

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

The day-to-day administration of these Personnel Policies is a function of the Human Resources Department. Any questions regarding their application or effect will be answered by the Human Resources Director.

As a rule, the benefits described herein are intended for permanent full-time and part-time employees customarily working at least twenty (20) hours per week on a year-round basis. Employees customarily working less than twenty (20) hours per week on a year-round basis, seasonal and other temporary employees are excluded from said benefits.

### **ACCIDENTAL/SICKNESS INDEMNITY PLANS**

The City shall provide Accidental/Sickness Indemnity Plans, as provided by AFLAC, or equivalent coverage. The premium for such plans shall be borne by the employees.

Employees not opting to be covered by the plans immediately upon being employed or not sustaining a lifestyle change during the year, will not be eligible to join the plan until the next calendar year.

### **ANTI-NEPOTISM POLICY**

The purpose of this policy is to deal with any actual, potential or reasonably perceived conflict of interest that may arise out of the current employment or potential employment of any person(s) for the City of Lewiston as it relates to individuals with whom he or she has a personal relationship or a financial involvement.

1. A municipal employee shall not hold a supervisory position, or be senior in the chain-of-command, to an individual with whom he or she has a personal relationship or financial involvement, except when the conditions in Section 4 are met.
2. No new municipal employee may be hired where such hiring would create a situation as described in Section 1 would exist, except when the conditions are met in Section 4.
3. No existing municipal employee may be promoted, transferred, demoted or otherwise reassigned into a new position where that change would create a situation as described in Section 1, except when conditions are met in Section 4.
4. A municipal employee may hold a supervisory position, or be senior in the chain-of-command, to an individual with whom he or she has a personal relationship or financial involvement when, and only when the following conditions are met:
  - a. The relationship must be disclosed to the City Administrator's Office; and
  - b. The City Administrator's Office must approve a written management plan that is designed to prevent favoritism or any other improper influences in connection with the employment relationship and that provides ongoing oversight by a person or persons not subordinate to either of the individuals who have the personal relationship or financial involvement; and
  - c. The City Administrator shall report to the City Council the existence of the potential incompatibility or employment positions and the establishment of a management plan to address the same; and
  - d. The written management plan must on file and available for public inspection within the Office of Human Resources.

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5. All existing employment conflicts that might exist at the time of adoption of this policy, must be brought into compliance with the policy within one hundred eighty (180) days of the passage, by;
  - a. Resolving the conflict by transferring one or more of the employees; or
  - b. Restructuring the position(s) or the City department(s), or
  - c. Complying with Section 4 above.
6. If the conflict is a direct report to the City Administrator, then the City Council shall serve in all roles outlined in Section 4 above that has been designated as the City Administrator's role.
7. No municipal employee that is a supervisor, or in any part of the chain-of-command, may become personally or financially involved with another municipal employee that would henceforth, because of such relationship, be subject to this policy.

### CLASSIFICATION AND PAY PLAN

- A. *Purpose of the Plan.* The Classification and Pay Plan provides a systematic arrangement and inventory of positions for the non-union employees. The Plan groups the various positions into understandable classes indicative of the range of duties, responsibilities, and level of work performed. Compensation allocated to each position takes into consideration the relative difficulty and responsibility existing between the various classes, and prevailing rates of pay for similar types of work in private and public employment.
- B. *Uses of the Plan.* The Classification and Pay Plan shall be utilized to:
  1. Determine qualifications for employment by the City;
  2. Determine salaries to be paid for the various classes of work; and
  3. Determine lines of promotion.
- C. *Content of the Plan.* The Classification and Pay Plan consists of:
  1. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility which require the same general qualifications, and which can be equitably compensated within the same pay grade.
  2. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records. No person shall be appointed on a permanent basis to a position in the City service under a title not contained in the Classification and Pay Plan.
  3. Written job descriptions for each classification containing the nature of work and relative responsibilities of the class, typical illustrative tasks found in the class, requirements of the class setting forth the necessary knowledge, skills and abilities desired for adequate performance of the work, and the desirable experience and training needed.
  4. A schedule of salary grades for each title in the Classification and Pay Plan.
- D. *Unclassified Service.* The unclassified services (paid positions for which the City Council is not responsible for, compensation or positions of an advisory or consulting nature especially

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part-time) shall consist of the following:

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

## E. *Administration and Maintenance of the Classification and Pay Plan.*

The Human Resources Director shall be charged with the responsibility of administering and maintaining the Classification and Pay Plan. The City Administrator shall direct necessary reviews and preparation of reports recommending appropriate action to assure that the Classification Plan is kept current and that important changes in duties and responsibilities in any existing position be reflected in the plan so that proper compensation levels can be determined. The Human Resources Director shall provide, subject to the approval of the City Administrator, for the allocation of new positions and for the reallocation of any position from one class to another class whenever a change in duties and responsibilities of such position makes the class to which the position was previously allocated no longer applicable.

Any employee shall have the right to consideration by the City Administrator of any request he may have with respect to a change in the classification of his position. The employee would request a reclassification to his respective Department Head; the respective Department Head would evaluate the request and recommend approval or disapproval to the City Administrator; the City Administrator would refer the request to the Human Resources Director for evaluation and recommend approval or disapproval to the City Administrator; the City Administrator would then either accept or deny the request.

## F. *Initial Appointment of Employees.* All new appointments in the City service shall be at the first step of the pay grade established for the job classification to which the appointment is made. However, on the recommendation of the Department Head, and with approval of the City Administrator, new appointments may be made at above the minimum rate established for the job classification where it is found necessary to take such action in order to fill a job vacancy in which there is a lack of qualified applicants or because of other unusual or extenuating circumstances.

## G. *Starting Rate on Return from Military Service.* Any employee who leaves or has left City employment to enter the active service of the Armed Forces of the United States and who subsequently is reinstated to a position previously held by him shall be entitled to receive compensation at the step rate to which he would have been entitled had his service with the City not been interrupted by service in the Armed Forces.

## H. *Rate of Pay on Promotion, Transfer or Demotion.* When an employee is temporarily or permanently transferred, promoted, or demoted, his rate of pay for the new position shall be effective immediately and be determined by the City Administrator.

