

**PERSONNEL RULES AND REGULATIONS**



**Approved by Town Council on June 26, 2017**

**Preface:** The Personnel Code was compiled by Bogdan & Powers in 1974 and was formally adopted March 22, 1974, at the bi-monthly meeting of the Board of Selectmen (as recorded on page 206, Volume III of the minutes). The Code was first amended in late 1979, with subsequent amendments in 1980, 1981, 1998, 2003, and 2017 when it was retitled to Personnel Rules and Regulations. The date that particular amendment was adopted appears as a footnote to the text.

The Personnel Rules and Regulations is intended to apply to every Town employee and supersedes all earlier Codes, and statements of the Town's practices, policies and sections with respect to the items covered. However, if there is a conflict between this Personnel Rules and Regulations and a contract negotiated between the Town and a Union, the terms of the union contract will prevail.

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## Section I: Recruitment and Selection

The Personnel Department is responsible for administering and coordinating the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. All hiring efforts are conducted in the spirit of equal opportunity. The Personnel Department will also ensure that reasonable accommodations are made for disabled applicants to allow participation in the hiring process.

### Requests for Hiring, Promoting, Transferring or Terminating

When a position is being established or becomes vacant, a *Position Action Request Form*, including the current departmental organization chart and completed Duties Questionnaire, as applicable, must be completed by the hiring supervisor. The hiring supervisor should consult with Personnel for advice on establishing a position before completing the form if the:

1. Duties and/or the qualifications of the position have changed significantly;
2. Position is newly created; or
3. Structure of the organization has changed.

Assuming the job description accurately reflects the needs of the position; the hiring supervisor completes the form and submits it to Personnel for review and approval. If additional approvals are required (e.g., Finance Director, Mayor) Personnel will forward the form to the appropriate signatories. The hiring supervisor is also responsible for ensuring that a separating employee has submitted a letter of resignation, if applicable, completed the *Exit Interview Form*, and completed and submitted the *Termination of Employment Checklist* form to Personnel Department. Personnel will contact the separating employee if a personal exit interview is necessary.

### Applicant Sources

Examples of sources utilized for recruitment purposes: internet postings; local advertising publications; newspaper advertising; internal transfers or promotions; schools and colleges; trade publications/professional journals or associations.

### Advertising

The Personnel Department is responsible for preparing and placing all classified ads for recruiting purposes. The Personnel Department will consult with Hiring supervisors prior to the placement of advertisements to ensure consideration of any *preferred* qualifications.

Some general guidelines for advertising are as follows:

- Attracting attention of a particular segment of the applicant market.
- Striving for similarity of layout to help build a consistent image for the Town of New Milford.
- Stating specific job-related requirements, thereby discouraging unqualified applicants.

- Stating the position title, the availability of job descriptions and job application forms, the last date to file application, and a statement as to equal opportunity employer.
- Advertisements should be limited in size, whenever possible, to 1 column wide by 3 inches high.

### Job Postings

Whenever there is a new or vacant job in a bargaining unit, the Personnel Department will post the job internally on bulletin boards for a minimum period of seven (7) calendar days, or as otherwise required by contract. In the case of bargaining unit vacancies, eligible candidates interested in applying for the vacancy must complete the *Town of New Milford Employment Application* within the posting period and in accordance with the posting requirements. In addition to the bulletin board postings, notice of available positions will be sent by email to staff with email access. If there are no interested or qualified internal Employee candidates for the position, the vacancy will be posted externally for a minimum of seven (7) calendar days. After consulting with the hiring supervisor, the vacancy may be posted externally for an additional period of time in order to recruit a sufficient pool of qualified candidates.

### Promotional Opportunities

Eligible qualified employees are encouraged to apply for job vacancies that will provide upward or career mobility. Applicants for promotion must have satisfactorily completed their probationary period, as applicable, and possess the qualifications as set forth in the job description, union contract, and/or as otherwise required by the Town.

### Applications

All applicants must complete a *Town of New Milford Employment Application* in order to be considered for appointment to a position with the Town. In addition, cover letters, resumes, certificates, transcripts and other supporting documentation may also be required. Applications may be rejected for a variety of reasons, including but not limited to:

1. Applicant does not meet minimum requirements of the position.
2. Applicant has an employment record that demonstrates unsuitability for the position, or has engaged in personal conduct that indicates unsuitability for the position.
3. Applicant has been convicted of a crime that substantially relates to the position for which the candidate has applied.
4. Applicant is found (based upon job-related factors) to be clearly unsuitable for the position.
5. Applicant is not within legal age limitations.
6. Applicant is physically or mentally unable to perform the essential functions of the position, with or without reasonable accommodation by the Town of New Milford.
7. Application and/or Authorization and Acknowledgement form not electronically signed by applicant.
8. Application was received after the filing deadline.
9. False or misleading information on the application form.
10. Incomplete *Town of New Milford Employment Application* form.

No applications for a position are accepted after the published closing and/or receipt date. If there are not a sufficient number of qualified candidates as of the closing date, the position may be reposted and/or re-advertised.

The retention and disposition of all application forms and related hiring materials is the responsibility of the Personnel Department. Applications submitted to the Town of New Milford must be submitted for an actively posted job vacancy. The application will be retained by the Personnel Department for a period of one (1) year following the date of application. At that point, candidates who continue to be interested in Town employment must re-submit their application to any open position for which they qualify. Applicants must submit a separate application for each position in which they are interested in being considered.

### Applicant Expenses

The Town does not reimburse any applicant for travel costs or expenses incurred in conjunction with the hiring process unless specifically approved by the Mayor.

### Selection and Appointment

The selection process is based on an objective review and appraisal of each applicant's qualifications and knowledge, skills, and ability to perform the essential job functions of the position. All completed application forms received by the closing date are considered for the open position. It is the responsibility of the Personnel Department to screen applicants in consultation with the hiring supervisor to obtain a workable number of qualified candidates for either an initial telephone screening or for a personal interview. Hiring decisions are to be made on job-related factors, including:

1. Analysis of physical factors where they are a bona fide occupational qualification.
2. Investigation of relevant criminal conviction records.
3. Meeting minimum job requirements and qualifications.
4. Pre-employment inquiries to obtain past performance information from employers, references, etc.
5. Realistic appraisal of personal characteristics clearly needed for the position.

An Interview Committee may be established to recruit Department Head or other supervisory level positions as deemed appropriate by the Mayor in consultation with the Personnel Director. Such committees may comprise the Mayor, Personnel Director, Department Heads, and the hiring supervisor and/or designee. If the Mayor, after consulting with the Personnel Director, believes it would be beneficial to have other stakeholders included in the interview process they will be added on a case-by-case basis.

Prior to any offer of employment for any position requiring Mayoral or Town Council approval, the Mayor after consulting with the Personnel Director will meet with the recommended candidate(s) and make a final determination as to which candidate will be moved forward to the Town Council for approval and confirmation. If none of the candidates referred to the Town Council is acceptable, a new candidate search will be initiated. The Mayor may make, at his/her

discretion, but subject to Town Council approval, an interim appointment to meet the operating needs of the Town. All promotions and initial appointments must be approved by the Mayor.

### Personal Interviews

The personal interview is an important part of the selection process. The main purpose of the interview is to obtain information on the candidate's specific knowledge, skills, and abilities that may not be readily available or apparent by reviewing the *Town of New Milford Employment Application* or other written documents. Candidates for supervisory positions, at a minimum, may be required to complete a writing sample prior to any recommendation of employment. When recommending a candidate, the writing sample should be submitted to Personnel as a component of establishing the minimum staff record. Guidelines are observed to maximize the validity and reliability of the interview process as well as ensure the adherence to current Equal Employment Opportunity Commission (EEOC) requirements.

The hiring supervisor, in consultation with the Personnel Department, will be responsible for the development and vetting of interview questions. The questions must be job related and designed to measure job knowledge, experience, and education of qualified candidates or to solicit responses that reflect those personal traits which are job related.

The hiring supervisor or Interview Committee is expected to interview all eligible qualified candidates. Following the interview, the hiring supervisor or Interview Committee, as applicable, will discuss each applicant and attempt to reach consensus and will decide the top candidate(s) for the position.

### Reference Checks

Before the Personnel Department, or hiring supervisor after consultation with Personnel, extends any tentative offer of employment, reference checks must be completed on the final candidate(s) using the *Telephone Reference Check form*. The results of the reference check help to determine the applicant's fitness for the position.

