

City of Brunswick



Personnel Policies Manual

Approved by Mayor and Council March 25, 2025

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This Personnel Policies Manual (“Manual”) supersedes any prior policy or documents.

1. No manual can anticipate every circumstance or question about your employment with the City. This Manual is for informational purposes only. The City reserves the right to revise, change, supplement or eliminate any policies set forth in this Manual at its discretion.
2. None of the statements, policies, procedures, or rules contained in this Manual constitutes a guarantee of employment, a guarantee of any other rights or benefits or a contract of employment, express or implied.
3. Your employment relationship with the City of Brunswick (the “City”) is ‘At-Will’ which means that it is a voluntary one which may be terminated by either the City or yourself, with or without cause, and with or without notice, at any time. Nothing in this Manual, or the policies set forth herein, shall be interpreted to be in conflict with or to eliminate or modify in any way the ‘employment-at-will’ status of the City’s employees.
4. No employee or representative of the City is authorized to enter into any agreement of employment for any specific period of time or to make any agreement contrary to the “At Will” employment relationship that exists between the City and its employees.
5. The provisions and policies in this Manual may only be changed or amended with a majority vote of the Mayor and Council.
6. The City supports full compliance with all applicable law governing the conduct of business regarding criminal violations of health and safety laws, penalties for the offering of bribes, and making false reports.
7. Each employee and newly hired employees will receive a copy of this Manual, signing as to acceptance.

SECTION I: General Employment Provisions

1.1 It is the responsibility of the Mayor and Council of Brunswick to ensure that all employees are treated in a fair and equitable manner. The purpose of these policies is to establish guidelines to promote harmonious working relations between the City and its employees.

1.2 Equal Employment Opportunity (“EEO”): The City is an Equal Opportunity Employer.

1. All employment related decisions (including but not limited to, appointments, promotions, demotions, separations, pay, fringe benefits, job training, and classification) are made based on an employee’s or applicant’s qualifications, along with the needs of the City.
2. Principles of Equal Employment Opportunity will always be practiced and applied as decisions will not be made based on a person’s race, color, religious or political affiliation, sex, sexual orientation, national origin, age, physical or mental disability, veteran status, genetic information, or any other status, protected by law.

For more information regarding the City’s EEO policy, please review Appendix D to this Manual, incorporated by attachment.

1.3 Anti-Discrimination: In connection with its EEO policy, the City also expressly prohibits any form of unlawful harassment based on any of the protected characteristics listed above.

1. Unwelcome conduct such as degrading jokes, racial slurs, comments, cartoons or writing based upon any other protected characteristic is prohibited.
2. Any form of unlawful harassment will not be tolerated.

For more information regarding the City’s Anti-Harassment Policy. Review Appendix B to this Manual, incorporated by attachment.

1.4 Sexual and Other Unlawful Harassment: The City is committed to providing a work environment that is free from sexual discrimination and sexual harassment in any form, as well as unlawful harassment based upon any other protected characteristic. In keeping with that commitment, the City has established procedures by which allegations of sexual or other unlawful harassment may be reported, investigated and resolved.

1. Sexual harassment is a form of misconduct which interferes with work productivity and wrongfully deprives employees of the opportunity to work in an environment free from unsolicited and unwelcome sexual advances, requests for sexual favors and other such verbal or physical conduct.
2. Sexual harassment has many different definitions and it is not the intent of this policy to limit the definition of sexual harassment, but rather to give employees as much guidance as possible concerning what activities may constitute sexual harassment.
3. Sexual harassment may be male to female, female to male, female to female or male to male and may be committed by an employee, vendor, customer and/or other individual.
4. Similarly, other unlawful harassment may be committed by and between individuals who

share the same protected characteristics, such as race, age or national origin.

For more information regarding the City's Sexual Harassment Policy, please review Appendix C to this Manual, incorporated by attachment.

1.5 Retaliation: Retaliation against anyone reporting, in good faith, acts of discrimination or harassment or who is a witness or otherwise is involved in a formal or informal investigation is prohibited.

1. Such retaliation shall be considered a serious violation of this policy and shall be independent of whether a charge or informal complaint or report is substantiated.
2. Encouraging others to retaliate also violates this policy.
3. False or malicious charges of discrimination or harassment will be treated as a serious offense and will subject the employee to discipline up to and including termination.

1.6 Whistleblower Policy: If any employee reasonably believes that some policy, practice, or activity of the City, or a contractor, is in violation of a law, rule, regulation, or a clear mandate of public policy, the employee must report such violation to management. The City will promptly investigate all complaints.

The City will not retaliate against any employee who, in good faith, raises a complaint, discloses, or threatens to disclose truthful information regarding some practice, policy, or activity of the City, an employee, or a contractor that the employee reasonably believes violates a law, rule, regulation, or a clear mandate of public policy.

1.7 Employment Authorization: The Immigration Reform and Control Act of 1986 ("IRCA") requires that the City ensure that employees are authorized for employment in the United States.

1. Therefore, the City will employ only individuals lawfully authorized for employment in the United States. Federal law requires that every employee complete Section 1 of the Employment Eligibility Verification Form (commonly called the I-9) on or before the first day of work and Section 2 within three (3) workdays of the start of work.
2. Employees who fail to provide the necessary documents within the first three (3) days will be placed on leave without pay until such documents are provided. Failure to provide such documents within two (2) weeks may result in termination of employment.
3. This information and documentation will be used only for compliance with IRCA and not for any unlawful purpose. If your employment authorization changes or terminates after the start date of your employment, please inform management immediately.
4. Employees whose authorization terminates or expires while employed, and who do not inform the City of the change, will be placed on an indefinite unpaid leave of absence until the employee provides proper and up-to-date employment authorization documentation.

1.8 Drug Free Work Environment: The City is committed to providing a safe workplace, promoting high standards of associate safety and health. An employee's involvement with drugs or alcohol (on or off the job) can take its toll in the workplace by increasing absenteeism, lowering productivity, undermining public confidence in the City, and most importantly, threatening the safety of others.

1. Employees are prohibited from the use, purchase, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on work premises. In addition, employees are prohibited from the use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the City's reputation in the community. Employees will be subjected to disciplinary action, up to and including dismissal, for violations of this policy.
2. Except in cases involving medication prescribed for the user by a licensed medical practitioner or over-the-counter drugs, employees should not possess drugs, or narcotics, or alcoholic beverages at work; be under the influence of such substances while working regardless of when taken; use them while working; or dispensing, distributing, or illegally manufacturing or selling them on work premises. Employees, their possessions, and Company issued equipment and containers under their control, are subject to search and surveillance at all times while on City premises or while conducting City business.
3. Furthermore, some over-the-counter and prescription drugs may have significant effects on job performance or workplace safety. Employees who are taking medication that may impact job performance should report this to their manager to determine whether any precautions should be taken.