### CONFLICTING RESOLUTIONS OR STATEMENTS

All resolutions and statements in conflict with the provisions of these Personnel Policies are hereby repealed. To the extent that these policies may conflict with any provisions of the City's

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various collective bargaining agreements, such provisions shall, in all cases, prevail. To the extent that the City adopts benefits or changes in benefits that are mandatory subjects of collective bargaining, such benefits shall not apply to employees who are members of a bargaining unit. A recognized bargaining agent shall have an opportunity to negotiate over benefits or changes in benefits in accordance with applicable laws.

### **DEATH OF AN EMPLOYEE**

In the event of an untimely death of a current employee, the estate shall be entitled to all of the additional benefits of a retired employee. This provision does not however, change, amend, expand or further any provision of the various specific retirement plans (i.e. MSRS, deferred comp.) Effective 7/01/2004.

### **DEFERRED COMPENSATION PROGRAM**

The City of Lewiston shall provide a 457K deferred compensation program through the International City Management Association or Hartford, as follows: For those employees *not* participating in the Maine State Retirement System, the City shall match the employee's contribution, not to exceed 6% of earnable compensation to the maximum contribution allowed by law; for all other employees participating in the Maine State Retirement, there shall be no City match.

### **DENTAL PLAN**

The City of Lewiston shall provide the Delta Dental Insurance Plan or its equivalent to those eligible employees. The cost of the dental premiums shall be borne by the employees.

Employees not opting to be covered by the dental plan immediately upon being employed or not sustaining a lifestyle change during the year, will not be eligible to join the plan until the next calendar year.

### **DISCIPLINE**

The City of Lewiston recognizes its responsibility to provide its citizens with the most efficient and effective service delivery system available. This requires that we develop and administer rules, regulations, policies and disciplinary measures in an equitable and consistent manner. Employees must likewise recognize their obligations to conform to all applicable rules, regulations and policies. Should an employee fail to observe them, the City must initiate appropriate disciplinary action based on the severity of the violation. Such disciplinary action may include, but not be limited to, oral or written reprimands, suspensions with or without pay, reassignments or transfers, demotions, probation or termination. Employees may appeal any discipline imposed through their usual and customary grievance procedure.

### **DRUG-FREE WORKPLACE**

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

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

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

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

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

### EDUCATION AND TRAINING

- A. *Required Training.* As a condition of employment, each employee shall attend and participate in all training sessions or courses as may be directed by the Department Head or the City Administrator.
- B. *Voluntary Training.* Employees who wish to supplement their education by taking job-related college, university or correspondence courses may do so and be reimbursed, upon successfully completing a 3-credit hour course in accordance to the following schedule:

Technical College	\$125
College Level	250
Post Graduate	400

Employees taking adult education courses through area high schools may receive full tuition reimbursement upon successful completion.

Employees shall be allowed one course reimbursement per semester (or a total of 3 per year) with the advanced written approval of the Department Head and the Human Resources Director, subject to budgetary limitations.

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- C. *Voluntary Participation.* Employees are encouraged to participate and be members of boards, committees or organizations relating to their employment. Whenever possible, and with the prior approval of their Department Head, employees may be allowed time-off during regular work hours to attend meetings. Any time spent after regular work hours shall not be considered hours of work. (This is not intended to relieve the City of its obligation to properly compensate employees for work hours that are legally due.)

### **EMPLOYEE CONVICTED**

Any employee convicted of any crime involving falsification in official matters, bribery, corrupt practices or obstructing governmental administration may be disciplined, including termination.

In addition, any employee convicted of a criminal offense may be disciplined, including termination, provided the offense can be determined to have a detrimental effect upon the employee's credibility to carry out the duties, functions and responsibilities of employment with the City.

### **EMPLOYEE OF THE YEAR PROGRAM**

All Municipal employees, with the exception of the City Administrator, will be eligible. Deadline for nominations will be July 31, of the given year. Nominations will be made in writing, stating the name of the person nominated and the reasons for the nominations. It is desired that all nominations be done anonymously through the City Administrator's Office.

Selection will be based on, but not limited to, such items as years of service, attitude, knowledge of the job, the ability to perform other tasks, appearance, promotion of positive attitudes, versatility, job performance, and economic enhancement. They will also take into consideration such areas as major programs that the individual has developed or been responsible for. The final consideration will be that the employee has given much more to the community than their "typical" job description would classify responsibility for. Also, in the event that job performance reviews are used, they will also have an influence on the decision making process.

The employee will be announced during the Annual Employee's Recognition Night. The employee will receive one (1) week's paid vacation for the next calendar year.

The general concept of the award is to try to build a positive work environment for the employees. It is also to encourage creativity and inspire each of the municipal employees with a sense of worth and purpose.

Finally, it is the Mayor and City Council's desire to encourage all employees to make suggestions in ways to run the government more efficiently.

### **EMPLOYEE SAFETY EQUIPMENT AND SAFETY REGULATIONS**

Safe working habits and conditions such as cleanliness, use of first-aid kits, or required OSHA regulations, will be observed by all employees. All safety equipment assigned to the employee such as safety glasses and helmets will be worn as required by the employee's supervisor or

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Department Head. Failure to comply with such requirements will be just cause for dismissal.

## F.I.C.A. BENEFITS

The City of Lewiston shall provide F.I.C.A. coverage for each employee excluding sworn members of the Police and Fire Departments except those hired after April 1, 1986.

## FLEXIBLE SPENDING ACCOUNT AND HEALTH REIMBURSEMENT ARRANGEMENT BENEFITS PLAN

For all eligible employees, the City of Lewiston shall provide a Flexible Spending Account and Health Reimbursement Arrangement Benefits Plan (through a third party administrator) as allowed under Section 125 of the Internal Revenue Code. Eligible employees shall bear the cost of either the Flexible Spending Account and/or Dependent Care Options, except for a yearly contribution from the City of Lewiston of \$200 in the Flexible Spending Account of those employees who are not covered by a labor agreement and are participating in the Health Care Management System.