Hiring supervisors are responsible for interviewing and verifying the application information of candidates for vacant positions prior to recommending any offer of employment. As part of the verification process, in addition to reviewing the *Town of New Milford Employment Application*, hiring supervisors are required to:

1. **Internal and external applicants:** Except in the case of an employee who has only worked for one employer request a minimum of two (2) references from the applicant's current and previous most recent direct supervisor. If the applicant is a finalist for the position, one of the references should be from the applicant's immediate supervisor or the Personnel Department. These references, obtainable either in writing or via the telephone, must be completed on the *Telephone Reference Check form*. Supervisors may have to complete or submit a Release of Information form to the candidate's employer before the employer will provide information about the employee. If that is the case, please consult with Personnel for guidance. Copies of applicant references must be sent to Personnel.

- 2. Former Town staff members:** In addition to the two (2) references, supervisors are advised that if an applicant was formerly employed by the Town, they should contact the applicant's supervisor from that position, if available. The records of former staff members who were terminated involuntarily are subject to review by Personnel in order to determine the circumstances of the termination.

### Background Checks

The Personnel Department will ensure that a fingerprint-based criminal history records check is conducted as necessary. The Personnel Department will notify an applicant if the applicant is identified in any of the databases.

The Town will ensure that an applicant's credit history or report from a consumer reporting agency is used only when a satisfactory credit history is an established bona fide occupational requirement of a particular position or required by department policy or collective bargaining agreement.

The Town of New Milford retains the right to discharge (or refuse to hire) any employee (or applicant) whose criminal background investigation reveals a conviction that would bar his/her employment as a bona fide occupational qualification (BFOQ) or who falsifies, or omits facts from, his or her employment application or other employment documents. The Town also may discharge or refuse to hire an employee or applicant whose background check reveals a conviction for any other criminal offense that has a bearing on his or her good character or job duties.

### Physical Examinations

Prior to employment, accepted candidates for any permanent position with the Town will be directed to a physician for a pre-employment Physical, and must successfully pass a physical examination indicating their condition of health and fitness to perform the duties of the job for which they are being considered. The cost of the examination will be paid by the Town.

A permanent employee may be required by the Town to take a physical examination when it seems likely that physical incapacities are responsible for failure to perform assigned work in a satisfactory manner. The cost of this examination will be paid by the Town.

### Offers of Employment

After references are verified by the hiring supervisor and a final recommendation is made after consulting with the Personnel Department, Personnel or the hiring supervisor notifies the candidate of his/her recommended selection and makes an employment offer contingent upon any other conditions of employment (e.g., physical examination, background check, etc.). Once a candidate accepts the contingent employment offer, the hiring supervisor or Personnel representative will notify all other candidates that they were not selected for the position.

Any employee who makes an unauthorized offer of employment or change of terms and conditions of employment assumes responsibility for any penalties, liabilities, expenses and any other expenses which may arise out of that action.

### Compensation and Payroll Notification

Negotiation of compensation for supervisors and other non-union employees will be conducted by the Personnel Director in consultation with the Mayor. Compensation of bargaining unit positions will be in accordance with the collective bargaining agreement.

The Personnel Department will notify payroll of all new employees by completing the *Personnel/Payroll Action Request Form* and *Position Action Request Form*.

### Contracts and Letters of Appointment

All contracts and employment offer letters must be confirmed in writing, using a standard format as approved by the Personnel Director. These documents should reflect any of the contingencies upon which the offer is being extended. Those may include: the funding for the position, compliance with the federal Immigration and Control Act and continued work eligibility, review of criminal background check and job references, and compliance with performance expectations for the position.

### Establishing the Minimum Staff Record

To establish the minimum record for employees hired by the Town, the following must be included:

1. Completed W-4
2. Direct deposit form
3. *Employee Handbook* (Signed Employee Certification of Receipt)
4. I-9 Form (required by the Immigration Control Act of 1986)
5. *Personnel/Payroll Action Request Form*
6. *Position Action Request Form*
7. *Request to Hire Checklist*
8. Signed offer/contract letter
9. *Telephone Reference Check*
10. *Termination of Employment Checklist*

Hiring supervisors are responsible for ensuring that all required paperwork is submitted to the Personnel Department in a timely manner. In certain cases additional forms may be required.

### Legal Status Qualifications

Each newly hired employee must complete an *Immigration and Naturalization Service Form* (Form I-9) as required by federal law. All newly hired employees are required to complete the

Form I-9 on their first day of employment. The Personnel Department is responsible for obtaining proof of citizenship from any candidate being recommended for selection.

Initial Probationary and Promotional Probationary Period: The hiring supervisor or designee must conduct a performance evaluation at least two (2) weeks prior to the anticipated completion of any probationary period. This evaluation must be done in accordance with the Town's performance evaluation process and on the appropriate performance evaluation form.

Note: All employees, including "at will" employees, must receive an initial evaluation within their first 90 days of continuous employment, and, at a minimum, annually on or before June 15 each year thereafter and/or as otherwise provided by contract.

### Orientation Program

The Personnel Department will provide an orientation session for new employees to acquaint them with the Town's policies and Sections, rules and regulations, and the responsibilities of their position. Department Heads are also expected to ensure that each new employee receives a proper orientation to the Department which would include introductions to appropriate staff, a review of their job assignments and job expectations, and any other information or resources required to effectively perform their job function.

### Internships

Some Town departments occasionally utilize student interns. To ensure a proper accounting of all interns, hiring supervisors interested in utilizing interns are required to receive authorization from the Mayor and process all necessary paperwork through the Personnel Department.

## **Section II: Probationary Period**

Non-union, non-contract employees do not serve a probationary period as they are always considered "at will" employees. This means that the Town can terminate such employees at any time, for any reason or for no reason, with or without cause or notice. Bargaining unit employees must serve a probationary period, typically one hundred eighty days (180) calendar days, in accordance with the terms of the applicable contract.

## **Section III: Temporary Appointments**

Temporary appointments should be made only when needed to perform duties of short-term and limited periods of time. This may include a vacancy, vacation relief, absence because of illness, peak loads in work schedules, and unusual non-recurring work.

The Personnel Department will coordinate the hiring of limited term and seasonal employees with the assistance of the requesting Department Head. A properly approved *Position Action Request Form* must be submitted to the Personnel Department for processing these positions. The selection and appointment of temporary employees will be conducted by the Department Head in accordance with contractual, legal, and equal opportunity requirements.

Department Heads interested in hiring temporary employees are to follow the following guidelines:

1. Ensure that all candidates for temporary employment complete a *Town of New Milford Employment Application*.
2. Prior to recommending a hire, except as noted above, check the candidate's employment history and request two (2) references from the candidate's current and previous direct Department Head. It is recommended that the standard *Telephone Reference Check* form be used when obtaining references.
3. Confirm all tentative offers of employment to temporary staff in writing, using a standard format. The tentative offer letter reflects any of the contingencies upon which the offer is being extended. Those may include: the fact that the position is temporary and does not receive Town benefits, the funding for the position, compliance with the federal Immigration and Control Act and continued work eligibility, review of records and references, compliance with performance expectations for the position.

All temporary appointments will be approved by the Mayor, and only if sufficient funds have been budgeted and are available for such temporary employees. Temporary appointments will not be made for periods exceeding nine (9) weeks but may be extended for up to an additional twelve (12) weeks if approved in advance by the Mayor in each case.

In the event the position becomes permanent, the period of temporary employment will be credited toward the employee's length of continuous service with the Town, and such time will be credited toward Vacation Leave (see Section XI) and Sick Leave (see Section XIII).

Temporary employees will be paid only for hours actually worked, and will not accrue or receive benefits except as described above or as otherwise required by law. (e.g., Connecticut General Statutes §§ 31-57r-31-57w – Paid Sick Leave)

#### **Section IV: Promotions**

All promotions will be approved by the Mayor. The recommendation of the employee's supervisor will be given due consideration. Promotion increases will take effect on the first day of the appointment. Promotions will be made on the basis of merit and ability. Seniority is generally considered in promotions, providing all other factors are equal.

#### **Section V: Employment of Relatives**

Members of an employee's immediate family will be considered for employment on the basis of their qualifications. However, immediate family may not be hired if employment would create a direct supervisor/subordinate relationship with a family member. An immediate family member is defined as follows:

By Blood: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.

By Marriage: Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.

By Law: Guardianship relationships, adoptive parent/child relationships, partner in a civil union or same-sex marriage.

Employees who marry or establish a relationship during their employment may continue to be employed as long as it does not create an “immediate family” relationship or conflict of interest. If such were to occur, attempts will be made to find a suitable position within the Town for one of the employees to be transferred. This policy must also be considered when assigning, transferring, or promoting an employee.

### **Section VI: Transfers**

Transfers may be requested by employees by applying to the Mayor's office with a copy to the Personnel Department when vacancies occur in other departments. Transfers within a department, division or activity of the Town may be made by the Department Head with the Mayor's approval.

### **Section VII: Employee Conduct**

#### **General Statement**

Each Town employee will engage in professional, appropriate and ethical conduct while carrying out official duties and while engaged in off duty activities which directly reflect on the Town.

