disciplinary Action. Employees violating safety rules, practices and policies may be subject to disciplinary action.

21.0 Standards of Conduct

- 21-1. Coverage. All employees.
- 21-2. Policy. County employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting County business and in accordance with MGL c268A. Employees are expected to conduct themselves in a manner which in no way discredits the County, public officials or fellow employees. All persons employed by Dukes County hold positions of public trust and must present themselves in a professional and appropriate manner. Employees are prohibited from engaging in any conduct which would reflect unfavorably upon the County. Employees who act in a manner not consistent with the Standards of Conduct will be subject to disciplinary action.
- 21-3. Suspension. In the event an investigation is warranted due to the conduct of an employee, the employee may be suspended with or without pay at the discretion of the County Manager upon recommendation by the Department Head.

- 21-4. Ethics. County employees must avoid any action which may result in or create the appearance of using public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting County business. Employees are expected to adhere to conduct established by state law.
- 21-5. Receipt of Gifts. Employees are expressly prohibited from soliciting or accepting gifts, gratuity, favors, entertainment, loans, or any other item of monetary value of \$50.00 or more from any person who has or may be seeking to obtain business with or privilege with the County, or from any person within or outside County employment whose interests may be affected by the employee's performance or non performance of official duties.
- Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement, or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional material, e.g., pens, notepads, calendars of nominal intrinsic value is permitted.
- 21-6. Business Activities and Solicitation. No employee shall engage in any business other than his/her regular duties during working hours; this regulation specifically excludes such activities as solicitation of fellow employees, lending of money for profit or any similar activity.
- 21-7. Outside Employment. The County of Dukes County views a full-time employee's position with the County as his/her primary employment and other employment as secondary and requires permission of the Department Head.
- 21-8. Privileged Information. Employees may deal with plans and programs of significant public interest. Employees must not use this privileged information for their own financial advantage or to provide friends and acquaintances with financial advantages, or with information which could be used for financial advantage. If an employee finds that he/she has an outside financial interest which could be affected by County plans or activities, he/she must immediately report the situation to his/her supervisor. Each employee is charged with the responsibility of insuring that he/she releases only information that should be made available to the general public. Violation of privileged information or use for private gain is just cause of discharge of the employee.
- 21-9. Use of Property. Employees and Department Heads will not, directly or indirectly, use or allow the use of County property of any kind for other than official activities.

- 21-10. Political Activity. All employees are entitled to exercise their rights as citizens to express their opinions and to cast their votes. Employees, supervisors and Department Heads may not:
- a. Engage in political activity during his/her working hours.
 - b. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
 - c. Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

22.0 Disciplinary Policy

- 22-1. Coverage. All employees.
- 22-2. Policy. All employees are responsible for satisfying the requirements of job descriptions, meeting annual performance goals, and adhering to equipment operating guidelines necessary for proper operation of County departments. Disciplinary actions shall be the responsibility of supervisors, Department Heads, and appointing authorities who shall exercise their responsibility with discretion and with concern for the employee.
- 22-3. Reasons for Disciplinary Action. Disciplinary action may be initiate for failure to fulfill responsibilities as an employee. The following are by way of example, and not limitations, sufficient cause for disciplinary action:
- a. Incompetence or inefficiency in performing assigned duties.
 - b. Inability to perform one of more critical element of the position.
 - c. Refusal to perform a reasonable amount of work or violation of any reasonable official order or failure to carry out any lawful and reasonable directions made by a proper supervisor.
 - d. Habitual tardiness or absence from duty.
 - e. Falsification of time sheets.
 - f. Use of possession of illegal narcotics or alcohol while on duty.
 - g. Misuse or unauthorized use of County property.
 - h. Fraud in securing appointment.
 - i. Disclosure of confidential information.
 - j. Abuse of sick leave or absence without leave.
 - k. Violation of safety rules, practices and policies.
 - l. Engaging in sexual harassment.
 - m. Any situation or instance of such seriousness that disciplinary action is warranted.

22-4. Disciplinary Procedures. Department Heads and supervisors shall be responsible for satisfying the requirements of job descriptions, meeting annual performance goals, and adhering to equipment operating guidelines. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspensions, demotion and discharge. The severity of an infraction shall dictate the level of disciplinary action imposed.