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

- A. PPO 500: \$600 Single Plan; \$1,200 Family Plan; \$1,200 Employee/Spouse Plan
- B. PPO 1500: \$1,200 Single Plan; \$3,000 Family Plan; \$3,000 Employee/Spouse Plan

Employees not opting to participate in the Flexible Benefits Plan or the Health Reimbursement Arrangement immediately upon being employed or not complying with the requirements outlined in the **Health Care Management System Focusing on Prevention** section of the City Personnel Policy during the year, will not be eligible to participate until the next calendar year or shall pay applicable penalties outlined in the **Health Care Management System Focusing on Prevention** until such time as they are fully compliant.

## GENDER

All references to employees in these Personnel Policies designate both sexes, and wherever the male gender is used, it shall be construed to include male and female employees.

## HATCH ACT

The Hatch Act, enacted in 1939, restricts the political activity of employees principally employed by state or local executive agencies in connection with programs financed in whole or in part by federal loans or grants. Such employees

**May** be a candidate for public office in a nonpartisan election

**May not** be a candidate for public office in a partisan election

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**May** campaign for and hold elective office in political clubs and organizations

**May not** use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office

**May** actively campaign for candidates for public office in partisan and nonpartisan elections

**May not** directly or indirectly coerce contributions from subordinates in support of a political party or candidate

**May** contribute money to political organizations or attend political fund-raising functions

**May** participate in any activity not specifically prohibited by law or regulation

The provisions of the Hatch Act do not apply to the following employees:

- 1) Employees who exercise no planning, developing or coordinating functions in connection with federally financed activities; or
- 2) Employees employed by educational or research institutions, establishments or agencies which are supported in whole or in part by state or political subdivisions thereof, or by recognized religious, philanthropic or cultural organizations.

The law also exempts certain specified employees from the prohibition on candidacy for elective office. These exemptions include:

- 1) The governor or lieutenant governor of a state, or an individual authorized by law to act as governor;
- 2) The mayor of a city;
- 3) A duly elected head of an executive department of a state or municipality who is not classified under a state or municipal merit or civil service system; and
- 4) An individual holding public elective office. The latter exemption applies only when the elective office is the position which would otherwise subject the employee to the restrictions of the Hatch Act.

Employees found to have violated the Hatch Act may be subject to dismissal, or the employing agency forfeits a portion of the federal assistance equal to two years' salary of the employee.

### **HEALTH CARE MANAGEMENT SYSTEM FOCUSING ON HEALTH CARE PREVENTION**

(Established 7/1/2005 - Updates Effective 7/1/2007)

The program seeks voluntary compliance with an aggressive health care management system which focuses primarily on prevention activities. The goal is to reduce the overall need for health care services among members and to prevent disease by rewarding employees for healthy behavior that will prevent disease. The program can be broken down as follows:

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## Health Risk Analysis and Educators

The first major part of the program is an individual health risk analysis which will be available for each member that desires one. This service will be provided by a Health Care Provider that will be under contract with the City to provide these services. The aggregate results of the analysis will be available to the City. However, consistent with federal law, the City will not have access to an individual's health risk analysis.

A Health Care Educator will be assigned and responsible to work with each and every member that signs up for the program, including spouses (services will not be available for dependents at this point). These educators will work to establish the base information for each member. Once established, the educators will work with the member to provide wellness goals and benchmarks. Educational material and motivation will be a core part of the program.

After the initial consultation, each member will receive at least one additional face to face meeting annually. Such meetings will be primarily designed to be on the job site for the employees and in a private setting. Depending on the results of the health risk analysis and the goals of the member, additional meetings will be scheduled. Should an in-person consultation not be practical, phone and email communication may become alternatives if approved by the City Administrator or the Deputy City Administrator.

Both employees and spouses must schedule their appointment with HCE using the city-provided online calendar software or, if no computer is available, call or email the Human Resources office, no later than March 31<sup>st</sup> of each year.

The following will result in changing the premium payment from 10% to 25% effective in the first January paycheck if the following occur (with exceptions noted):

- Employee or spouse fails to schedule their appointment between January 1<sup>st</sup> and March 31<sup>st</sup> of each year.
- Employee or spouse fails to appear for a scheduled appointment (only significant matters of a serious and personal nature will serve as cause for a waiver to be issued by the City Administrator or Deputy City Administrator).
- Appointments cancelled by the HCE will be rescheduled by the HCE within 14 days of the cancellation and shall not result in any penalty to the employee or spouse on the condition that the employee and/or spouse agree to a new appointment date that will occur no later than February 28<sup>th</sup> of each year.
- Unless management disputes an employee's claim that a cancellation or "no show" was job related, job related duties that result in employee cancellations or "no show" shall require the HCE to reschedule the appointment within 14 days of the cancellation and shall not result in any penalty to the employee on the condition that the employee agree to a new appointment date that will occur no later than February 28<sup>th</sup> of each year.
- Employees and spouse without access to a computer must ensure that they call or email Human Resources early enough so that staff may assist in scheduling the appointment for the employee or spouse no later than March 31<sup>st</sup>.

The City, after consultation with the Health Care Provider and the Health Care Advisory Team, will, at a minimum, provide monthly wellness programs and topics that are related to the

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challenges that are facing the members. The City will continue to seek creative and meaningful ways to reward and recognize employees making progress in obtaining their individual health care goals.

### **Health Care Advisory Team**

The City will establish a Health Care Advisory Team comprised of representatives from each Union and a Department Head who will meet regularly to assist in recommending wellness programs, adjustments to the percentage distribution and any wellness issues or concerns that may arise. Though the Team may recommend changes or adjustments to the program, the City will make the final determination to either accept or reject such recommendations. Lastly, since communications are such an integral part of any successful program, the Team will serve as a conduit to the employees to assist in keeping them apprised of ongoing wellness issues.

### **Health Care Management - Insurance Premium Savings**

The employees' portion of the health insurance premium increases from 10% to 25%, effective July 1, 2005. Alternatively, an employee may participate in a wellness program and make his/her intentions to participate known by July 1, 2005. After July 1, 2006, employees and spouses are expected to meet the specific goals by utilizing their 'best efforts' established by their Health Care Educators to obtain the full 15% savings.