1.9 Personnel Officer: The City Administrator, or designee, is the Personnel Officer of the City and is charged with placing these policies into effect. The implementation of these policies is the responsibility of each supervisor. Exceptions to these procedures must be brought to the attention of the Administrator with final approval being the Mayor and Council.

SECTION II: Recruitment, Selection, Promotion, and Performance Management

2.1 Notice of Vacancy: Notice of vacancies within the classified services may be made by advertisements deemed appropriate by the City Administrator. If a vacancy in the classified service is to be filled through promotion, or through the use of an existing employment list, established pursuant to this section, then notice of the vacancy will not be required.

When certain positions become vacant, the Mayor may appoint individuals to serve in a temporary capacity not to exceed six (6) months until a qualified successor can be found. No appointee shall serve in a temporary capacity under this Section longer than six (6) months, unless approved by the Council.

2.2 Application: Application for City employment will be made on forms provided by the City. Resumes, letters of reference, and other material which may assist in determining the ability of the applicant may be submitted with an application for employment.

1. All applications for employment, together with any accompanying materials, become the property of the City, and will not be returned to the applicant unless arrangements for such return are made at the time of application.
2. Applications for City employment will be retained on file for a period of one year or for so long as the name of the applicant remains on an active employment list, whichever shall be longer.

2.3 Medical Tests: Applicants to whom a conditional offer of employment has been extended and current employees may be required to undergo medical tests, procedures, or examinations when the City

Administrator, or designee determines these are necessary for the safe performance of the employee's duties.

These will be paid for by the City and will be performed by a physician or licensed medical facility approved by the City.

2.4 Selection: When applicable notice requirements as provided in Paragraph 2.1 above have been met, applications will be provided to the appropriate supervisor for review and scheduling of an interview of those individuals who meet the criteria of the vacant position. Final approval of appointed positions and other positions determined by the Mayor and/or City Administrator will be made by the Mayor and Council.

Upon the vacancy of any director, department head, agency head or equivalent position, the Mayor shall select a replacement, which shall be subject to confirmation of the Council.

The Mayor, with confirmation of the Council, shall appoint individuals to serve as (a) City Administrator, (b) Assistant City Administrator, and (c) Chief of Police. These individuals shall serve in such positions at the pleasure of the Mayor.

Appointed individuals shall receive COLA increases at the same time as other employees not to exceed the same percentage budgeted for other employees and shall receive annual merit increases of up to 3% upon their anniversary date at the discretion of the Mayor.

All director, department head, agency head, or equivalent position, and all subordinate positions of those offices, departments, and agencies shall be selected and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.

New employees will be placed on Step 1 of the corresponding grade of the salary scale. In rare cases, a new hire may possess applicable skills or qualifications, and/or years of experience and/or service in the field, that warrant an exception. In this case, Directors may appeal for placement up to Step 4 of the salary scale. The appeal process must include approval by the Assistant City Administrator, City Administrator, and Mayor.

2.5 Promotional Procedure: When vacancies occur in positions above the entry level in the classified service, the City Administrator or designee may elect to fill the vacancy through internal promotion. In such cases, notice need not be advertised externally.

When an employee achieves a promotion, their salary will be calculated by increasing their hourly rate in the current grade by two steps, then finding the step in the new grade that is closest to that amount (if the amount falls between two steps in the new grade, the employee will be placed on the higher of the steps). If after completing this action, the employee's salary is below the range for the new grade, the employee will be placed on Step 1 of that grade.

If an employee makes a lateral change to a position within the same grade, there will be no additional compensation, except in rare cases where the Director feels appropriate. In this case, Directors may appeal for up to two additional steps of the salary scale. The appeal process must include approval by the Assistant City Administrator, City Administrator, and Mayor.

This policy supersedes the Certification Pay Increase Policy previously established by the Mayor and Council. From time to time, if any employee achieves a certification that is not

Administrator, in coordination with the Department Director, will classify each employee to one of the classes established by the plan.

3.4 New Positions: When a new position is created, the classification plan will be amended to provide there for, and an appropriate employment list will be established for such position.

3.5 Reclassification: Positions, the duties of which have changed materially so as to necessitate reclassification, will be reviewed by the City Administrator. All reclassifications must be approved by the Mayor and Council.

3.6 Employee: Defined as exempt or non-exempt and full-time or part-time, position that fills a need for more than one year.

3.7 Exempt/Non-Exempt: Every employee is classified as either **exempt** or **non-exempt**:

1. **Exempt employees** are those who are exempt from federal and state overtime laws and generally are paid a fixed amount of compensation that does not vary based on the number of hours worked.
2. **Non-exempt employees** are those who are entitled to overtime pay in accordance with applicable federal and state overtime provisions. For all hours worked in excess of 40 hours in one work week, non-exempt employees will be paid at one and one-half times (x 1 ½) the employee's regular rate of pay.

3.8 Regular Full-time Employees: A regular full-time employee is an individual who works at least 40 hours per week, has been appointed or hired to a budgeted full-time position and who has completed the training period of employment and received satisfactory or higher evaluation achieving a regular employee status. A regular employee is eligible for all benefits provided by the City according to the conditions applicable to the benefit.

3.9 Regular Part-time Employees: A regular part-time employee an individual whose standard work week is at least 500 hours in the fiscal year of a full-time position on a regular basis, has been appointed or hired to a budgeted part-time position and who has completed the training period of employment and received satisfactory or higher evaluation achieving a regular employee status. A regular part-time employee is eligible for a proportionate percentage of annual and sick leave and paid holidays in relation to the work hours of a regular full-time position, and all other benefits provided by the City.

3.10 Non-regular part-time employees: A non-regular part-time employee is an individual who may be regularly scheduled to work less than 500 hours in a fiscal year, and who may be employed to work a full or partial schedule on a seasonal/temporary basis or in a work-study program, or who may be employed to work partial work weeks. Non-regular part-time employees are not eligible for any paid leave, or fringe benefits, including paid holidays, at a proportionate percentage. Part-time non-regular employees are paid only for hours worked and are not eligible for the appeal procedure.

3.11 Disability – The City Administrator may direct any employee to be examined by a City approved medical professional.

1. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes his/her continuance on the job a danger to the employee or others, the following action shall be taken.

2. An attempt will be made to make reasonable accommodation in the current position. If this is not possible, an attempt will be made to place the employee in a vacant position where the employee is able to perform the essential job functions for that position.
3. If the employee cannot be placed satisfactorily in another position, or a reasonable accommodation cannot be made, the City Administrator shall recommend to the Mayor dismissal. If the Mayor concurs, he will seek Council concurrence.