#### **Employee Responsibility**

Each employee of the Town will act in a professional, ethical and responsible manner at all times. Each employee will become familiar with the tables of organization depicting the Town and its chains of command. Each employee will obey any lawful direction of a supervisor in the chain of command.

#### **Employee Conduct Standards**

Each employee will:

- Act in a professional manner showing respect to other employees and the public.
- Be courteous and accommodating in all dealings with the public, including telephone etiquette.
- Comply with all federal and state laws, and Town and departmental policies and Sections.
- Comply with official notices and other instructions.

- Cooperate fully and truthfully in any inquiry or investigation conducted by the Town and/or any law enforcement or regulatory agency.
- Exercise due diligence in the performance of his/her official duties and responsibilities.
- Inform the supervisor and the Personnel Department, electronically or in writing, of any change of address and/or telephone number within 24 hours.
- Maintain a safe, secure and sanitary work environment.
- Maintain any personal property and medication in a secure manner.
- Maintain good stewardship of all Town property and equipment.
- Meet all employee responsibilities for attendance and punctuality.
- Remain alert, aware of, and responsive to the surroundings at all times.
- Remain at his/her assigned workstation as required.
- Report an arrest and/or conviction to the appropriate supervisor on or by the next scheduled workday, but no later than 48 hours of the arrest. This requirement does not apply to minor traffic violations. An employee will submit supporting documentation of arrest or subsequent conviction. Any employee on extended leave must report any arrest or subsequent conviction to the supervisor within 48 hours.
- Report immediately to a supervisor any threat, act of intimidation, harassment, physical or verbal abuse or assault. Incidents of alleged discrimination or sexual harassment will be reported in accordance with the Town's Anti-Harassment policy.
- Respect and protect the rights of all staff.

### Prohibited Behaviors

Behaviors that are prohibited include, but are not limited to:

- Abuse of sick time (e.g. using sick leave for an unintended purpose), other accrued leave or workers' compensation.
- Accepting any unauthorized item or service for oneself or a family member, including but not limited to, a gift, loan, reward or promise of future employment.
- Any act that jeopardizes the security, health, safety, or welfare of staff, or the public.
- Conveyance or possession of unauthorized items within, into or out of a Town, or on Town property.
- Divulging individual or other computer password codes for Town owned or leased computers to any individual, unless authorized to do so by the Mayor.
- Engaging in abusive, obscene, threatening, intimidating language or behavior.
- Engaging in any activity, which would conflict with the proper discharge of or impair the independence of judgment in the performance of the job.
- Engaging in any political activities that conflict with the Hatch Act or CGS § 7-421 to 7-421b. The Hatch act prohibits certain governmental employees from participating in Political activities.
- Engaging in bartering, gambling or games of chance on Town time.
- Engaging in behavior which is sexually, emotionally, or physically abusive or harassing toward staff, or member of the public.
- Engaging in conduct that violates the *Employee Conduct Standards*.
- Engaging in insubordination.

- Engaging in retaliation or reprisal (to include coercion or threatening behavior) against an employee or member of the public for participating in activities that are protected by law or Town policy.
- Engaging in rude, discourteous, inappropriate, disruptive or unprofessional conduct.
- Engaging in unprofessional or illegal behavior, both on and off duty that could reflect negatively on the Town or conflict with the Town's mission, to include membership in a security risk group, criminal enterprise, hate group, or group of high interest to law enforcement.
- Falsifying, destroying, or altering without proper authorization any document, log book, or other official record (e.g. timecard, attendance report, or employment application).
- Lying or giving false information regarding an incident.
- Neglect of duty or failure to supervise.
- Obtaining non-public information through a computer terminal for a purpose other than official Town business.
- Operating a Town-owned or private vehicle on business without the proper license, insurance coverage and training.
- Operating a vehicle on Town property or on Town business in an unsafe or improper manner.
- Releasing confidential, private or unauthorized records or documents.
- Reporting to work in an impaired condition as a result of the use of alcohol, an illegal drug, or any medication, or consuming alcohol while on duty or at Town sponsored events.
- Sleeping on duty.
- Smoking in Town buildings or in Town vehicles.
- Stealing, neglecting or misusing Town funds, property, equipment, materials or supplies or attempting to remove such items from the premises without the written permission of a supervisor.
- Theft.
- Unauthorized possession of any firearm or other weapon or item while on duty or Town property.
- Use of force.
- Using a Town-owned vehicle for personal, rather than official business, on or off duty.
- Using ones official position, uniform, identification or badge to gain any personal advantage or an advantage for another in any improper or unauthorized manner.
- Using or appropriating property belonging to the Town or public in an unauthorized manner.
- Violating the Town's *Code of Ethics* including the conflict of interest provisions.

#### Reporting Policy and/or Conduct Violations

Each Town employee will report to a supervisor or appropriate personnel any policy violation or breach of professional conduct involving staff, or member of the public.

## **Section VIII: Employee Discipline**

### General Statement

The Town will administer discipline in a fair and consistent manner. The Mayor must approve any discipline that includes dismissal.

### Supervisor Responsibilities

Each supervisor is responsible for maintaining proper working conditions and employee performance within that supervisor's building, program, or department. Discipline will be used only to correct problems, maintain order, and/or deter negative behavior. Disciplinary problems must be dealt with promptly when they arise or become known to the employer. Discipline will be administered on the basis of substantiated facts. Any disciplinary action taken must be related to the offense and the employees work record. Supervisors must ensure that a written record of the incident is maintained. Prior to the imposition of discipline, an investigation and pre-disciplinary conference for a non-probationary employee must be conducted. Disciplinary action taken must be consistent with this Section and any applicable federal or state law, collective bargaining agreement, or Town policy.

### Pre-Disciplinary Resolution

Informal discussions, counseling, and coaching will be used whenever practicable. Additional training may be considered if it appears the employee could benefit and performance is likely to improve. However, formal disciplinary action should be taken when it is determined further training and counseling would not be effective or the incident is of such magnitude that formal discipline is required.

Records of coaching and counseling may be maintained by supervisors for evaluation purposes. Coaching and counseling records will not be placed in employee personnel files.

### Penalties

In accordance with the principles of progressive discipline, the steps may include:

#### Verbal Reprimand

A verbal reprimand is an oral statement made to the employee; it is not put in writing unless such a request is specifically made by the employee. The fact that it was given to the employee, however, should be recorded and kept in the supervisor's file, allowing the supervisor to recall it if later progressive discipline is necessary. The purpose of a reprimand is to correct the specific act or omission that is the subject of the reprimand and to place the employee on notice that continued misconduct may result in more severe discipline.

### Written Reprimand

A written reprimand is formally documented in writing to the employee and placed in the employee's personnel file. The employee will sign a statement acknowledging the receipt of the reprimand. This step may be warranted for a first offense which is a more serious breach of rules or following the issuance of a verbal reprimand. The purpose of a reprimand is to correct the specific act or omission that is the subject of the reprimand and to place the employee on notice that continued misconduct may result in more severe discipline.

### Suspension

A suspension may be imposed for serious breaches of written rules and/or employer expectations for reasons which may include, but are not restricted to, misconduct, insubordination, or neglect of duty. A suspension may be warranted for a first offense which is a serious breach of rules or expectations or following the issuance of a written reprimand.

### Demotion

A demotion may be considered when an employee, based on inefficiency, incompetence or misconduct, could not carry out the duties and responsibilities of the assigned position yet may demonstrate satisfactory performance in a less demanding assignment.

### Dismissal

Dismissal is the most severe penalty in the employee disciplinary process. It is reserved for situations when an employee has (1) repeatedly demonstrated an inability or unwillingness to follow Town policies, Sections or orders, (2) when other forms of disciplinary action have been exhausted, (3) for first offenses which threaten the security or integrity of the building, program, or department, or (4) for conduct of such a serious nature that dismissal is warranted, including, but not limited to those offenses outlined in this Section.

### Disciplinary Factors

The Mayor or designee, in determining what disciplinary action to take, will consider the following:

- Whether the employee had forewarning and foreknowledge possible or probable disciplinary consequences of the employee's conduct;
- Any mitigating or aggravating circumstances surrounding the offense;
- The effect of the offense on the Town's efficient operation;
- The employee's past work record including disciplinary history;
- The seriousness or type of offense relative to the employee's duties and responsibilities within the organization including the possible impact on other employees;
- The timeliness of the disciplinary action, and
- The uniformity of enforcement.

### Examples of Cause for Disciplinary Action

The Town's employee conduct Section lists examples of cause for discipline. This is not an exclusive list.

### Offenses Which May Result In Reprimand

The following offenses may result in a reprimand for the first offense:

- Failure to observe Town policies or Sections resulting in no adverse consequences.
- Failure to report an incident.
- Unsatisfactory job performance that has not been corrected through informal means.
- Verbal altercation with another employee.