The components of the 15% health insurance premium savings are as follows:

- 5% savings [2.5% each] when both employee and spouse agree to participate in a Health Risk Assessment, a physical examination by personal physicians including the prescribed lab/x-rays;
- 5% savings [2.5% each] when both agree to participate in an exercise program tailored by the Health Care Educator in conjunction with the employee's physician;
- 2.5% savings [1.25% each] for non-tobacco users and those who quit;
- 2.5% savings [1.25% each] for obtaining BMI [body mass index] goals, or related weight management program

*NOTE:* In the Employee Only and Employee with Child plans, the percentages for participation in the four components double for the Employee, i.e., 2.5% becomes 5% and 1.25% becomes 2.5%.

Also, employees need to meet all four components to receive their 7.5% savings, while spouses need to meet the first two components and only one of the other two remaining components.

### **Health Insurance Caps**

The current health insurance cap is 10% of the POS health insurance premium [those who participate in the Comprehensive Plan must also pay the difference between the POS Plan and the Comprehensive Plan] to a cap of \$27.50 weekly. The health insurance cap for employees hired July 1, 2007, shall be increased to 20% of the POS health insurance premium, in addition to any

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difference between the POS and Comprehensive Plan. Employees and spouses who are participating in the Health Care Management Prevention program are expected to meet the specific goals by utilizing their 'best efforts'. The program has two goals: 1) to improve the health of each employee/spouse; and 2) to reduce the long-term cost of health insurance for each employee and the City. The use of credits is not intended by the City to be a primary source of savings, but as an instrument to make the program important and meaningful. As such, an employee/spouse who make a 'best effort', but falls slightly short of meeting their goals will not be penalized, providing, however, that the following three criteria are met: 1) the employee/spouse has participated in the Health Risk Assessment; 2) the employee/spouse has made reasonable progress and improvement since the last measurement; and 3) the employee/spouse has been recommended by their health care provider/educator as having made their 'best effort'. The City will meet and discuss with the individual employees all cases it deems where an employee/spouse did not meet this standard. Each case shall be decided on an individual basis and shall not be used as a reference in any way for any other employee. At all times, the employee/spouse's Primary Care Physician [PCP] shall be responsible for establishing and/or modifying appropriate goals. The Health Care Educator shall be responsible, in consultation with the employee/spouse's PCP, to determine the appropriate activities to meet such goals and to determine whether or not the employee/spouse has made a 'best effort'. In the event of a conflict between the PCP and the Health Care Educator, the employee/spouse's PCP shall have final say in re-determining and/or modifying previously established goals. After January 1, 2007, the cap shall be increased by 10%, to a maximum contribution of 25% or \$68.75 weekly, depending on the level of participation. Premium payments between 10% and 25% shall be determined by using the same formula, as follows. For those employees hired after July 1, 2007, the premium payments indicated below shall double:

<b>%</b>	<b>1/10/2010</b>
10	\$36.60
11	40.26
13	47.58
16	58.56
19	69.54
25	91.51

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## Summary Comments

Efforts will be made to provide employees with exercise equipment, or the ability to use existing City equipment. Also, since smoking is such a critical component of any wellness program, attempts will be made to provide smoking cessation products at no or minimal cost to the employees.

## HEALTH INSURANCE

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

Eligible employees shall be authorized to receive this insurance on the first (1<sup>st</sup>) day of the month following the month they begin working for the City. Employees will pay a portion of the annual premium for the POS-C, PPO 500 or 1500 (single, two-person or family plan). Employee contributions for the POS-C, PPO 500 or 1500 Plans will be in accordance to the schedule outlined in the City Personnel Policy entitled Health Care Management System focusing on Health Care Prevention.

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

Coverages and benefits under the above program may change from time to time. The Human Resources Department will maintain up-to-date information on all benefits available under such program.

## HEALTH INSURANCE INCENTIVE PLAN

### *Payments to Employees Who Waive Health Insurance Coverage*

Any employee may elect to waive coverage in the City's Health Insurance Plan. Any employee waiving full coverage or partial coverage for which he/she would otherwise be eligible shall be paid according to the following conditions:

1. Any employee eligible for full family coverage or single coverage and who elects to waive health insurance coverage shall receive an annual payment equal to the amount of four months of POS health insurance premiums for which the employee is eligible.
2. An employee who is eligible for full family plan opts to take either a "single parent plan" or a "single plan" shall receive an annual payment equal to four months of the difference in premiums between the POS plan for which he/she is eligible and the POS plan which he/she opts to take.
3. In the event both spouses are employees and eligible for health insurance coverage, the ineligible spouse shall receive an annual payment equal to one month of the POS family plan premium.

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4. The payments in lieu of health insurance shall be based on the premiums in effect the month the premiums are paid.
5. A new employee who waives health insurance coverage shall be eligible for the payment in lieu of insurance upon becoming eligible for the health insurance. (It is understood that should an employee leave the employ of the City before July 1<sup>st</sup>, the Health Insurance Incentive shall be prorated and reimbursed to the City either through payroll deduction or personal check).
6. If the employee wishes to be reinstated on the health insurance policy or change coverage from a single or a single parent plan (if he/she would otherwise be eligible for full coverage) he/she may do so as long as he or she follows the insurance carrier's requirements for evidence of insurability and portability of coverage provisions.
7. If an employee is reinstated (or covered for the first time) after receiving payment for waiving health insurance coverage, the employee shall repay the City the balance of the payment pro-rated on a monthly basis.
8. In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the employee must submit written notice to the Human Resources Director. Discontinuance of health insurance or reinstatement of coverage will be effective the first day of the following month in which written notice has been received.
9. Eligible employees who are married to other City employees covered by the MMEHT shall receive MMEHT life insurance coverage at no cost.

NOTE: Annual and prorated payments shall be based on the City's fiscal year July 1 through June 30.

### HOLIDAYS

A. *Legal Holidays Established.* The following days shall be recognized as legal holidays in the City and the offices in the Lewiston City Building shall be closed on such days. When any of the following described holidays falls on Sunday, the following Monday shall be observed as a holiday or when any of the described holidays falls on Saturday, the preceding Friday shall be observed as a holiday and the provisions of this section shall apply. Any other closing of the offices in the Lewiston City Building shall be determined only by the authority of the City Council.