3.12 Terminal leave will be defined as leave used prior to and leading up to retirement, resignation, dismissal, or termination dates.

3.13 Employees are prohibited from using terminal leave without approval of City Administrator with concurrence of the Mayor.

SECTION IV: Pay Plan

4.1 The Mayor and Council shall adopt a Salary Scale and Police Salary Scale at the beginning of each fiscal year.

4.2 The City reserves the right to alter employees' schedules, as necessary, to accommodate job requirements.

4.3 Payroll Cycle: The bi-weekly pay periods begin on Monday at 12:00 am and end 14 days later at 11:59 pm on Sunday. Paychecks are direct deposited every other Friday. There are typically 26 pay periods in a year. The work week begins every Monday at 12:00 am and ends 7 days later at 11:59 pm on Sunday.

4.4 Holidays, vacation leave, compensatory leave, and emergency overtime are considered time worked, however, an employee's use of sick and safe leave is not considered time worked.

4.5 Leave Without Pay – If an employee has exhausted all leave, but is not eligible for FMLA, the City Administrator may approve leave without pay status at the recommendation of the Director. Employees approved for leave without pay will not continue to earn leave. Full benefit deductions will continue to be withheld from employee pay unless no check is to be issued, in which case, benefit deductions will be withheld from the next pay.

4.6 Administrative Leave: Administrative Leave (also referred to as "excused absence") is an administratively authorized absence from duty without loss of pay or charge to leave.

1. When the Mayor or City Administrator makes a decision to close certain City facilities or departments (applicable to full or partial day closures) all regularly scheduled full time and part time employees will be given administrative leave for the number of hours they were scheduled to work except those who are scheduled to telework or those with active telework agreements. .
2. Employees who are required or request supervisor approval to telework during a closure, will be paid for the exact number of hours worked and may take leave for any unworked hours to meet their full schedule.
3. In general, an employee on preapproved leave (paid or unpaid), other types of paid time off, or not regularly scheduled to work on the day of the closure, should continue to be charged leave or other paid time off, and should not receive administrative leave during a closure of the City.

4. The exception to Administrative Leave will be Employee Appreciation Days granted by the Mayor, where employees will be granted Administrative Leave regardless of their leave or telework status.

5. Employee Appreciation Day – If this falls on a regularly scheduled day off, or the employee is unable to take the day off, i.e., operational needs, the employee will be granted Comp Time.

Non-Exempt Full Time or Part Time Employees

4.7 Non-Exempt employees, as defined above, are paid for all hours worked. Actual hours worked will be tracked daily through timekeeping methods (i.e. timeclock, timesheet, portal, etc). A 30-minute lunch break will be automatically deducted daily from hours worked. Directors may override lunch breaks during times of special projects or circumstances.

4.8 Overtime: Employees who work in excess of 40 hours during a work week are eligible to be paid 1 ½ times the employee's regular hourly rate for each hour worked over 40 hours. In the alternative, employees who work in excess of 40 hours during a work week are eligible for 1 ½ hours of compensatory time for every overtime hour worked. Overtime hours accrued due to snow events are not eligible to accrue compensatory time.

4.9 In the event of an emergency caused by unusual and adverse weather conditions, and/or an event that adversely affects the normal operations of a City facility, that requires City employees to work other than their regularly scheduled working hours, the employee may be paid 1 ½ time their regular hourly rate for the excess hours whether or not his/her total work week hours exceed 40 hours, if authorized by the City Administrator.

4.10 Compensatory Time ("Comp Time") Compensatory Time means time worked in addition to the standard work hours in a work week. Non-exempt employees will be eligible to accrue and use compensatory time and may voluntarily elect to receive compensatory leave in lieu of monetary payment for overtime worked.

1. Comp time will be accrued 1 ½ times the hours worked over 40 hours in a work week.
2. Comp time shall be approved in advance by the Department Director or Supervisor.
3. Unused comp time will be paid at time of separation from City employment. Dismissed employees leaving City employment will not be paid for accrued compensatory time.
4. Employees may not carry over a maximum of 80 hours of Comp Time from one pay period to the next without Department Director approval, and concurrence of the City Administrator.

4.11 Employees who are not generally scheduled to work on Saturday or Sunday ("Weekend Day(s)") will be paid overtime or accrue compensatory time if required to work on a Weekend Day. Employees who are regularly scheduled to work on Weekend Days will not receive any overtime or comp time in addition to the employee's regular rate of pay.

4.12 Employees who are not scheduled to work on a specific day of the week (Monday through Friday) must work in excess of 40 regular hours in a work week to be entitled to overtime.

4.13 Shift Work: No special compensation.

4.14 Emergency call-in: Employees who are called in for emergency work and are notified before or after normal work hours will be compensated at 1 1/2 times his/her regular rate of pay for all hours worked.

1. Minimum of three hours overtime pay will be paid for an emergency call-in. Only one emergency call-in payment will be paid in any one workday.
2. Emergency call-ins can occur on a scheduled or non-scheduled workday.

4.15 On-Call: On-Call status is the period of time that an employee must be available and able to report to work if needed. A stipend of \$100.00 per on-call week will be paid to the employee on call. Department Directors are not allowed to receive stipend without approval of City Administrator.

4.16 Holiday Pay: Regular Non-Exempt Full-time employees will receive paid Holiday Leave. Regular Non-Exempt Part-time employees will receive a proportionate percentage of paid Holiday Leave.

1. Eligible employees will be given a day off at their regular rate of pay for each holiday observed by the City.
2. A full-time nonexempt employee who is required to work on a fixed holiday, will be paid double time and one half (2.5 times regular rate of pay) for eight hours of pay, provided they have earned at least forty (40) hours in that same work week. The earned forty (40) hours includes paid time off for vacation, compensatory leave and holidays. Employees will be compensated at their regular rate of pay for any additional hours worked beyond 8 on a holiday.
3. A full-time nonexempt employee who is not scheduled to work on a fixed holiday, and does not work on a fixed holiday, will be paid 8 hours of straight time in addition to all other weekly compensation.
4. Float Holidays are paid at regular rate of pay.
5. When a holiday falls on Saturday, employees shall be entitled to the Friday preceding said Saturday in observance of such holiday. Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. Holidays which occur during annual leave shall not be charged against annual leave.

4.17 Employees off-duty must receive prior approval to perform job-related duties during non-regular scheduled hours. Non-working/off-duty employees who conduct job-related duties, to include phone/text/email contact for a minimum of 1/2 hour may be compensated hour for hour by either overtime pay or comp time. Duties consuming less than an hour will be rounded to the next hour.