### Offenses That May Result In Suspension

The following offenses may result in a suspension without pay for the first offense or repeated lesser offenses:

- Carelessness resulting in loss or destruction of Town property.
- Failure to follow Town policies or Sections resulting in adverse consequences.
- Fraudulent use of sick time.
- Leaving work without proper notice or authorization.
- Sleeping while on duty.
- Unsatisfactory job performance that has not been corrected by lesser discipline.
- Use of physical force.

### Offenses That May Result In Involuntary Demotion

The following offenses may result in an involuntary demotion:

- Failure to maintain proficient job performance as a result of inefficiency or incompetence.
- Failure to successfully complete a promotional probationary period.

### Offenses That May Result in Dismissal

The following are examples of offenses or repeated lesser offenses that may result in dismissal:

- Absence without leave for three (3) or more working days or failure to return to work within three (3) working days following authorized leave.
- Consistent and persistent activity out of harmony with Town policy.
- Two (2) consecutive unsatisfactory performance evaluations or continuing unsatisfactory job performance after previous discipline and continued failure to improve.
- Conviction of a felony, gross misdemeanor, or misdemeanor that renders the employee unfit or unavailable for work.
- Falsification of official records or documents.
- Fraud or collusion in connection with any appointment in Town service.

- Insubordination including failure to comply with a supervisor's instruction or repeated refusal to perform assigned duties and responsibilities.
- Lying or providing false information regarding an incident.
- Neglect or non-performance of duty including failure to exercise due diligence in the performance of one's official duties and responsibilities.
- Off-duty misconduct that renders an employee unsuitable or unavailable to perform the job.
- Offensive or abusive conduct toward co-workers or the public.
- Possession of, use of and/or intoxication from alcohol or illegal drugs while on Town property or at Town sponsored events.
- Serious misconduct.
- Serious public moral misconduct.
- Theft or unauthorized possession, neglect or misuse of any Town funds, property, equipment, material or supplies.
- Unreasonable use of physical force against an employee.
- Violation of the Town's Anti-Harassment Policy.

#### Off-Duty employee Misconduct

An employee may be disciplined for off-duty misconduct when the conduct affects the employer-employee relationship. Discipline may occur when such conduct affects the employee's ability to perform the job or when the Town is harmed as a result of the off-duty conduct. The Town will investigate such circumstances and the outcome will be independent of a finding by a criminal court.

#### Employee Responsibility

Each employee is subject to the Town's Employee Conduct standards. This Section requires employees to act with integrity and in a professional manner.

#### Standards for Disciplinary Proceedings

Disciplinary action involving regular employees will be taken in accordance with Town policies and Sections, and the collective bargaining agreement. Further, all disciplinary action will be undertaken in accordance with the following principles:

- Fair Application of Rules: The Town will apply its policies and Section fairly and without discrimination to all employees.
- Fair Notice: The Town will provide the employee with information concerning probable or possible disciplinary consequences for the employee's conduct.
- Investigation: The Town, before disciplining an employee, will conduct an appropriate investigation to determine whether the employee committed an offense as defined in this Section.
- Just Penalty: The degree of discipline imposed will be related to the seriousness of the employee's offense and its impact upon the orderly, efficient and safe operation of the Town.

- Reasonable Work Rules: The Town's policies and Sections will be reasonably related to the orderly, efficient and safe operation of the Town's business.
- Sufficient Evidence: The decision to initiate the disciplinary action will be based upon substantial proof of employee act(s) or omission(s).

### Review of Discipline

The Personnel Director will conduct a review of the proposed discipline to determine if just cause or due and sufficient cause, as appropriate, exists for disciplinary action. This determination will consider the following "just cause" standard:

- (1) Did the employer give the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct?
- (2) Did the employer, before disciplining the employee, investigate to determine whether the employee did in fact violate or disobey a rule or order of management?
- (3) During the investigation, did the employer obtain substantial evidence that the employee is guilty as charged?
- (4) Has the employer applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?
- (5) Was the degree of discipline administered by the employer in a particular case reasonably related to: (1) the seriousness of the employee's proven offense; (2) the employee's record of service with the employer; and (3) the general discipline standards applied by the Town?
- (6) Was the Town's investigation conducted fairly and impartially?
- (7) Was the managerial order reasonably related to the orderly, efficient, and safe operation of the Town?

### Suspension with Pay Pending Investigation

The Mayor or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the Town's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the Town as defined above, or (3) pending a Town hearing to suspend an employee without pay.

### Investigation

Before a non-probationary support staff employee is disciplined by suspension with or without pay or by dismissal, management will conduct an investigation of the problem to determine the facts. A supervisor not directly involved in the incident or an outside investigator will be assigned to conduct the investigation. The investigator will interview the involved employee and witnesses, review all documents and evidence, and may prepare a written summary. The investigator will review the charges and allegations and render a finding as to whether such charges were substantiated, not substantiated, or could not be substantiated. The investigator will not recommend specific penalties or a level of discipline, but will gather all pertinent information to allow the Town administration to determine the most appropriate disciplinary sanction. Investigations will be in accordance with this Section.

### Right to a Pre-Disciplinary Conference

Upon completion of the investigation, and prior to the imposition of any discipline, the employee will be given the opportunity for a pre-disciplinary conference. At the pre-disciplinary conference, the employee will be advised of the results of the investigation, the proposed disciplinary action, and be given an opportunity to respond orally to the results of the investigation and the proposed disciplinary action. The employee may have a representative in attendance at this meeting.

### Representation

An employee who receives notice of a pre-disciplinary conference may choose to have representation. Under the collective bargaining agreement, the employee must be notified of the employee's right to have representation. The employee may choose the union representative but cannot insist upon a specific representative who may not be available through no fault of the employer. The employee will be permitted time before the conference to consult with the employee's representative. If a bargaining unit employee wishes to utilize a representative outside of the union, the employee must obtain a waiver of union representation from the union in accordance with the collective bargaining agreement.

### Employee Representative Functions

The representative may reasonably assist the employee during the conference. However, a representative cannot attempt to transform the conference into an adversarial proceeding through unduly provocative questions or by the tone or manner of the representative's conduct. The employer has no duty to bargain with a representative.

### Grounds for Discipline

Following the pre-disciplinary conference, and assuming the imposition of discipline, the specific grounds for a written reprimand, demotion, suspension or dismissal will be given in writing to non-probationary support staff employee with a copy to the Union, unless otherwise required by law.

The specific grounds for an oral reprimand or other discipline will be given to the employee in writing within a reasonable time after the request of the employee for such grounds, with a copy to the Union, unless otherwise required by law.

### Rights Preceding Discipline/Compulsion of Testimony

Demotion, discipline, or other involuntary change in the employment status of any bargaining unit employee will be preceded by: 1) the honoring of all employees' rights included in the collective bargaining agreement and applicable statutes; 2) a conference held with the employee by the appropriate supervisor prior to taking action; and 3) a written explanation for the action given to the employee.

Whenever the Town engages in an administrative investigation of any alleged breach of conduct by a member of the Union, the individual member must cooperate with the administration, but will not be required to take a lie detector test.

#### Termination during Probationary Period

Probationary employees may be terminated at any time during their probationary period with or without justification. In such instances, the Mayor or designee will give notice of the employee's termination. Notice may be given by either: (1) personally serving the notice on the probationary employee, or (2) by mailing notice by certified mail, return receipt requested, to the home address of the probationary employee. Service by mail is complete upon mailing. The Personnel Director will be copied on the termination notice. Employees terminated during a probationary period will have no right to appeal except as provided by State law.

#### Completion of Probationary Period

Reports regarding completion of the probation period must be received in the Personnel Department prior to the employee's last day of probation. An employee who has not been notified by the supervisor or designee of termination prior to the end of his or her last day of probation will gain regular status.

### **Section IX: Workweek and Hours of Work**

The regular workweek and regular hours of work may vary from department to department based on operational and business requirements. Supervisors should review regular workweek and work-hour requirements with their employees. All work weeks and schedules will be in accordance with the applicable contract for all bargaining unit employees.

#### Overtime

From time to time, employees may be required to work beyond their normally scheduled hours and on days on which they are not regularly scheduled to work (such as Saturday and Sunday). All such work is referred to as "overtime work".

If an employee is classified as an Exempt employee under the FLSA, the Town is not required by law to pay such employee anything extra for work performed in excess of the employee's normal hours of work (even if you work more than forty (40) hours in a payroll week), or on days on which the employee is normally not scheduled to work (even on Saturday and Sunday).

If an employee is classified as a Non-exempt under the FLSA, the Town is required by law to pay that employee at a rate equal to one and one-half (1½) times the regular straight-time hourly rate of pay for all time worked in excess of forty (40) hours in a payroll week.