- a. Oral reprimand. A Department Head observing action of an employee warranting disciplinary action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard for minimizing embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.
- b. Written reprimand. If an oral warning shall fail to correct an action warranting disciplinary action, the Department Head shall issue a written warning including reasons for the warning and an offer of assistance on the part of the Department Head in correcting the unsatisfactory situation. A copy of the written warning shall be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved. The written warning shall be provided to the employee.
- c. Disciplinary Probation. If a written warning fails to correct the situation, the employee may be placed on disciplinary probation for a period of up to three (3) months by the Department Head or appointing authority. A written notice of such probationary period shall be provided to the employee. A copy of such notice shall be included in the employee's personnel file.
- d. Suspension. At the discretion of a Department Head and with sufficient cause, a Department Head may suspend an employee without pay for a specified period. Suspension may be in lieu of oral reprimand, written reprimand, and disciplinary probation and may be effective immediately.

Within forty-eight (48) hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons for and the length of the suspension. A copy of such notice shall be provided to the County Manager.

- e. Demotion. At the discretion of a Department Head and with sufficient cause, a Department Head may demote an employee. Demotion may be in lieu of oral reprimand, written reprimand, suspension and disciplinary probation and may be effective immediately. Within forty-eight (48) hours of the effective date of the demotion the employee shall be provided with a written notice stating the reasons for demotion. A copy of such notice shall be provided to the County Manager.
- f. Discharge. An employee may be discharged for unsatisfactory job performance, violation of County regulations, or after exhausting other disciplinary procedures. The Department Head shall provide the employee with a written notice stating the reason or reasons for the discharge and the effective date of the discharge. A copy of such notice shall be provided to the County Manager.

23.0 Drug/Alcohol and Substance Abuse

- 23-1. Coverage. All employees.
- 23-2. Policy. Improper and excessive use of alcohol and the use of controlled substances are inconsistent with the behavior expected of employees. It subjects all employees and users of our facilities and the public generally to unacceptable safety risks and undermines the County's ability to operate effectively and efficiently.
- a. The unlawful manufacture, distribution, dispensation, possession, sale or use of controlled substances or alcohol in the work place or while engaged in the County's business on or off the County's premises and facilities is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent it impairs an employee's ability to perform on the job or is violation of the Law.
 - b. Employees who violate this policy for the first time may, in addition to any disciplinary action, be permitted to successfully complete a substance/alcohol abuse rehabilitation program as a condition of continued employment. The rehabilitation program will not apply to any employee who has engaged in violence or other conduct or activity resulting in physical injury or destruction of property.
 - c. Where an employee is involved in any type of accident while working, the County may require that the employee be tested to detect the presence of alcohol, drugs, or other controlled substances.
 - d. The County reserves the right to require employees to undergo appropriate tests designed to detect the presence of alcohol, drugs or other controlled substances where it has reasonable suspicion to believe that employees may be under the influence of any of these substances or where the use of such substances has affected the employee's performance and/or effectiveness.
 - e. Where an employee has violated this policy and later returns to duty (after successfully completing a rehabilitation program,) unannounced follow-up tests, of at least six (6) in number in the first twelve (12) months after returning to work, will be conducted, with extension of follow-up testing for up to sixty (60) months.
 - f. Any and all drug and alcohol testing will be conducted in accordance with usual and acceptable testing standards.
 - g. A County Policies and Procedures Manuel is available to implement this Policy.

24.0 Termination of Employment

24-1. Coverage

24-2. Policy. To maintain a fair and equitable policy as it pertains to termination.

24-3. Classifications.

- a. Layoffs/Furloughs/Military Service. Employees will be eligible to receive all vacation pay as outlined in 10-4 and Sick Leave Buy Back as outlined in 11-9. Layoff is an involuntary suspension from employment not involving delinquency, misconduct, inefficiency, or on the job injury. When, for any reason, it becomes necessary to reduce the work force in a department, the laying off of employees within each job title in that department shall be determined first by type of appointment in the following order: emergency, temporary, probationary, part-time, and then full-time. Within the type of appointment, the order of layoff in the department shall be determined by length of continuous service with the County, and job performance. Employees who are laid off shall be given first consideration for subsequent vacancies in the grade from which they were laid off for a period of six (6) months. A layoff re-employment list will be maintained in the County Manager's Office.