4.18 Recording of Overtime/Absentee Hours: Time worked should be rounded to the nearest 15-minute increments.

4.19 Police Officers – Special Guidelines

1. Police Officers are non-exempt employees and shall follow City of Brunswick personnel manual guidelines. Officers of the Brunswick Police Department also follow General Orders established by the Chief of Police. In cases of overlapping guidelines in this Personnel Manual and Department General Orders, Officers are expected to follow the more stringent of the two guidelines.
2. Any policies or procedures involving compensation or benefits to Officers must be approved by the Mayor and/or Council.
3. Officers pay is based on an 80-hour pay period, not a 40-hour pay week.
4. Shift Differential – Shift differential shall be given to Officers beginning their shift after 5:00pm, for up to 11.5 hours actually worked. The shift differential rate shall be established from time to time pursuant to prevailing rates.
5. Court OT – Officers will be paid OT for court appearances above normal hours worked. Court OT is considered time worked, and is not eligible for emergency call-in.
6. Grant OT – Officers will be paid Grant OT as applicable. Grant OT is considered time worked.
7. Field Training Officer (FTO) OT - At the conclusion of each full shift during which an Officer serves as the main FTO, an FTO will complete the Daily Observation Report and any other FTEP paperwork which needs to be finalized in a timely manner. In addition, the FTO will make any preparations needed for the following shift's training. As compensation for the time spent completing these activities, the FTO may receive overtime compensation for the hours worked or receive two (2) hours of compensatory time accrued at one and one-half times rate. This compensatory time is in addition to all other compensation earned during the shift. Supervisors (corporals and above) who serve as FTOs are not eligible for this compensatory time.
8. Lunch break – Mandatory lunch breaks are not deducted from Officers' time. Officers are expected to monitor and report for calls for service during their meal times.

Exempt Employees

4.20 Exempt employees, as defined above, are paid 80 straight hours per pay period, tracked through timekeeping methods. Exempt employees will continue to accrue vacation and sick and safe leave; and are expected to reflect the use of leave on timekeeping methods.

4.21 Exempt employees receive no additional compensation for Saturday/Sunday work, on-call work, or overtime hours.

4.22 Holiday Pay: Regular Exempt Full-time employees will receive paid Holiday Leave.

1. Eligible employees will be given a day off at their regular rate of pay for each holiday observed by the City.

2. Exempt employees do not receive additional compensation if work is performed on a holiday observed by the City.
3. When a holiday falls on Saturday, employees shall be entitled to the Friday preceding said Saturday in observance of such holiday. Whenever a holiday falls on Sunday, the following Monday shall be considered a holiday. Holidays which occur during annual leave shall not be charged against annual leave.

4.23 Compensatory Time (Comp Time): As a general rule, exempt employees do not earn Comp Time for time worked in excess of 80 hours per pay. However, from time to time, as an incentive for working on an extraordinary project, the City Administrator may authorize an exempt employee to accrue comp time at hour for hour. Exempt employees may not carry over a maximum of 80 hours of Comp Time from one pay period to the next. Unused comp time will be paid at time of separation from City employment. Dismissed employees leaving City employment will not be paid for accrued compensatory time.

SECTION V: Fringe Benefits

5.1 Prorated Benefits: Regular Part-time employees may be eligible for a proportionate percentage of benefits provided by the City, in relation to the work hours of a regular full-time position. This includes but not limited to health benefit contributions, accrued leave, holiday compensation, etc.

5.2 Non-Regular Part-time positions as defined in Section III, 3.10., are not entitled to fringe benefits.

5.3 Health Insurance: Regular Full-time and Regular Part-time Employees will be eligible to elect coverage under the City's healthcare insurance program. The cost for employees and their dependents will be determined by the Mayor and Council and paid by payroll deduction. This plan will provide medical, prescription drug coverage, vision, and dental to the employee. The employee's dependents will be eligible for this coverage.

Prorated benefits will be applied as detailed in Section 5.1 above. In compliance with ACA, Regular Part-time employees whom work thirty (30) or more hours regularly in a pay week will be eligible for Medical benefits at a Regular Full-time employee rates.

5.4 Workers Compensation Insurance: The City provides Workers' Compensation Insurance to employees who sustain injuries or occupational illnesses in the course of and arising out of their employment. This program covers accidental injury or illness employees sustain directly in the performance of his/her work, as provided in the State Worker's Compensation Act. Benefits are administered according to Maryland law. Employees must give notice of an accident to his/her Supervisor and provide a First Report of Injury Statement as soon as practical but no more than twenty-four (24) hours following the incident or knowledge of the occupational illness.

5.5 Family and Medical Leave Act ("FMLA")

The City observes all the provisions of FMLA. This allows employees the ability to take unpaid, job protected leave of absence from the company due to medical and/or family related reasons.

1. This leave has a limit of 12 weeks, or up to 26 weeks to care for a covered service member, during any 12 month period.

2. This 12 month period is a rolling 12 month period of time and not a calendar year, and begins on the first day any FMLA leave is actually taken.
3. Employees are eligible for FMLA if they have been employed for at least one year and have worked at least 1250 hours in the previous 12 months.

For more information regarding the City's FMLA leave policy, please review Appendix E to this Manual, incorporated by attachment.

5.6 Sick and Safe Leave ("SSL"): (Formerly Sick Leave)

1. In accordance with the Maryland Healthy Working Families Act (Labor and Employment Article of the Maryland Annotated Code §3-1301 et seq.), all employees who regularly work at least 12 hours per week, may use earned leave for certain "sick and safe" purposes.
2. An employee accrues earned paid SSL at a rate of two (2) hours for every forty (40) hours the employee works. An employee who is exempt from the overtime provisions of the Fair Labor Standards Act is assumed to work 40 hours per week for purposes of accruing SSL.
3. An employee may carry over any earned but unused SSL from one calendar year into the next calendar year. An employee will not accrue SSL if he/she is off from work.
4. An employee is not entitled to earn sick and safe leave during:
 - a) a two-week pay period in which the employee worked fewer than 24 hours total;
 - b) a one-week pay period if the employee worked fewer than a combined total of 24 hours in the current and preceding pay period; or
 - c) a pay period in which the employee is paid twice per month and the employee worked fewer than 26 hours in the pay period
5. Employees will not be paid for any unused SSL upon termination or resignation of employment.
6. If an employee leaves employment and is rehired within thirty-seven (37) weeks of leaving, any earned and unused sick leave that the employee had at the time of separation will be reinstated.

Usage:

SSL may be used for the following purposes:

- 1.) to care for or treat the employee's mental or physical illness, injury, or condition;
2. to obtain preventative medical care for the employee or employee's family member;

3. to care for a family member with a mental or physical illness, injury, or condition;
4. for maternity or paternity leave; or
5. the absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is used by the employee to obtain for the employee or the employee's family member:
 - a) medical or mental health attention related to the domestic violence, sexual assault, or stalking;
 - b) services from a victim services organization related to the domestic violence, sexual assault, or stalking; or
 - c) legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or during the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

For purposes of SSL, a family member includes a spouse, child, parent, grandparent, grandchild, sibling or legal guardian. For a complete list of family members included under the law, please see section 3-1301(G) of the Labor and Employment Article of the Maryland Annotated Code.