## Compensatory Time

In *lieu* of paying full time non-exempt employees at an overtime rate, as described above, the Town and the employee may agree that the employee will receive compensatory time off for all or a portion of such “overtime” work the employee performs. The compensatory time off must be requested by the employee and is subject to approval by the employee’s supervisor. Such compensatory time for non-public safety personnel is limited to a total of 240 compensatory hours before cash must be paid for overtime. Public safety personnel are limited to a total of 480 hours of compensatory time before they must be paid cash for overtime worked. Compensatory time off will be calculated in the same way as overtime pay. For example, for each additional hour worked beyond eight (8) hours in a day or forty (40) hours in a week, the employee will be eligible for one and one-half (1½) hours of compensatory time. Compensatory time must be used before vacation time and will expire one year from the date it is earned, if not used.

Part-time employees are not entitled to compensatory time and must be paid for all hours worked each pay period.

Supervisory, professional, administrative and all other exempt personnel are expected to work as many hours and at such times as necessary to satisfactorily perform their job duties and generally are not entitled to compensatory time. The fact that an employee may be routinely expected to work on weekends or after normal work hours to perform their job responsibilities does not, in and of itself, warrant compensatory time. However, in **exceptional** circumstances (such as snow storms or general emergencies which cannot be reasonably anticipated to be part of the employee’s normal job responsibilities and work schedule) an employee may be provided with one hour of compensatory time for every one hour worked in excess of forty hours in a single work week subject to the following criteria:

1. The employee must be authorized in advance to work the extra time by the Department Head or Mayor.
2. The amount of extra time worked must be significant in terms of amount and duration.
3. The number of hours worked and the compensatory time taken must be recorded on the appropriate time sheet(s) approved by the supervisor and submitted to payroll for entry into MUNIS.
4. Compensatory time earned must be used within a reasonable time frame (normally a month) but in no event to exceed one year from the date earned.
5. Unused compensatory time has no cash value.

## Section X: Payroll Deductions

The Town will not make deductions from employees’ pay except as required by State or Federal law or local ordinance or unless the employee authorize the Town in writing to make a deduction for other items permitted by law and acceptable to the Town.

The Town is required by law to withhold predetermined amounts due for State and Federal income taxes and Social Security taxes and required contributions to the Town of New Milford Employee Retirement Plan as specified in the pension plan documents.

In addition, the Town will deduct from employees' pay their share of the premium cost for group insurance coverage and for other items permitted by law that the employees authorize the Town to deduct in writing, provided such items are acceptable to the Town.

**Section XI: Vacation Time**

**Vacation Accrual**

Regular full-time employees earn annual paid vacation beginning with their first full month of Town employment in accordance with the chart printed below. The amount of vacation time accrued by non-union employees hired into Town service may (if approved by the Personnel Director and the Mayor) be contingent upon their previous years of employment in a similar or comparable capacity and/or rate of most recent employment accrual prior to their hire. Once assigned, such employees will follow the schedule below.

Vacation time off may not be taken until the employee has successfully completed at least six (6) months of continuous service as a Town employee. Vacation time off may not be taken by any employee unless approved in advance by the employee's Department Head or the Mayor. Requests for earned vacation time off must be submitted to your supervisor as far in advance as practicable.

Earned vacation time is generally taken in the fiscal year in which it is earned, but may, with the prior approval of the Department Head or Mayor, be accumulated for use in the next succeeding fiscal year. Employees cannot carry over more than ten (10) days of accrued vacation time unless written approval has been received from the Mayor. Upon termination of employment, an employee is paid all current vacation pay he or she has earned up to a maximum of twenty five (25) days but has not used as of his or her last day worked. Vacation days carried over from a previous fiscal year are not eligible to be paid out upon termination or retirement.

The Town does not advance vacation pay. If an employee has used all accrued vacation time or needs vacation time in excess of his/her accrued balance he should check with the Department Head about the possibility of taking time off without pay.

Vacation Accrual	Maximum Vacation Days Earned Per Month	Maximum Vacation Days Earned Per Year	Maximum Vacation Day Carry Over
From date of hire but less than two (2) years of service:	0.83 Days	10 Days	10 Days
Two (2) years but less than eight (8) years of service	1.25 Days	15 Days	10 Days
Eight (8) years of service but less than twenty-one (21) years of service	1.66 Days	20 Days	10 Days
Twenty-one years or more service	2.083 Days	25 Days	10 Days

## Section XII: Holidays

Town employees will be given the day off with pay on legal holidays, unless the employees absence would disrupt essential public service and further providing that the employee is present and on regular duty on the working day preceding and following the legal holiday, unless absence is authorized or covered by other sections of the Personnel Rules and Regulations.

Holidays observed by the Town are as follows:

New Year's Day *** *	Labor Day*
Washington's Birthday *	Veterans Day***
Good Friday	Thanksgiving Day
Memorial Day *	Day after Thanksgiving
Fourth of July	Christmas Day*
Lincoln's Birthday *** ** *	Columbus Day*
Martin Luther King Day*	

\* Recycling Center will observe Tuesday for any Monday Holiday \*\*A Floating Holiday replaces Lincoln's Birthday for all AFSCME and Non-Union Employees \*\*\* Observed

When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. When a holiday falls on Sunday, the following Monday will be observed as the holiday.

## Section XIII: Sick Leave

Sick leave is a privilege, not a right. Sick leave accumulates at the rate of 1-½ days per calendar month to a maximum accumulation of 120 days for full-time Non-Union employees. In the event of sickness, the employee should notify his Department Head that he will be absent before the working day starts. If no notification is received, the employee will be considered absent without leave. The Department Head will notify the Mayor and Personnel Director by memo of any sick leave taken by each employee.

An employee sick three (3) days or more must obtain a certification from a doctor describing the sickness and the fitness of the employee to return to work. A certificate will be provided upon request for a period of less than three (3) days. The Department Head will forward the doctor's certificate to the Personnel Director to be filed in the employee's medical folder. When all sick leave credit has been used, an employee may request that any accrued vacation time be used instead of sick leave, subject to approval of the Department Head and Mayor.

## Section XIV: Funeral Leave

In the event of death of a spouse, parent, sibling or child, regular full-time employees not covered under a collective bargaining unit agreement may be allowed funeral leave with pay up to five (5) days. In the event of death of a grandparent, mother/father in law, son/daughter in law, step child or other family member domiciled in the employees' household, the employee may be allowed funeral leave with pay up to three (3) days. Upon request, special relationships between the employee and the deceased will be considered.

### **Section XV: Personal Days**

Regular full-time employees not covered under a collective bargaining unit agreement will be allowed three (3) days off for personal reasons, subject to a 24 hour approval of the employees' Department Head. A personal day is a privilege which is non-accumulative, and is subject to schedule and staffing requirements, except in the case of family emergency. Personal leave days cannot be carried over from one fiscal year to the next.

### **Section XVI: Leaves of Absence**

Employed personnel of the Town may need to be absent for several reasons:

1. Those beyond their control, such as personal sickness or injury, jury duty, military service or emergencies;
2. Those governed by compassion or conviction, such as family illness, bereavement, and other personal reasons;
3. Those stemming from occupational status such as attendance at meetings, conventions, in-service courses and seminars, and other patterns of additional study;

The Town recognizes that absences for such reasons are justifiable and will provide for employee absences as authorized by law and negotiated agreements with bargaining units.

### **Section XVII: Absences Without Leave**

No employee may be absent from his duty without permission from the Department Head unless for a reason which prevented notification of his/her department of the intended absence. Absence without leave for five (5) or more working days or failure to return to duty within five (5) working days following authorized leave will be considered cause for dismissal.

### **Section XVIII: Jury Duty**

State law requires that each full-time employed juror be paid regular wages by the juror's employer for the first five (5) days, or part thereof, of jury service.

The Town's policy provides that an eligible employee who reports for jury duty on his or her scheduled workday in response to a summons issued by a state or federal court will not lose his or her regular pay for such day or for succeeding days on which he or she is required to report or serve as a juror, even if the applicable jury service extends for more than five (5) workdays.

For each day of jury service under the statute, the Town will pay the difference between the per diem that the employee receives from the State for such jury service and the employee's regular day's pay for each day of such service.

## Section XIX: Military Leave

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a Military Leave of Absence (a "Military Leave") for military service, training or related obligations in accordance with applicable state and federal law.

During any period of an employee's involuntary military service, he or she will be paid the difference between his or her regular pay immediately prior to the Military Leave and his or her military pay for a period of up to twelve (12) months. Supplemental pay will only occur when the military pay is less than the employee's regular pay immediately prior to the start of his or her Military Leave. The Town's pay supplement will be based solely on the employee's regular base pay and will not include items of additional pay such as, holiday pay, shift differential or scheduled overtime.