New Year's Day, January 1st  
Martin Luther King, Jr. Day, the third Monday in January  
President's Day, the third Monday in February  
Patriot's Day, the third Monday in April  
Memorial Day, the last Monday in May  
Independence Day, July 4th  
Labor Day, the first Monday in September  
Columbus Day, the second Monday in October  
Veteran's Day, November 11th  
Thanksgiving Day, as designated  
Day after Thanksgiving Day  
Christmas Day, December 25th  
One-half day before Christmas

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- B. *Holiday Pay: Exceptions.* As a general rule, all permanent employees shall be allowed Holiday pay on the date of every established holiday to the extent of their regular pay. Holiday pay shall not be allowed if the employee is on a leave of absence without pay, suspension or fails to work the scheduled work day before and after the Holiday unless previously approved by the respective Department Heads, or otherwise on a non-pay status on the date of the Holiday.

### **INCOME PROTECTION PLAN**

The City of Lewiston shall provide the Maine Municipal Employees Health Trust Income Protection Plan or its equivalent to all employees customarily working at least twenty (20) hours per week on a year-round basis, except employees classified in the MSEA and AFSCME-PW labor agreements. The plan premiums shall be borne entirely by the employees.

Employees not opting to be covered by the income protection plan upon employment, or not sustaining a lifestyle change during the year, will not be eligible to enter the plan until the next calendar year.

### **INTERRUPTIONS DURING WORK SCHEDULES**

- A. *Rest Periods.* All employee's work schedules, customarily working thirty-seven and one-half (37 ½) or forty (40) hours per week, shall provide for a fifteen (15) minute rest period during each one-half (½) shift whenever feasible.
- B. *Lunch Periods.* All employee's work schedules, customarily working thirty-seven and one-half (37 ½) or forty (40) hours per week, shall be granted an unpaid lunch period during each work shift. Whenever possible, the lunch period shall be scheduled near the middle of the shift.

The provisions for these interruptions during work schedules shall not be substituted for the purpose of shortening the work shift unless approved in advance by the employee's immediate supervisor or Department Head.

### **LAYOFFS**

1. Any permanent or temporary employee of the City may be laid off for any reason by the City Administrator.
2. No permanent full-time employee shall be laid off except upon written notice from his Department Head giving not less than two (2) weeks notice before the effective date of the layoff, or a combination of days' notice and pay, or two (2) weeks' pay with immediate notification.

### **LEAVE OF ABSENCE WITH PAY**

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

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

- A. *Jury/Witness Duty Pay.* A leave of absence with pay shall be granted to an employee called for jury duty or as a witness to a case (wherein the employee is not a plaintiff or defendant in the case). The City will pay the difference between the juror's pay or witness fee and the employee's regular rate of pay. An employee required to report for jury duty or as a witness, but then not detained by the Court, shall immediately return to their regular place of employment with the City.
- B. *Bereavement Leave.* An employee who suffers the loss of either a spouse, child, parent, step-parents, or step-children, shall be allowed paid leave for all scheduled hours lost up to five (5) days for attendance at the funeral and/or handling of necessary arrangements. An employee who suffers the loss of a brother, step-brother, sister, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, and grandchildren may be allowed to receive his regular rate of pay for the scheduled hours missed up to three (3) days attending the funeral and/or handling the necessary arrangements.
- C. *Special Meetings and Examinations.* Whenever it is deemed to be in the best interest of the City, an employee may be granted time off with pay to attend professional seminars, institutes or conferences or other similar meetings. In all cases, such leaves shall require prior approval by the employee's Department Head.
- D. *National Guard and other Armed Forces Reserve Training.* An employee who is an active member in one of the United States military or naval reserve components shall be granted a leave of absence with pay whenever he is required to perform field duty or attend training sessions. Such leave with pay shall not exceed two (2) work weeks in any one (1) calendar year. The City will only pay the difference between the per diem received from the military including subsistence and quarter's allowance and the employee's regular rate of pay, conversely, the employee shall be entitled to keep whatever amount from the military that exceeds his regular rate of pay. Should the employee decide to utilize part or all of his vacation time accrued during said weeks, he may receive, in addition to the military pay received including any difference from the City, vacation pay not to exceed his total accrual. The employee shall notify his Department Head within forty-eight (48) hours after being notified by the appropriate authority as to the dates he will be absent from his employment.
- E. *Cancer Screening Leave.* The City recognizes the importance of the American Cancer Society's guidelines for the early detection of cancer and, therefore, will allow up to four (4) hours leave per year for individuals customarily working daytime hours, Monday through Friday, for various cancer screenings, i.e. breast, prostate, colon, uterus, etc. Such leave hours shall not be cumulative nor be paid in addition to any other time paid.

### **LEAVE OF ABSENCE WITHOUT PAY**

- A. *Family Medical Leave.* The City recognizes its obligations under the Maine Family Medical Leave Act of 1987 and the Federal Family Medical Leave Act of 1993. In general, the Acts entitle qualified employees up to twelve (12) weeks of unpaid leave per year for the birth or adoption of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition. During such leave, employees shall maintain any pre-existing health insurance coverage and, once the leave is concluded, be reinstated to the same or equivalent position and benefit level.

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

An employee requesting family medical leave must give at least thirty (30) days notice of the intended date that such leave will commence and terminate, unless prevented by medical emergency. The City may require certification from a physician verifying the amount of leave requested. *NOTE:* Family medical leave shall be granted in addition to any paid leave provided in these policies.

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

During such unpaid leave periods, all fringe benefits otherwise available to the employee shall cease, i.e. life and medical insurances, vacation and sick leaves, etc..

### **LIABILITY INSURANCE**

Due to Maine law, employees utilizing privately owned vehicles while performing City business shall be required to possess liability insurance. Proof of such insurance must be kept in the employee's vehicle, a copy of which shall be maintained in their personnel file, and updated as may be required by their Department Head.