If an employee is absent for three (3) or more consecutive scheduled shifts, the employee must obtain an excuse from a licensed healthcare provider and must provide the excuse to the employee's supervisor upon return to work. Failure to provide the required excuse may result in the employee not being paid.

Notice of the need to take SSL shall be provided to your supervisor as provided herein:

1. If the need for SSL is foreseeable, the employee is required to provide advanced notice to their immediate supervisor at least seven (7) days prior to using the leave.
2. If the need for SSL is not foreseeable, an employee must provide notice as soon as practicable.

The City will not take any adverse action against an employee because the employee in good faith exercises his or her rights pursuant to this policy or, pursuant to the Maryland Healthy Working Families Act, makes a complaint, brings an action, or testifies in an action.

The Maryland Healthy Working Families Act affords employees the right to report an alleged violation to the Commissioner of Labor and Industry and/or to bring a civil action (either individually or via the Commissioner of Labor and Industry).

Statement of SSL

Employees' paystubs will show how much SSL they have used and what available SSL remains for the year.

When an employee is off from work and not receiving any regular and/or leave pay, no further sick leave will accrue until said employee returns to regular work status. Sick leave will only accrue based on paid hours to employees. Unpaid hours do not accrue any leave.

If SSL is used for sick purposes, upon returning from sick leave a Department Director may request a doctor's fit-for-duty certification. If certification states employee cannot perform to 100% capacity, the City may assign to other duties. In the case of a permanent disability the City may place an employee in a position where they are capable of performing in a 100% capacity. The City is under no obligation to offer these options and will only do when an option is mutually beneficial to both the employee and the City.

5.7 Vacation Leave: Vacation leave for full time employees is accrued at the rate of two hours per week for the first three years of continuous service, three hours per week for continuous service during the 4th through 15th year and four hours per week after the completion of 15 years continuous service. Although an employee may continue to accrue vacation leave during the calendar year, only a maximum of 240 hours may be carried on the employee's vacation leave record from one calendar year into the next. Leave in excess of 240 hours at the end of the last full pay period with the last pay date of the calendar year will be converted to sick leave, hour for hour. Dismissed employees leaving City employment will not be paid for accrued vacation time or compensatory time. Dismissed employee does not include appointed employees who are not reappointed as the result of a political change in the Mayor or Council.

Employees leaving and returning to service within one year shall use the original date of hire for calculation of vacation leave accrual. If the employee has been away from City service for over one year, vacation leave accrual begins with the second date of hire.

When an employee is off from work and not receiving any regular and/or leave pay, no further vacation leave will accrue until said employee returns to regular work status. Vacation leave will only accrue based on paid hours to employees. Unpaid hours do not accrue any leave.

5.8 Scheduling of Vacation Leave: The operation of the City must be considered by the Department Directors with regard to scheduling vacation leave; however, supervisors are directed to give as much consideration as possible to employees' desires in this matter. Similarly in order for Department Directors to plan to meet the needs of the public, employees are expected to complete leave requests with as much advance notice as possible.

5.9 Abuse of Leave:

Vacation leave can be used for any reason. Sick leave is intended to be used for bona-fide illnesses and for health-related reasons such as doctor appointments. Sick leave is not to be used for vacation, personal business or leave of absence.

An employee's supervisor and director are jointly responsible for monitoring leave usage, notifying an employee of problematic leave use, and taking appropriate disciplinary action in cases of substantiated leave abuse.

Examples of leave abuse include, but are not limited to, the following:

1. Any pattern of unsubstantiated leave use, such as the use of six (6) days in a six (6) month period in increments of one (1) or two (2) days at a time;
2. Any pattern of unsubstantiated tardiness or early departure; not approved in advance;
3. Habitual leave absences on Mondays, Fridays, and the days immediately before and after holidays;
4. Use of leave in excess of leave accrued, whether substantiated or unsubstantiated, during the first calendar year of employment;

5. Use of sick leave along with other types of leave;
6. Use of leave to avoid undesirable scheduling of work;
7. Participation in activities or secondary employment that would indicate fitness for duty while an employee is on sick leave;
8. Engaging in unsubstantiated sick leave use for lengthy illnesses;
9. No significant accumulation of leave after at least three (3) to five (5) years of service, without sustaining a major illness during that time period.

5.10 Holidays: Regular Full time employees and Regular Part time employees, as defined in sections 3.8 and 3.9, will receive pay for thirteen (13) designated holidays (in years of a National Election twelve (12) designated holidays) and one (1) Float holiday (including, but not limited to, usage for various religious holidays) to be taken at the choice of the employee with approval of the Department Director. Regular Part time employees will receive prorated Holiday benefits. The holiday schedule shall be approved by the Mayor and Council at the beginning of each calendar year.

1. The following days are designated a regular holidays for eligible regular employees.
 - 1) New Year's Day
 - 2) Martin Luther King Jr. Day
 - 3) President's Day
 - 4) Memorial Day
 - 5) Juneteenth
 - 6) Independence Day
 - 7) Labor Day
 - 8) Veteran's Day
 - 9) Thanksgiving Day
 - 10) Friday following Thanksgiving Day
 - 11) Christmas Eve
 - 12) Christmas Day
 - 13) National Election Day
 - 14) Floating Holiday

2. Floating Holidays: Regular Full time and Regular Part time employees, as defined in sections 3.8 and 3.9, employees will receive (1) floating holiday (8 hours) per calendar year (Pay period with first pay date of the calendar year through last full pay period with the last pay date of the calendar year). Floating holidays are prorated for benefited regular part-time employees. In the year of hire, a regular employee hired between January 1 and June 30 is eligible for (1) floating holiday; a regular employee hired between July 1 and the last full pay period with the last pay date of the calendar year is not eligible for a floating holiday in the year of hire. Floating holidays must be taken as time off in the calendar year in which they are given. Employees will not be compensated for unused floating holiday when separating from employment with the City.

5.11 Military Leave: The City will provide military leave in compliance with all applicable state and federal laws. Any employee who is a member of any United States Military Reserve or National Guard Unit and is required to engage in training exercises will be granted leave with pay for a period of time not to exceed fifteen (15) days in one year, if it will not result in harm to the interest of the City. City compensation and benefits will continue in effect during the time of military leave. Employees required to serve weekend Reserve duty outside of the typical training activities, may use their accrued leave or take leave without pay. Full benefits will continue for employees during this time.