Employees on Military Leave may continue to participate in the Pension Plans during their period of active military service by making the appropriate contributions to the Plan. Employees will be allowed the maximum statutory period in which to comply with this contribution requirement upon their return from Military Leave.

For purposes of employment service, the time spent on involuntary active duty will be credited to the employee as though he or she remained actively employed with the Town during the period of his or her Military Leave.

Employees ordered to involuntary military service and their enrolled dependents will continue to participate in the Town's medical, dental and prescription drug plans for the thirty (30) days after the Military Leave commences. After the thirty (30) day period expires, employees on Military Leave and their enrolled dependents may continue to participate in the plan at their own expense for a period of up to eighteen (18) months, inclusive of the initial thirty (30) day period.

The Town's employee life insurance coverage will remain in effect for the duration of the employee's involuntary tour of military duty in accordance with the terms of the policy.

During the involuntary tour of duty, employees will not accrue vacation or sick time. However, they will continue to receive service credit towards higher increments of vacation and sick time accruals upon their return to employment with the Town.

Employees on involuntary active military duty will continue to be considered for promotion consistent with any and all requisite Sections established for the promotion being sought.

At the conclusion of military service, an employee who applies for reactivation of his or her employment with the Town in accordance with the applicable provisions of State and federal law will be returned to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform, in accordance with and subject to the applicable provisions of State and Federal law.

## **Section XX: Workers' Compensation**

Workers' Compensation is a state-mandated program designed to provide benefits to Connecticut workers and their families in the event of occupational injury and/or illness. Department Heads and other supervisors should be familiar with the procedures for how, when and to whom to report injuries in order to ensure that accidents are accurately and comprehensively reported and investigated, coverage determination can be made promptly and Workers' Compensation benefits and services for eligible employees will be made available to them quickly.

## **Section XXI: Retirement**

Eligible full-time employees of the Town are required to participate in the applicable Town of New Milford Employee Pension Plan (i.e., General Employees or non-certified Board of Education Employees, or Police Officers, or UPSEU Dispatchers, Teamsters, or AFSCME Members) created and operated by the Town. These Retirement Plans provide retirement benefits to eligible employees for normal and early retirement, as well as for those eligible employees who retire due to a qualifying disability. Retirement benefits and eligibility requirements are described in the Plan Documents.

In the event of termination prior to retirement, an employee who has completed ten (10) years of service will be eligible for pension payable at the normal or early retirement age, based on service at the date of termination. No benefit will be provided under the plan for employees who have not completed ten (10) years of service at termination.

## **Section XXII: Demeanor, Appearance and Dress**

Town employees are expected to conduct themselves in a professional manner at all times. They are expected to be cooperative, courteous and tactful in their dealings with others, including residents, vendors, visitors and co-workers.

Further, we expect employees to dress and groom in a neat and businesslike manner consistent with their position. Additionally, employees are expected to wear appropriate footwear while at work. Standards may vary from position to position due to such factors as the type of work and amount of public contact involved. If an employee is required to wear a uniform, it is his/her responsibility to make sure it is as clean and neat as practicable based on assigned duties.

## **Section XXIII: Garnishments**

The Town of New Milford is required by law to accept legal assessment and garnishments and other wage orders. The Town will withhold part of an employee's salary in accordance with legal requirements until the assignment is satisfied or released.

## **Section XXIV: Personnel Records**

All documents that the Town uses to make employment decisions about employees become a record, or history, of the employee's employment with the Town and, by definition, comprise the

“personnel file”. The Personnel Department maintains the official “personnel file”, which is devoted exclusively to the employee. Employees’ personnel file is and will remain the sole property of the Town.

Personnel files includes, among other things, information pertaining to employee’s employment, benefits, performance reviews, education and professional qualifications and emergency contact information. If an employee wishes to review the material in his/her personnel file, the employee may do so upon written request submitted to our Personnel Department. Personnel files cannot be removed from the Personnel Department.

The Town of New Milford treats personal employee information as confidential and respects the need for protecting each employee’s privacy. Information from an employee’s personnel file will not be released externally without the employee’s express written consent or unless release of the information is required by law.

To ensure that personnel files are up-to-date at all times, it is the employee’s responsibility to notify the Personnel Department of any change in information that affects his/her employment status, such as, among other things: marital status, newborn or adopted children, change of address, change in telephone number, change in emergency contact person, change in tax exemptions, and any change in insurance and/or retirement beneficiaries.

### **Section XXV: Workplace Safety**

The Town of New Milford makes every reasonable effort to provide employees with a safe work environment. Safety equipment and personal protective equipment are provided to employees in accordance with the job requirements of their position.

Town employees:

- Must wear all protective clothing and safety equipment as required.
- Must obey all Safety Rules applicable to Town employees.

The Town has an organized Safety and Health Committee that meets on a regular basis to review safety concerns of employees and to recommend safety improvements. If an employee has a suggestion to improve safety or have a complaint related to safety, the employee should direct it to a member of the Safety Committee or to his/her supervisor promptly.

#### **Incidents/Accidents**

Employees must report all accidents and incidents (e.g. unsafe conditions, unwelcome guests) to their supervisor or to the Personnel Director as soon as practicable, regardless of how small or insignificant the event may seem at the time it occurs.

Employees must report work-related injuries immediately so that appropriate care can be provided and proper workers’ compensation reports, if required, can be filed. This requirement is

for the employee's protection. Failure to comply may result in needless worsening of the injury and/or loss of future benefits.

## **Section XXVI: Employee Dependability**

### General Statement of Responsibility

Each employee is responsible for maintaining a good attendance record. Each employee is expected to report to work on time, observe the Town's guidelines for breaks and lunch, and remain at the workstation until the established quitting time.

Sick, Vacation and Personal Leave requests must be made in accordance with these guidelines and any other relevant requirements.

### Definitions

For the purposes of these guidelines, the following definitions will apply:

- A. Absence: An Absence is any time you are not at work during your scheduled hours or extra-duty assignment, regardless of the reason. However, not all Absences reflect negatively on your record. Only "Occasions of Absence" may.
- B. Occasion of Absence: An "Occasion of Absence" (or "Occasion") is one or more *unscheduled or unauthorized* continuous day(s) or partial day(s) of Absence.
- C. Tandem Occasion: An unscheduled absence immediately before or after a regularly scheduled day off (e.g. weekend or holiday).

### Exceptions

The following Absences will *not* be counted as an Occasion:

- Approved Vacation time
- Personal Leave time
- Approved Compensatory Time
- Bereavement Leave (advance notification to your supervisor is required, when possible)
- Jury duty/Subpoenaed court appearances (court provided document and advance notification to your supervisor is required)
- Military leave
- Workers' Compensation time
- Scheduled and approved Sick time (i.e. surgery, scheduled doctors' appointments)
- Designated and documented leave under the federal Family Medical Leave Act (FMLA)

### Unscheduled

The employee has provided less than one day notice to the direct supervisor.

## Unauthorized

The employee's absence has not been approved by the direct supervisor or reported according to the established Section.

### Guidelines for Reviewing Occasions of Absence

Supervisors and Personnel will monitor Occasions of Absence. Personnel will determine the action to be taken upon the accumulation of a certain number of Occasions within a given time period, taking into consideration the following:

1. The number of days taken;
2. The number of Occasions;
3. The pattern of Absences;
4. The employee's past record; and
5. The reasons for the Occasions.

Although the specific action taken in each instance will be determined by Personnel at its discretion, the chart below illustrates the actions likely to be taken upon the accumulation of a certain number of Occasions within a given time period.

<b>Number of Occasions</b>	<b>Within This Time Period</b>	<b>Action Likely To Be Taken</b>
3	3 months	Your attendance record will be reviewed with you to determine contributing problems and possible solutions.  This will be considered an informal counseling session.
5	6 months	Your attendance record will be reviewed with you to determine contributing problems and possible solutions.  This counseling session will be recorded in a written memo, a copy of which will be maintained in your supervisor's administrative file.
9	12 months	Your attendance record will be reviewed with you to determine contributing problems and possible solutions.  The discussion will be documented and a copy will be maintained in your personnel file.  An Unsatisfactory performance evaluation will be given to you for unsatisfactory attendance and dependability unless you give your supervisor documentation explaining the Occasions to his/her satisfaction.  You will also be notified that receiving two (2) Unsatisfactory performance evaluations in a row (for poor attendance or any other reason) is just or "due and sufficient cause" for dismissal from Town service.