### **LIFE INSURANCE**

The City of Lewiston shall provide a life insurance program through the Maine Municipal Employee's Health Trust. All participants receive basic coverage at no additional cost equal to one (1) time the employee's annual salary with the option of purchasing supplemental coverage at the employee's expense. In addition, permanent full-time employees hired before July 1, 1995 will also be eligible for a life insurance plan whereby the employee pays \$.65 per \$1,000 of coverage while the City pays the remainder of the premium. Coverages and benefits under the above programs may change from time to time. The Human Resources Department will maintain up-to-date information on all benefits available under the program.

### **MAINE STATE RETIREMENT SYSTEM**

The City shall provide M.S.R.S. to eligible employees. Participation is optional, except for sworn members of the Police and Fire Departments, whose participation is mandatory.

### **MILEAGE REIMBURSEMENT**

*Per-mile basis.* Mileage shall be reimbursed at the standard rate allowed by the Internal Revenue Service, excepting motorcycles which shall be reimbursed at the rate of 75% established for other vehicles, plus tolls and parking supported by receipted vouchers other than meters.

*Mileage Vouchers.* All authorized mileage expenses shall be requested by periodically submitting mileage vouchers to the Finance Department for payment.

# **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

## **MILITARY LEAVE**

In recognition and support of the Uniformed Services Employment and Re-employment Rights Act (USERRA) and Maine's Act to Assist Military Families, an employee who leaves his position to serve in any of the armed forces of the United States will be placed on military leave without pay for the period he is required to remain in the military service, without re-enlistment. After completing original enlistment period, the employee may be entitled to be reinstated to his former position or a comparable one on the condition that he is still qualified to perform the conditions of his position and applies for reinstatement within ninety (90) days after the date of military separation. The employee's military service shall be added to the time he previously had been employed by the City to determine the total length of City service.

## **OUTSIDE OR NON-DUTY EMPLOYMENT**

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

## **PREMIUM CONVERSION PLAN**

The City of Lewiston shall make available a Premium Conversion Plan which enables employees to have their premiums deducted on a pre-taxed basis for participation in either the health, dental or flexible benefits plan, i.e. reducing the cost impact of the premiums for participation in fringe benefits requiring employee contributions.

## **PROBATIONARY PERIOD**

All persons appointed or promoted to a classified position shall serve on a probationary basis for the first twelve (12) months. During such period, the employee may be terminated without just cause and for any reason upon notice from their immediate supervisor or Department Head.

## **REINSTATEMENT**

Employees resigning/retiring but wishing to be reinstated may be reinstated at the discretion of the City Administrator. All such cases shall be determined on a case-by-case basis, none of which shall have any precedent value.

*Retirements.* The City Administrator shall make such reinstatement decisions based on the employee's unique skills and abilities deemed to be in the best interest of the City, and only in those situations where the employment of anyone else would diminish the effectiveness of the position being sought by the former employee, i.e. heavy equipment operator applying to be a trainer of heavy equipment operator. It is understood that such employees shall not be allowed to return to the position they held prior to retirement. It is equally understood that such reinstatements are only to occur in rare and unusual circumstances. *NOTE:* Whenever an employee is reinstated within one (1) year of retirement, the City Council will be notified.

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

If reinstated within thirty (30) days from the effective resignation date, the employee shall be restored with full fringe benefits and seniority rights as if the employee had continuous service; except if the employee retired under the provisions of the Maine State Retirement System, then the employee shall begin anew as if he had never worked for the City.

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

### **RESIGNATIONS**

- A. *Notice to Department Head.* Any employee wishing to leave in good standing shall file with his Department Head a written resignation stating the date that the employee is leaving the City service and his reasons for leaving. The written resignation shall be submitted at least ten (10) working days prior to its effective date. Failure to comply with this procedure may be cause for denying such employee's future re-employment by the City.
- B. *Unauthorized Absence.* Unauthorized absences from work for a period of three (3) days or more without permission from the employee's immediate supervisor or his Department Head shall be considered as being a voluntary resignation by the employee.
- C. *Final Responsibilities.* The effective date of separation shall be at the close of business on the last day the employee reports for duty; the date specified in his written resignation; or, the last day of leave granted should he fail to report to duty on the first working day following the expiration of his leave. All separating employees shall turn in all City-owned property in their possession, including keys and their City identification card. Such employee shall also leave a forwarding address with his Department Head or with the Human Resources Department for purposes of forwarding Internal Revenue forms and any remaining checks for unpaid compensation.

### **RETIREMENT HEALTH SAVINGS**

The City of Lewiston shall provide a Retirement Health Savings [RHS] plan to its non-union employees. Employees shall contribute, once yearly on February 28<sup>th</sup>, vacation days as follows:

30 to 34 accumulated days - 5 days contributed

35 + accumulated days - 10 days contributed

In addition, employees shall, once yearly on February 28th, add the value of unused, accumulated sick leave to a RHS plan, as follows:

0-24 accumulated days - 0 days contributed

25-49 accumulated days - 1 day contributed

50-74 accumulated days - 2 days contributed

75-99 accumulated days - 3 days contributed

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100-124 accumulated days - 4 days contributed

125-149 accumulated days - 5 days contributed

150-174 accumulated days - 6 days contributed

175 accumulated days - 7 days contributed

## SAVING AND SEPARABILITY CLAUSE

- A. If any provision of these Personnel Policies is invalid, the validity of the remaining provisions of these Personnel Policies shall not be affected thereby. If the application of these Personnel Policies or any of its provisions to any person or circumstance is held invalid, the application of these Personnel Policies and its provisions to other persons or circumstances shall not be affected thereby. If any provision of these Personnel Policies is held invalid by reason of any conflict with Federal or State Law, the provisions of the applicable Federal or State Law shall automatically become incorporated within these Personnel Policy(ies) in place of the invalid provision(s).
- B. The several Pay Plans and all respective Agreements in effect with local Unions shall be the method of compensation applicable for each group of employees.
- C. If any provision is in conflict with any of the labor Agreements, the respective Agreement shall supersede.