Employees called to active duty will be paid their unused annual leave (optional) and compensatory time (optional) on their last day worked. No regular salary will be paid while an employee is on active duty. The employee's position will be retained, or an equivalent position made available if the employee makes a written request to return to work within 30 days of release from active duty.

5.12 Miscellaneous Leave: In cases of special hardships, or in other cases not provided for in these regulations, Department Directors, with concurrence of City Administrator, may grant short-term leave with or without pay at its discretion. Examples of such leave include, but are not limited to:

1. Jury duty (with pay)

2. Appearance in court as a witness pursuant to a subpoena for a job-related incident.

3. Bereavement Leave: Regular Full Time and Regular Part time employees as defined in sections 3.8 and 3.9, will be granted up to three working days of paid leave in the event of death of one of the members of the employee's immediate family. Bereavement Leave is prorated for regular part-time employees. For the purpose of determining eligibility for bereavement leave, "immediate family" is defined as:

- Spouse;
- Child: biological, adopted, foster, stepchild, child for whom the employee has legal or physical custody or guardianship, child for whom the employee is the primary caregiver, daughter-in-law, son-in-law;
- Parent: biological, adoptive, foster, or stepparent of the employee or of the employee's spouse, legal guardian or person who served as the primary caregiver of the employee when the employee was a minor;
- Grandparent: biological, adoptive, foster, or step-grandparent of the employee or of the employee's spouse;
- Grandchild: biological, adoptive, foster, or step-grandchild of the employee or of the employee's spouse;
- Sibling: biological, adopted, foster, or step-sibling of the employee or of the employee's spouse.

Additional days may be granted and charged against sick leave with the approval of the Department Director and City Administrator.

4. Absence to attend an authorized course of instruction directly related to the employee's duties.

5. All such leave is a privilege. Disapprovals may be appealed to the Mayor.

5.13 Retirement and Pension Plan: All Regular Full time and Regular Part time employees working a minimum of 500 hours will be enrolled in the Maryland State Retirement and Pension System.

5.14 Some uniform pieces will be furnished to the Public Works, Police, and Utilities Departments. A yearly uniform stipend will also be distributed to employees in those departments. Employees who conduct field service work within other departments may be eligible to receive a yearly uniform stipend as recommended by their Director. See Uniform Policy in Appendix H. Employees are responsible for an accounting for all uniforms issued. Employees must wear issued uniforms. Employees must return all issued uniforms, keys, tools,

cell phones, credit cards, etc. prior to the employee's last day of work. *(MD Dept of Labor)*

5.15 Employees and their immediate family (living in the household) will receive annual passes to the City Pool.

5.16 Leave Transfer Program - Allows employees to transfer (donate) annual, sick, and compensatory time to a leave bank for use by any regular full-time employee who has exhausted all leave due to temporary non-work related illness, injury, or disability. This program can be used for employees and covered family members.

1. The receiving employee must submit a statement by the attending physician, attesting to the nature and extent of serious illness, injury, or disability.
2. Department Directors, with concurrence of City Administrator and Mayor, may approve request.
3. Transferred leave will be approved as needed.
4. This benefit is limited to thirty (30) working days within 12 consecutive months.
5. Employees may withdraw donations at any time prior to use by a receiving employee. This request must be made in writing to the City Administrator.
6. Any regular full-time employee who is eligible to accrue sick leave benefits and has completed 6 months of training period is eligible to receive benefits of the donor program.
7. Serious illness is defined as an illness or temporary disability preventing employee from performing duties as detailed in their job description.

5.17 Tuition Reimbursement – Regular Full time employees may be reimbursed for tuition under the following conditions -

1. Funds are available for tuition expenses.
2. The course, class, or training is job related.
3. Employees must reimburse the City if leaving employment within two years of completion date of the course or training.
4. Requests for reimbursement must be submitted by the employee prior to the beginning date for the course or training.
5. Employee must receive a grade of C or above to be consider for reimbursement.
6. The maximum allowable reimbursement will be \$500 per semester per employee.
7. For classes/trainings/certifications suggested by the City and accepted by the employee (such as CDL) that cost over \$1,000, employees must complete an agreement form prior to participation. Employees must reimburse the City if leaving employment within two years of completion date of the course or training.

5.18 Lactation: Employees are entitled to reasonable daily unpaid break time to express breast milk for her nursing child to maintain milk supply and comfort. Associates may elect to use accrued PTO or meal time to express breast milk pursuant to this policy. The City will make reasonable efforts to provide a private space in close proximity to the nursing mothers work area – other than a toilet stall – in which to express milk. The City is not required to provide the break time under this policy if it would create an undue hardship on the City. Nursing mothers will not be discriminated against for taking breaks to express milk pursuant to this policy.

5.19 Travel /Tolls /Parking: Reimbursement for using personal vehicles while on City business: The City may reimburse for mileage in excess of employee's normal commute at a rate comparable to the Maryland state prevailing rate, as well as costs for tolls and parking (receipts required). Supervisory preapproval is required. The trip must be necessary for City business and City vehicles are unavailable.

Employees on overnight, work-related travel for trainings and/or meetings shall be compensated their standard number of work hours per day. Compensation for weekend work hours while on work-related travel shall be discussed and approved by Directors prior to travel. Travel time is not reimbursable. The City will pay for travel expenses and hotel stays, minus meals. Pre-approval is required by Department Directors.

Employees on offsite daily training who return home at the end of each day shall be compensated for the exact hours of the class plus exact drive time both to and from the training. Drive time shall be calculated either from the employee's home or from their work location if they are picking up a City vehicle. Lunch shall be deducted from the overall time in class. Employees are not compensated for early arrival at daily classes.

5.20 Take Home Vehicles will be provided to certain employees. See Take Home Vehicle Policy in Appendix I.

SECTION VI: Conditions of Employment

6.1 Citizenship: See Section I, paragraph 1.7, page 5.

6.2 Political Activity Prohibited: Employees are prohibited from engaging in any political activity while on City property and working on the job.

6.3 Solicitation of Political Support Prohibited. No elected or appointed officer of the City will solicit any contributions in cash or services from any City employee for any political purpose, or suggest or require any employee to support any candidate for public office.

6.4 Use of City Accounts: The use of City accounts for purchasing items of equipment or use of City services for personal use is strictly prohibited.

6.5 Secondary Employment: While secondary employment is not prohibited by the City of Brunswick, employees shall not conduct business related to secondary employment during City work hours. Secondary employment shall not interfere with on-call duties (if applicable) or other emergency situations whereby employee would need to report for essential City-related duties.

SECTION VII: Disciplinary Action

7.1 Disciplinary actions include: reprimands, suspensions, demotions, and dismissals. Disciplinary actions are to be documented in the employee's personnel file.