## Procedures

1. Pre-schedule All Vacation Time Use. Vacation leave and use of compensatory time must be requested as far in advance as possible and is subject to the operating needs of the Town and department.
2. Pre-schedule All Absences. When possible, you should schedule all Absences (including late arrivals and early departures) in advance with your supervisor. Prescheduled and approved use of certain types of leave, such as a vacation, a doctor's visit or a funeral, will not be counted as an Occasion of Absence.
3. Unscheduled Absences. If it is not possible to pre-schedule an Absence (including a late arrival or early departure), you must:
  - Notify your supervisor not less than one (1) hour prior to your start time, except in emergencies;
  - Give the reason for your Absence;
  - Give an estimate of the anticipated length of the Absence;
  - If the Absence is continuous or extended, notify your supervisor on a daily basis, or as otherwise required by your supervisor.

For each Unscheduled Absence you will be charged with an Occasion of Absence unless the Absence is exempted from the definition of "Occasion."

If you do not notify your supervisor or designee not less than one-hour of the start of the work day, and are unable to provide a reasonable explanation, you will be charged with an Occasion of Absence and you will be charged with unauthorized leave from your scheduled start time until the time you called in.

If you do not contact your supervisor at all to notify him/her that you will be absent for the day (a.k.a. "no call, no show"), you will be charged with an Occasion of Absence and with an unauthorized leave for the day. Progressive discipline may be initiated for repeat offenses. Five (5) or more consecutive days of unauthorized leave is grounds for discipline, up to and including dismissal.

4. Exhaustion of Sick Leave Accruals. If you are absent because of illness or injury but have exhausted your sick leave accruals, you must:
  - For each Absence, have your attending physician complete a Medical Certificate explaining the reason for your Absence, and submit the completed form to Personnel.
  - If you wish to use other accrued leave in place of your exhausted sick leave, you must make such request in writing and submit it to your supervisor with the completed Medical Certificate form.

If you fail to follow this Section, you will be charged with an Occasion of Absence and with unauthorized leave for the day.

If you have exhausted all other accrued leave time in addition to your sick leave time, you will be charged with unauthorized leave for the day and may be subject to disciplinary penalties.

5. Extended Leaves. If you will be absent for an extended period of time because you are sick or injured, you must:
  - Obtain a Medical Certificate Form from Personnel;
  - Have the form completed by the treating physician stating the reason for the Absence and your return to work date; and
  - Return the form to Personnel at the time you return to work.

An “extended period of time” is generally five (5) or more days. However, you should refer to your collective bargaining agreement or *Employee Handbook* to determine exactly when the requirements regarding Medical Certificate Forms begin.

6. Tardiness

Tardiness will be monitored and reviewed in the context of an employee's overall dependability, which includes all Occasions of Absence.

7. Definitions

For the purposes of this Section, the following definitions will apply:

- A. Tardiness: Any failure to report to work on time according to the established work schedule or lateness for work at any point during the employee’s work shift.

Note: An occasion of tardiness of less than eight (8) minutes will not be charged to paid leave or deducted from the employee's pay but will be considered an occasion of tardiness. For non-exempt employees, an instance of tardiness that equals or exceeds eight (8) minutes will be deducted from an employee's pay in accordance with the Fair Labor Standards Act (FLSA) (to the nearest 15 minutes).

- B. Occasional Tardiness: Two (2) or fewer occasions of tardiness within a six (6) month period.
- C. Excused Tardiness: Occasions of tardiness due to inclement weather, delays in mass transit or other extenuating circumstances will not be counted when an investigation supports the reason for the tardiness. It is the responsibility of the immediate supervisor in consultation with Personnel to determine if weather and/or road conditions warrant late arrivals on days which are not employer-wide declared late openings.

## 8. Supervisor Responsibility

The supervisor must obtain and document the reason for each occasion of tardiness.

## 9. Unexcused Tardiness

Step 1: At the first occasion of unexcused tardiness, the supervisor will informally counsel the employee and remind him or her of the employer's Section governing attendance including the employee's responsibility to report to work on time. Additional reviews of tardiness must be completed every six (6) months.

Step 2: At the second occasion of unexcused tardiness within a six (6) month period, the employee will receive formal counseling. The counseling session must be documented in a memo from the supervisor to the employee indicating that further occasions of tardiness could result in disciplinary action.

Step 3: At the third occasion of unexcused tardiness within a six (6) month period, the employee may be issued a verbal reprimand for repeated tardiness. The verbal reprimand serves as notice that the employee's attendance problem requires immediate attention and improvement and that failure to do so will result in further progressive discipline.

Step 4: At the fourth occasion of unexcused tardiness, if within six (6) months of the third occasion, the employee may receive a letter of written reprimand for just cause in accordance with this Section.

Step 5: At the fifth occasion of unexcused tardiness, if within six (6) months of the fourth occasion, the employee may receive a one (1) day level suspension.

Step 6: At the sixth occasion of unexcused tardiness, if within six (6) months of the fifth occasion, the employee may receive a five (5) day level suspension. The employee must be advised that any further occasions of tardiness, if occurring within six (6) months of the sixth occasion, may result in dismissal from the employer.

Step 7: At the seventh unexcused occasion of tardiness, if within six (6) months of the sixth occasion, the employee may be dismissed.

## 10. Performance Improvement

An employee who has previously been disciplined for poor attendance and continues without further discipline for six (6) months will be disciplined at the same level as previously disciplined. For each consecutive six (6) month period of time that the employee remains discipline free for poor attendance, the level of discipline will decrease one (1) level.

An employee who has previously been disciplined for tardiness and continues without further incident for six (6) months, if tardy again, will be disciplined at the same level as

previously disciplined. For each consecutive six (6) month period of time that the employee is not tardy, the level of discipline will decrease one (1) level.

The duration of time an employee is on workers' compensation or leave of absence will not be included in the six (6) month period referred to in this Section. These guidelines do not limit the employer's right to take disciplinary action against an employee who may not fit into the guideline periods but does demonstrate a continuing pattern of poor attendance or tardiness over a longer period of time.

#### 11. Communicating Inability to Report to Work

An employee who communicates an inability to report for work after the shift begins and after the time required by this Section will not be paid for the time between the beginning of the shift and the time of contact with the supervisor. Such calls will also be handled as tardy, and the period between the beginning of the shift and the time of contact may be charged as unauthorized leave. Any employee who fails to call, without reasonable cause, will be charged with an unauthorized leave of absence. An employee who, in the first instance, does not communicate an inability to report and who does not report will not be paid and will be cautioned regarding future occasions. The next subsequent occasion, if within 12 months, may result in the employee not being paid and suspension on a day-for-day basis. The next occasion, if within 12 months of the last, may result in a five (5) day suspension. The next occasion, if within 12 months of the last, may result in dismissal. Five (5) or more consecutive days of unauthorized leave is grounds for discipline, up to and including dismissal.

#### 12. Exhaustion of Leave Accrual

All employees are responsible for monitoring their own leave balances. If an employee is unable to report for work and has exhausted his or her leave balance, he or she will generally be charged with an unauthorized leave without pay. In addition, the employee may be subject to disciplinary action as follows:

First Occasion: The employee will be charged with unauthorized leave and informally counseled regarding poor attendance.

Second Occasion: The employee will be formally counseled if the second occasion is within six (6) months of the prior occasion. Otherwise, the employee will again be informally counseled.

Third Occasion: The employee will receive a verbal reprimand if the third occasion is within six (6) months of the prior occasion. Otherwise the employee will again be formally counseled.

Subsequent Occasions: Progressive discipline will be imposed beginning with a letter of written reprimand.

### 13. Probationary Period

Employees may be dismissed for any combination of absences or instances of tardiness in the first ninety (90) days of the employee's continuous employment or any extended initial probationary period. If an employee fails to report for duty and fails to notify his/her supervisor during the ninety (90) days of continuous employment or extended initial probationary period he/she will be discharged.

#### **Section XXVII: Use of Telephones, Cell Phones and other Town Property**

The Town's telephones are intended for business use only. Nevertheless, we recognize that there are occasions when an employee might need to use a Town telephone for a personal call. We ask that such use be limited to non-work time and limited in frequency and duration.

The use of Town telephones to receive or make personal calls is not permitted except for reasonable local incidental calls. The Town of New Milford fax, mail machine, office equipment, computers, and other Town property are available to employees to use for business-related purposes only. Excessive personal use of Town of New Milford property may result in disciplinary action including suspension or termination.

Personal cell phone use during work hours should be limited to emergencies or during break time. If an employee has been issued a Town cell phone, its usage is to be limited to Town business and comply with all rules and regulations regarding its use. Use of cell phone in Town vehicles must be limited to a hands-free device. Employees are liable for any violations.

Town of New Milford property is reserved exclusively for use in conducting Town business and is made available to Town employees only in the performance of their assigned duties. Town property such as, but not limited to, vehicles, motorized equipment, tools, facilities, office equipment (e.g., fax machines, mail machines, calculators, computers) is available to employees to use for Town business-related purposes only. The Town of New Milford reserves the right to review and access Town property and equipment without notice. Unauthorized or personal use of Town of New Milford property may result in disciplinary action up to and including possible suspension or termination of employment.