If an employee is scheduled to be laid off, the employee may be offered a transfer to a position of the same or lower grade if a vacancy exists and the employee is qualified to fill the position involved. An employee to be laid off shall be notified in writing by the County Manager's Office at least fourteen (14) calendar days prior to the effective day of the layoff. In lieu of said fourteen (14) calendar day notice, the County reserves the right to provide employees being laid off with two weeks' pay.

- b. Resignation. Employees are expected to provide the County with a written notice of resignation at least two (2) weeks prior to the last day worked. The two (2) week period shall be exclusive of sick leave or vacation leave. Employees are eligible to receive all vacation pay as outlined in 10-4. And Sick Leave Buy Back as outline in 11-9, after five years of continuous employment. Resignation is the separation of any employee by his/her voluntary act. An employee may resign in good standing from the jurisdiction by submitting in writing the reasons therefor and the effective date to the Department Head at least fourteen (14) calendar days in advance.

- c. No Call, No Show/Resignation with less than 2 weeks Notice. An employee will be considered to have resigned his/her position if the employee fails to report to work or call in for a period of three (3) consecutive workdays. Employees will be eligible for only vacation earned but not granted in the prior year as outlined in 10-4(2) and Sick Leave Buy Back 11-9. An employee's failure to report to work without valid reason for three (3) consecutive workdays, may cause the employee to be automatically separated from service. It is the employee's responsibility to notify the County of absence from work.
 - d. Termination for Cause. Employees will be eligible only for vacation earned but not granted in the prior year as outlined in 10-4(3).
- 24-4. Evaluation is required at separation. Satisfactory evaluation at separation is required for rehire. Unsatisfactory evaluations may be appealed to the County Manager.
- 24-5. Rehire/Recall
- a. Recall. If an employee is recalled within twelve (12) months of his termination date, he/she will be reinstated with no loss of seniority with regard to benefits, longevity pay and personnel records.
 - b. Military Discharge. If application is made within 90 days of discharge, the employee's original hire date will be reinstated with no loss of seniority with regard to benefits, longevity pay and personnel records.
 - c. Rehire. If an employee is rehired within one year of termination, after completion of a period equal to the length of termination or the probationary period, whichever is longer, the employee will be reinstated with no loss of seniority with regard to benefits, longevity pay and personnel records.
 - d. Buy Back. After reinstatement of original hire date an employee may elect to "Buy Back" his earned sick days by repaying any benefits paid to him under the Sick Leave Buy Back.
 - e. Time Granted. Vacation payment made to such employee for accrued vacation during the year which termination occurred will be considered time granted upon reinstatement.

25.0 Grievance Procedure

- 25-1. Coverage. All employees.
- 25-2. Policy. Employees shall have the right to confer with the County Manager on any matter which is covered by personnel policies. The County Manager shall have the power to adjust grievances which do not require the expenditure of funds in excess of available appropriations.
- 25-3. Grievance Procedure. Grievances shall relate to improper application of the Personnel Bylaw or disciplinary procedures. Grievances shall be resolved in the following manner:
 - a. Employees are encouraged to discuss any matter of dispute with their Department Head in a mutual effort to resolve any problem or misunderstanding. Failing to resolve any grievance in an informal manner, an aggrieved employee may present a grievance to a Department Head along with all pertinent information relative to the grievance and indicating the relief that is desired. The Department Head shall within seven (7) days of receipt of a grievance provide an answer in writing to the aggrieved employee; a copy of which shall be provided to the County Manager.
 - b. If the grievance has not been resolved as provided in (a) above, the aggrieved employee may within seven (7) days after receipt of the written answer from the Department Head or within fifteen (15) days after presentation of the grievance to the Department Head, whichever occurs first, present the grievance in writing to the County Manager. The County Manager shall schedule a hearing on the grievance and shall answer the grievance within twenty (20) business days after its receipt. The Department Head and employee shall have the right to attend such hearing. The decision of the County Manager shall be final.