7.2 Grounds for such actions include, but are not necessarily limited to the following:

1. Falsification of application for employment.
2. Chronic absenteeism.
3. Chronic tardiness.
4. Insubordination.
5. Unsatisfactory performance of assigned duties.
6. Prohibited political activities.
7. Abuse of City assets, or theft of City or personal property.
8. Discrimination on the part of an employee against any employee on the basis of race, color, sex, place of national origin, political or religious affiliations, or personal dislike.
9. Any action, on or off the job, tending to bring discredit to the City. Violation of any section of these regulations.
10. Conviction of a felony while employed with the City. Conviction of any violation of any law which could affect job performance.
11. Refusal to be examined by a City appointed medical professional when so directed.
12. Working on City property or working on the job while under the influence of or use of any intoxicating beverages, narcotics, drugs or controlled dangerous substances not prescribed by a doctor.
13. Violation of a posted safety, fire prevention, health, or security rule.

Section VII, 10, 11, and 13 approved by M&C on 1/14/2020

7.3 Responsibility of Department Directors

1. Department Directors will have the authority and responsibility to discipline employees after documented investigation. Department Directors may suspend employees for periods up to three working days. Concurrence of the Mayor is required.
2. The Department Directors may recommend longer periods of suspension as well as demotion or dismissal to the Mayor and City Council. Final removal from employment rests with the Mayor.

SECTION VIII: Grievance Procedures

8.1 The purpose of this section is to promote effective employer-employee relations by establishing grievance procedures which provide a full and fair hearing of employee dissatisfactions, and to assure employees of freedom from reprisal as a result of pursuing a grievance. It is also the goal of this procedure to resolve grievances at the supervisory level, and provide that appeals will be conducted as informally as possible.

8.2 Matters subject to Grievance Procedure:

Any employee in the classified service may appeal, through the grievance procedure, decisions affecting his/her employment with the following exceptions:

1. The Content and Structure of the Classification Plan. The employee may appeal his/her allocation to a given class.
2. Content and Structure of the Pay Plan. An employee may appeal the denial of a pay increase or a demotion.
3. Matters related to the general goals of the City, work techniques, the organization of departments, and other matters which are generally agreed to be the prerogative of the Mayor and Council.

8.3 Informal Grievance Procedure:

1. An employee who has a concern or a complaint should first attempt to settle the matter through discussion with his/her immediate supervisor. If, after this discussion, the employee does not believe the matter has been satisfactorily resolved, he/she will have the right to discuss it with his/her Department Director. If the employee concern or complaint is about their immediate supervisor, they should direct the concern to that person's immediate supervisor.
2. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the employee is dissatisfied with the result of the informal grievance procedures, he/she may file a formal grievance as provided in Section 8.4 below. Formal grievance procedures must be followed in matters relating to demotion, suspension or dismissal.

8.4 Formal Grievance Procedure:

1. Formal grievances will be presented in writing and submitted to the employee's Department Director.
2. The grievance will state the nature of the action or decision which is being appealed, and the nature of the corrective action sought
3. A formal grievance must be filed within 30 days of the date of the action or decision being appealed, unless the period of more than 30 days has been consumed in pursuit of solution through the informal grievance procedure.
4. The employee's Department Directors will, within 15 calendar days, inform the employee

of his/her decision regarding his/her grievance. This reply will be in writing and will state the Department Director's decision and the reasons thereof. Copies of the employee's grievance and the Department Director's reply thereto will be forwarded to the City Administrator. The Mayor shall be informed of all formal grievances.

5. If the employee does not agree with the Department Director's decision, the employee may present his/her appeal in writing to the City Administrator within 10 calendar days.

6. Within 15 calendar days of the date of receipt of an appeal the City Administrator will render their decision together with reasons therefore in writing to the employee.

7. In those cases involving suspension, demotion, or dismissal, an employee may appeal in writing to the Mayor and City Council. In these cases the City Administrator will forward copies of all correspondence relevant to the appeal to the Mayor and City Council and request that it conduct a special meeting.

8. When requested to do so, the Mayor and City Council will schedule a closed meeting and advise the employee concerned and the City Administrator of the time and place of the meeting. The special meeting will be conducted within 30 days of the date of request, but not less than 10 days following the date of notice of the time and place of the special meeting.

SECTION IX: SPECIAL POLICIES

9.1 Employees responding to emergency calls as volunteers to service organizations: City employees may be excused, with permission of their supervisor, to respond on the second call for fire and rescue emergencies.

9.2 Use of City telephones for personal phone calls are prohibited. Violation of this procedure may result in disciplinary action and/or deduction from individual's pay for the charges incurred.

9.3 Cellular Phone Use - Employees may be issued and required to utilize a cellular phone as terms of their employment. The use of is a privilege and may be revoked at any time.

9.4 Reimbursement to the City may be required for loss of equipment or personal call use. Violations of this procedure may result in disciplinary action and/or deduction from individual's pay for the personal charges incurred.

9.5 Employees are expected to perform their duties at the highest possible level. To facilitate performing adequately, employees are prohibited from obtaining outside employment or activities that would impair their ability to perform as required.

9.6 An employee's relatives, as defined in this section, will not be employed by the City or transferred into positions where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other. The City has no prohibition against hiring relatives of employees. Close family members "Relatives" are defined as parents, parent in-laws, step parents, spouses, siblings, siblings-in-law's, step siblings, child, adoptive child, step child, son or daughter-in-law's, and will not be directly or indirectly supervised by another close family member.

9.7 Use of City Computers - Inappropriate or non-work related use of City computers use is prohibited, to include internet access, email, etc. Inappropriate use is defined as, but not limited to, viewing sites that contain sexual, subversive, or discriminatory content.

9.8 Employees are prohibited from using personally owned computers, peripherals, or storage devices on City premises.

SECTION XI: Action Plans

11.1 Nondiscrimination - The City Charter recognizes the rights of individuals in Section 16-48. Incorporated by attachment Appendix: D

11.2 Any position advertised for hire will state that Brunswick is an Equal Opportunity Employer. Policy attached and incorporated herein.

11.3 Supervisors should be sensitive to an impartial interview techniques to protect the rights of interviewees.

11.4 Sexual harassment in the workplace is prohibited. Supervisors are responsible for counseling employees on this reporting such instances to the Mayor and Council. Policy attached and incorporated herein.

11.5 The key to Action Plans is that as a City we are proactive in ensuring execution of this plan in a professional manner.