#### **Section XXVIII: Unemployment Compensation**

The Town is a covered employer under the Connecticut Unemployment Compensation Act and accordingly makes payments to the fund in direct proportion to benefits received. This program provides weekly benefits for persons who become unemployed through no fault of their own and are thereafter unable to secure work for which they are fitted.

#### **Section XXIX: Tuition Reimbursement**

Each non-union employee will be eligible for tuition reimbursement for accredited advance degree programs. Non-union employees will be eligible for tuition reimbursement up to \$3,000 per fiscal year for graduate courses leading to a degree that is directly related to the employee's

position or career progression. The courses must: 1) be part of the degreed program; 2) contribute to increased efficiency in the employee's position and/or career objectives within the Town; and 3) be taken at an institution of higher education recognized by the State of Connecticut. All such reimbursement will be subject to prior written approval by the Mayor or designee. Non-union employees will not be eligible for tuition reimbursement for course work completed while on an approved leave of absence.

Non-union employees will receive the reimbursement after providing the Town with an official transcript demonstrating successful completion of the course with a grade of "B" or better. Degree credits will be reimbursed at 75% (up to a maximum of \$3,000) of the University of Connecticut current in-state rate and will not exceed twelve (12) semester hours per school year. Such reimbursement may be considered taxable income if it exceeds a certain threshold as determined by the IRS.

An employee applying for tuition reimbursement must submit the appropriate request not less than two (2) weeks prior to the start of the course. After approval has been received, if the employee decides not to take the course(s) or to drop a course(s), he/she must immediately notify the supervisor. As soon as possible, but not more than thirty (30) days following completion of the course(s), the employee must submit the required documentation of payment and successful course completion.

If no claim for reimbursement or request for extension has been submitted to the Mayor within sixty (60) days of the end of the semester or course, the funds committed for that course(s) will not be released.

Non-union employees will be required to sign a promissory note for each reimbursement request. If an employee who has received a reimbursement voluntarily quits or retires from the Town's employ within Three (3) years after having been reimbursed, the Town will be entitled, without prior notice, to deduct the monies due from the employee's final paycheck. If the amount of the paycheck is insufficient to cover the funds owed, the employee will be billed and required to pay any outstanding debt.

### **Section XXX: Longevity Pay**

Regular full-time employees hired on or before September 1, 2018 who have completed the stated number of years or continuous service will be entitled to Longevity Pay as follows:

- 10 years through 14 years of continuous service: \$300
- 15 years through 19 years of continuous service: \$350
- 20 years through 24 years of continuous service: \$400
- 25 years of more of continuous service: \$500

Said pay will be non-accumulative and will be paid at the first payroll period in December of each year.

Town of New Milford employees hired on or after September 1, 2018 are not entitled to Longevity Pay.

### **Section XXXI: Ethics and Conflict of Interest**

The Town of New Milford expects our employees to conduct business according to the highest ethical standards of conduct.

Although it is not possible to specify every action that might create a conflict of interest, no employee will, directly or indirectly, unnecessarily disclose information concerning the affairs of the Town; nor will they use such information to advance the financial or other private interest of themselves or others.

All Town employees are expected to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with staff members and others. Any employee who sexually harasses another individual or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

#### **Conflict of Interest Relating to Business with the Town**

No employee having substantial financial interest, direct or indirect, in any transaction with the Town or in any action to be taken by the Town will use his/her position to exert his/her influence or vote on such transaction or action.

Any employee having financial or other private interest, direct or indirect, in any transaction with the Town or in any action being considered by the Town and who participates in discussion with or gives any opinion to any Town agency will disclose on the records of such agency the nature and extent of such interest.

Violations of this standard can subject employees to disciplinary action, up to and including termination of employment.

### **Section XXXII: Gifts and Favors**

No employee is to solicit; accept, directly or indirectly, any favor, service, or gift with a value above \$40.00 from any person who has an interest which to his/her knowledge has or may have direct or indirect business dealings with the Town. Employees are prohibited from accepting cash gifts.

While vendors and other individuals may wish to show their gratitude for our business or services by offering these tokens of gratitude or thanks, it can create the impression of a conflict of interest or the appearance of impropriety/preferential treatment. Therefore, such items are subject to the ethics and conflicts of interest policies.

To ensure that this does not happen and to maintain integrity, employees should put any food gifts received by the Department or addressed to an individual in the Department in a place where the food is accessible to other employees and the public to enjoy. If there is no appropriate area to make gifts accessible, they can be placed in the employee lounge.

No employee will, by reason of his status, accept or endeavor to obtain, directly or indirectly, preferential treatment from any private citizen, business enterprise, or employee.

No employee will, in the discharge of his/her duties, grant any preferential treatment to any person or interest beyond that which is properly available to all other persons or interests.

No or employee will request or permit the use of Town-owned vehicles, equipment, materials, or property for personal convenience, except when such are equally available to the public generally or are provided by municipal policy for use in connection with Town business.

The Town's Standards of Conduct and list of behaviors that are prohibited are outlined in the *Employee Conduct Procedure* (Appendix B). Employees who fail to comply with the procedure and other policies governing employee conduct may be subject to discipline up to and including dismissal.

### **Section XXXIII: Job Classification**

The Town systematically describes and groups jobs to ensure consistent and fair treatment when assigning, compensating and promoting employees. A job classification is the description of a group of jobs in Town service that have similar duties, responsibilities and required qualifications. The job specification outlines the essential duties, minimum qualifications, knowledge, skills and abilities, and working conditions of the job classification.

### **Section XXXIV: Family Violence Leave**

Employees who are victims of family violence are able to take up to 12 days per calendar year of paid or unpaid leave in which the leave is reasonably necessary to seek medical care or counseling for physical or psychological injury or disability; obtain services from a victim services organization; relocate due to the family violence, or participate in any civil or criminal proceeding related to or resulting from such family violence. Additionally, such employees may not be terminated or penalized at work as a result of their status as victims or because they attend or participate in civil court proceedings related to his/her case.

### **Section XXXV: Family Medical Leave**

The Town of New Milford provides family and medical leave to eligible employees in accordance with the provisions of the federal Family Medical Leave Act (FMLA).

### **Section XXXVI: Confidentiality**

Confidential information, for the purposes of this Section, includes all information that if disclosed without authorization, could be detrimental to the interests of the Town, whether or not such information is identified as confidential information by the Town. No information held in confidence is to be given to anyone except on a need to know or as legally mandated. This includes, but is not limited to, the press, other staff, members of the community, etc. At all times, employees agree to keep confidential and not to utilize any confidential information for any purpose, except in the course of employment with the Town. Employees agree not to publish,

disclose or otherwise disseminate such information without prior written approval from the supervisor or the Mayor.

**Town of New Milford**  
**Non-Union Employee and Elected Officials Group 40 hour Pay Plan**  
**2017-2018**

<b>Salary Group</b>	<b>Min.</b>	<b>Max.</b>
Group 1	\$29,435	\$35,771
Executive Secretary (PT)		
Library Administrative Assistant (30 HPW)		
Public Services Associate		
Group 2	\$36,430	\$46,773
Childcare Supervisor		
MAXX Supervisor		
Site Supervisor		
Technical Services Assistant		
Youth Adult Librarian		
Youth Advocate Coordinator		
Group 3	\$50,018	\$66,608
Administrative Aide to Mayor		
Administrative Aide/Office Manager		
Assistant Director of Parks and Recreation		
Assistant Director/Program Monitor		
Counselor Advocate		
Engineering AutoCad Technician		
Highway Foreman		
Intervention Manager		
Personnel Assistant		
Prevention Manager/Latchkey Director		
Road Construction Supervisor		
Group 4	\$68,409	\$91,675
Assessor		
Building Inspector		
Director of Library Services		
Facilities Supervisor		
Fire Marshal		
Highway Superintendent		
Inland Wetlands Enforcement Officer		
Network Administrator		
Sanitarian		
*Tax Collector		
*Town Clerk		
Zoning Enforcement Officer/Land Use Supervisor		

Group 5	\$71,711	\$95,917
Comptroller		
Director of Economic Development		
Director of Parks and Recreation		
Director of Senior Programs		
Director of Social Services		
Director of Youth Services		
Town Planner		
Group 6	\$86,961	\$117,109
Director of Health		
Director of Personnel		
Lieutenant		
Group 7	\$94,020	\$126,119
Deputy Police Chief		
MIS Director		
Town Engineer		
Group 8	\$97,771	\$130,879
**Chief of Police		
Director of Finance		
Director of Public Works		
*Mayor		
Town Attorney		

\* Elected Official

\*\* Contract Position