## SICK LEAVE

- A. *Accumulation.* Permanent employees shall accrue paid sick leave at the rate of one (1) day per month, a total of twelve (12) days per year accumulating to one-hundred seventy-five (175) days. Employees must have been compensated at least ten (10) days in a month to accumulate sick leave.
- B. *Use of Sick Leave.* Sick leave may be taken by any employee contracting or incurring any non-service connected sickness or disability, including pregnancy, which renders such employee unable to perform the duties of his employment to the extent of his accrued sick leave. Notwithstanding the above, employees may utilize up to twelve (12) days per year for spouse, parents, step-parents and/or children's sickness, provided the employee has the available sick leave. In addition, sick leave for catastrophic illnesses involving the employee's spouse and/or children may also be utilized to provide care to the extent of his accrued sick leave. All such usage of sick leave shall not be inconsistent with other provisions of these policies, namely Accumulation of Sick Leave and Termination of Employee Status. In the case of a service-connected sickness or disability componential through Workers' Compensation, the employee shall be entitled to the difference in sick leave between his usual gross weekly salary reduced by the amount of Workers' Compensation payments.
- C. *Computation of Sick Leave.* One day of sick leave shall be charged against an employee, excepting firefighters, for each standard work day or shift that such employee is absent from duty for the reasons stated above. Firefighters shall be charged two (2) days of sick leave for each standard work day or shift. Absence for part of a work day or shift

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

chargeable to sick leave shall not be charged in amounts less than one (1) hour.

- D. *Sick Leave Requests.* Requests for sick leave shall be made to the employee's Department Head or designee promptly. Proof of illness or disability may be required at any time by the Department Head by submitting a physician's certificate stating the nature of the illness or disability, treatment and the probable date the employee will be fit to return to work. Such physician's certificate shall be obtained at the employee's expense.
- E. *Entitlement upon Separation or Retirement.* Sick leave accumulation shall be forfeited upon separation from City employment unless the employee has ten (10) years of continued service, attained the age of fifty-five (55) and participated in either the Maine State Retirement System or a City-sponsored deferred compensation plan; or has completed the Maine State Retirement System service requirement. There shall be no continuing right for such accrued sick leave in the event an employee returns to City employment unless he returns within thirty (30) days. Upon retirement or separation (as noted above), either through the Maine State Retirement System or Social Security, employees shall receive one-half (½) of their accumulated unused sick leave to a maximum payment of eighty (80) days. Such payment shall be made at the employee's regular rate of pay at the time of retirement or noted separation. In the event of an employee applying for a disability pension, such payment shall be withheld until the application has been approved.
- F. *Abuse of Sick Leave.* Use of sick leave on false claims of sickness or disability or falsification of proof to justify such sick leave shall be cause for dismissal or any other disciplinary action deemed appropriate by the Department Head. Sick leave shall be considered a privilege and, unlike vacation leave, shall be 'earned' by an employee, therefore, it may not be used for any other purpose except those specifically permitted under this policy.
- G. *Sick Leave Incentive.* As an incentive to conserve sick leave, employees shall be allowed one (1) vacation day for each four (4)-month period in which no sick leave is used. Employees meeting this criteria may submit their written request to their department or designee for said vacation day no later than thirty (30) days after becoming eligible.

### **SPECIAL RULES - POLICE AND FIRE DEPARTMENTS**

Because of the degree of organization necessary to enable the Police and Fire Departments to efficiently discharge responsibilities for protecting public life and property and because they are established and maintained under a more rigid organizational structure, it is recognized as necessary and desirable that departmental rules of conduct and regulations be established, maintained and observed in both the Police and Fire Departments.

### **STANDARD WORK WEEK AND OVERTIME COMPENSATION**

- A. *Regular Hours of Work.* The City Council shall establish the regular work week for City employees, however, the hours of work for any employee or groups of employees may be established at different times by their respective Department Heads and approved by the

## ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES

City Administrator or designee for purposes of convenience, departmental efficiency or any other special departmental needs.

- B. *Method of Payment.* Subject to the limitations in Item C below, all employees customarily working thirty-seven and one-half (37 1/2) or forty (40) hours per week shall be paid at the rate set forth in the Classification and Pay Plan. Should an employee be required to work more than the customary thirty-seven and one-half (37 1/2) or forty (40) hours in any work week, it shall be considered overtime work and shall be compensated at the overtime rate in accordance with the Fair Labor Standards Act. A "work week" shall commence on Thursday and end on Wednesday.
- C. *Overtime Authorization.* It is the general policy of the City to not have its employees work frequent or considerable overtime. However, Department Heads on occasion may authorize or direct an employee to work overtime when necessary in order to meet emergency situations and/or special operating needs. Each Department Head shall maintain records of all overtime worked by the employees in respective departments. No overtime pay shall be granted except on the basis of such records, and all such records shall be available at all times for review by the City Administrator or designee.
- Overtime Rate of Pay for Non-Exempt Employees Within the Non-Union Pay Plan.* Subject to the provisions of the Fair Labor Standards Act, compensation at the rate of one and one-half (1½) times the employee's hourly rate of pay shall be allowed for all authorized and necessary overtime. In lieu of overtime pay, compensatory time-off may be selected by the employee as method of payment.
- D. *Compensatory Time-Off.* Accumulation of compensatory time-off shall be limited to a total of seventy-five (75) hours, or fifty (50) hours of overtime work. Such accumulated time shall be utilized within one (1) year of accumulation. Failure to adhere to the limits stated above shall cause the excess hours to be lost.

### TERMINATION OF EMPLOYEE STATUS

An employee who is absent from his employment because of sickness or disability not arising out of his employment shall retain his status as an employee for a period of six (6) months in addition to his accumulated sick leave. Absence from employment for any reason in excess of three hundred sixty-five (365) calendar days shall cause a termination of employment. His status as an employee may be extended for further periods at the discretion of the City Administrator or designee. Any extension shall be for a stated period of time not to exceed six (6) months and only be granted, if approved, after receiving the employee's written request prior to the expiration of any stated period.

*NOTE:* In the event two (2) or more absences from employment due to the same illness or injury are interrupted by one or more attempts to return to work, said period of absences shall be accumulated in computing the employee's total absence from employment for which employee status may be terminated.

# ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES

## TOBACCO & E-CIGARETTE POLICY

In our continuing effort to preserve the health, comfort, and safety of our municipal employees and the general public, the following Tobacco & E-Cigarette Policy is hereby adopted:

There shall be no use of tobacco products, e-cigarette, or similar devices that may or may not contain nicotine by any employee or member of the general public in any municipal building or city-owned work vehicle. Additionally, such as is prohibited within twenty-five (25) feet of any municipal building to insure that smoke or vapors do not enter the area through entrances, windows, ventilation systems, or any other means. There shall be no additional time-off granted to employees to utilize tobacco products, e-cigarettes, or similar devices that may or may not contain nicotine.

## TRAVEL POLICY

*General Policy.* The City will reimburse all authorized and reasonable expenses incurred by employees in connection with their jobs. Since no set rules can cover all travel situations, two (2) tests will be applied to determine its appropriateness:

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

*Authorization.* The City Administrator shall approve or disapprove any and all traveling requests.

*Advances.* Travel advances may be requested by submitting a travel advance authorization form. The form must be approved by the Department Head before any commitments, advances or disbursements are made.

Travel advances must be fully documented and approved by the Finance Director and should be based on minimum estimates of the cost of travel.

*Reporting.* The City will supply all appropriate forms for travel or other reimbursable expenses, including mileage. Approval of the expense vouchers shall be the responsibility of the Finance Director.

Expense vouchers shall be turned in at the end of the month in which the expenses were incurred. Employees who draw cash advances must submit documentation to settle their account within seven (7) days after completion of the trip.

*Authorized Charges.* Specifically authorized charges for those employees attending conventions, conferences or seminars are as follows:

1. On trips held in New England or within a three hundred (300) mile radius, an employee may use his private automobile, otherwise only as specifically approved by the City Administrator or his designee.
2. The City will honor less-than-first-class traveling expenses based on the current airline, train or bus fares. If less-than-first-class accommodations are not available and is so documented, the City will honor first-class accommodations. The City Administrator

## ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES

shall notify members of the City Council when first-class accommodations have been approved.

3. The employee shall be allowed the actual cost of overnight accommodations and meals based on standard costs in a particular city or town.
4. The City will reimburse for meals on a per diem basis at the standard Internal Revenue Service (IRS) rate of \$30.00 per day. Per diem allowances may be adjusted administratively up to the maximum Federal per diem rates allowed by IRS for cities throughout the United States.

The per diem allowance will be allocated for specific meals which the employee will have while attending seminars, conferences or business meetings. Per diem allowance will exclude any meals which are paid for as part of any conference registration package.

Reimbursement for meals on an actual receipted basis will be allowed, if an employee elects that method of reimbursement.

5. The Finance Director shall require receipted vouchers for the following expenses:
  - A. Airline, train or bus fares
  - B. Hotel and motel charges
  - C. Boat fares and tolls
  - D. Auto storage and parking
  - E. Car rentals
  - F. Registration fees

*Mileage Reimbursement.* Mileage for the use of privately owned vehicles in the conduct of official business shall be reimbursed at the standard rate allowed by the Internal Revenue Service. Mileage for the use of privately owned motorcycles in the conduct of official business shall be reimbursed at 75% rate established for automobiles.

### VACATION LEAVE

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

Employees hired after January 1, 2002 shall accrue paid vacation time at the rate of one (1) day per month. After completing five (5) years of employment, one and one-quarter (1 ¼) days of vacation time per month shall be allowed. After completing ten (10) years of employment, one and one-half (1 ½) days of vacation time per month shall be allowed. After completing fifteen (15) years of employment, one and three-quarter (1 ¾) days of vacation time per month shall be allowed. After completing twenty (20) years of employment, two (2) days of vacation time per month shall be allowed.

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

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

Vacation leave requested shall not be in increments of less than one-half (1/2) hour, chargeable to the nearest quarter (1/4) hour.

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

### **VIOLENCE IN THE WORKPLACE**

It is the policy of the City of Lewiston to strive to maintain a work environment free from intimidation, threats or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons on City property, or any other act, which in management's opinion, is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior will not be tolerated.

Employees who feel subjected to any of the behaviors listed above should immediately report the incident to their supervisor or the Human Resources Department. Complaints will receive immediate attention and will be investigated. Based upon the results of the inquiry, disciplinary action which management feels appropriate will be taken.

Employees who observe or have knowledge of any violation of this policy should immediately report it to their supervisor. These events will be investigated promptly seeking an immediate resolution. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of others.

### **WITHDRAWING FROM THE MAINE STATE RETIREMENT SYSTEM**

Because of the recent passage of L.D. 1966 entitled AN ACT to Reduce Discrimination by Allowing Employees of Local Districts which Participate in the Social Security System the Option of Withdrawal from the Maine State Retirement System and reading as follows:

Sec. 1. 5 MRSA s1092, sub-s5-A is enacted to read:

5-A. Membership in districts which participate in the Social Security System. Participating local districts in which employees are covered under the United States Social Security System shall allow optional withdrawal from the Maine State Retirement System for their members.

From September 1, 1982, membership in the Maine State Retirement System shall be optional for all those who are employees of the district.

## **ADMINISTRATION & APPLICATION OF PERSONNEL POLICIES**

New employees may join either at the commencement of their employment, or on any of their date of hire anniversaries, as long as they are still employees of the participating local district and the district continues as a participating unit.

Employees who are participating members of the State system who wish to withdraw from the system may withdraw their contributions, as provided for in Section 1096, at their own discretion. Employees who have previously withdrawn from the system may choose to rejoin at any time, provided that the district is still a participating local district allowing new membership in the MSRS. This right to rejoin shall be limited to two (2) occurrences.

Once rejoined, the employee may choose to repay to the MSRS an amount equivalent to the withdrawn contributions plus interest; or relinquish all prior membership service time and become recognized as a new employee for the purpose of the MSRS.

### **WORKERS' COMPENSATION BENEFITS**

The City of Lewiston shall provide workers' compensation benefits to its employees as defined under the Workers' Compensation Act and Occupational Disease Law and amendments thereto. Employees receiving workers' compensation benefits from another employer may receive sick leave benefits from the City of Lewiston limited to the difference between the employee's full pay and the amount received in workers' compensation benefits from the other employer.