11.6 The City's Action Plan Officer is the City Administrator.

SECTION XII: Drug Abuse Policy - Incorporated by attachment (Appendix A)

SECTION XIII: Harassment Policy - Incorporated by attachment (Appendix: B)

SECTION XIV: Sexual Harassment Policy - Incorporated by attachment (Appendix: C)

SECTION XV: Affirmative Action Plan & EEO Policy - Incorporated by attachment (Appendix: D)

SECTION XVI: Family & Medical Leave Act (FMLA) - Incorporated by attachment (Appendix: E)

SECTION XVII: Cell Phone Policy - Incorporated by attachment (Appendix: F)

SECTION XVIII: Telework Policy - Incorporated by attachment (Appendix G)

SECTION XIX: Uniform Policy - Incorporated by attachment (Appendix H)

SECTION XX: Take Home Vehicle Policy - Incorporated by attachment (Appendix I)

SECTION XXI: Social Media Policy - Incorporated by Attachment (Appendix J)

SECTION IIXX: Employee Civility Code of Conduct – Incorporated by Attachment (Appendix K)

Appendix A

Drug Abuse Policy

Approved Legal Sufficiency 11/12/2019

A. Substance Abuse Policy Statement

The City of Brunswick values its employees and recognizes the need to provide a safe and healthy work environment. Employees who abuse drugs or alcohol in the workplace pose a serious safety and health hazard to themselves, their co-workers, and third parties. In addition, drug or alcohol abuse leads to absenteeism and interferes with and threatens productivity.

The goal of this policy is to provide guidance to all employees and to send a clear message that the use of alcohol, illegal drugs, and the improper use of legal prescription drugs in the workplace is incompatible with employment at the City of Brunswick. Further, the goals of this policy are as follows:

1. To assure the workplace is free from the effects of drug and alcohol use and that all employees are fit to perform their work duties and report for work regularly and on time;
2. To establish an effective system to detect and deal with drug and alcohol abuse while respecting the rights of those affected; and
3. To comply with all applicable state and federal laws.

In pursuit of these goals, the following policy on drug and alcohol abuse must be followed by all employees, as described in the “Execution by Each Employee of Agreement” section.

1. It is a violation of City policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the use of illegal drugs or prohibited alcohol, while on the job.
2. It is a violation of City policy for anyone to report to work under the influence of illegal drugs, intoxicating substances or alcohol.
3. It is a violation of the City policy for anyone to use prescription drugs illegally. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
4. It is a violation of the City policy for anyone to engage in any off-duty or off-premises drug or alcohol related conduct, which may affect their job performance, create a safety risk to themselves or others, or which causes adverse publicity to the City.
5. Violations of this policy are subject to disciplinary action up to and including termination.

All employees of the City of Brunswick are subject to this drug and alcohol policy as a condition of continued employment. At any time, the City of Brunswick may amend, supplement, modify,

or change any part of this policy. Such changes to this policy will be made public prior to the effective date.

All employees subcontracted to the City of Brunswick are subject to this drug and alcohol policy. It is the responsibility of the subcontractor to pay all costs associated with enforcement of said policy.

Questions regarding the City of Brunswick's substance abuse policy and/or educational materials can be handled by Human Resources.

Please refer to definitions section below for defined terms that are used throughout.

B. Execution by Each Employee of Agreement:

Each employee and/or applicant for employment will be required to sign the City of Brunswick Acknowledgement of Receipt of the Substance Abuse Policy.

The City of Brunswick employees who operate City vehicles, hold a commercial driver's license, or are safety sensitive employees, are subject to this policy pursuant to regulations promulgated by the Department of Transportation (DOT). All other City of Brunswick employees are subject to this policy as a condition of continued employment. Additionally, employees who handle hazardous, heavy, or motorized equipment as part of their job duties or who are responsible for public safety or the safety of others as a part of the job duties, are included in the City's definition of safety sensitive employees. The City of Brunswick Police Department is covered under their own Drug and Alcohol-Free Workplace Policy, No.1006.

This policy does not represent an expressed or implied contract, and it does not affect any individual's status as an "at will" employee.

C. Definitions:

1. **"Agreement"** means the Acknowledgment, Consent & General Release Agreement in the form attached hereto, as that form may be amended from time to time by the City of Brunswick in the future.
2. **"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
3. **"Chain of Custody"** means procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen, using an agency approved chain of custody form.
4. **"Work Premises"** is interpreted in the broadest sense, and includes, but is not limited to all land, property, buildings, parking lots, vehicles, or equipment owned, leased or in any other manner being used by the City of Brunswick.
5. **"Confirmatory Test"** means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle.

6. **“DOT regulated employee”** refers to those employees who operate a commercial vehicle (as defined by the DOT) and/or those employees who are required to have a commercial driver’s license.
7. **“Employee Assistance Program”** means a counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.
8. **"Illegal Drug"** means any drug:
 - a. that is not legally obtainable;
 - b. that is legally obtainable but has not been legally obtained; or
 - c. that is a controlled dangerous substance, as defined in Article 27, Annotate Code of Maryland.

The term includes both “street drugs” and prescribed drugs not legally obtained and/or not being used for prescribed purposes.

9. **"Impaired"** means working while using legal or illegal drugs in a manner inconsistent with the City of Brunswick’s substance abuse policy. This includes using legal substances in a dangerous manner or any manner that produces an intoxicating state that impairs the employee’s ability to perform his or her job or creates a safety risk to themselves or others.
10. **"Improper Use"** means any use that is not a proper use (defined below).
11. **“Initial Test”** means a screening test to eliminate “negative” urine specimens from further consideration.
12. **"Legal Drug"** means any drug in which possession or sale of which is not prohibited or restricted by law, including legally-obtained prescription drugs and over-the-counter medications.
13. **“Medical Review Officer”** means the individual responsible for receiving laboratory results who is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate positive test results together with an individual’s history and any other medical information.
14. **"On the Job"** means during any period (normal work hours and overtime) an employee is expecting to be compensated by the City of Brunswick and/or is performing any task at the request of the City of Brunswick and/or all times the employee is on City of Brunswick premises and/or at the workplace.
15. **"Proper Use"** means the employee’s legal use of an over the counter drug or a properly prescribed prescription drug for its intended purpose and, with respect to a prescription drug, in accordance with the prescription. All employees have a responsibility not to report to work if under the influence of a prescription, or non-prescription, drug that may impair their ability to perform their job in the manner it was intended, or which may pose a safety risk to themselves or others.
16. **“Random Testing”** means a system of unannounced drug testing imposed without individual suspicion of illegal drug use. All employees have an equal chance of being tested in any given time period, and employees are “chosen” for random testing based on neutral criteria.

17. **"SAMHSA"** means Substance Abuse and Mental Health Services Administration.
18. **"Traceable in the Employee's System"** means that the results of the SAMHSA certified laboratory's analysis of the employee's urine specimen are positive for the tested substance at the Department of Health and Human Services (DHHS) cut off levels.
19. **"Under the Influence"** means alcohol and/or drugs are traceable in the employee's system using normal testing procedures.
20. **"Workplace"** means any job site, project or assignment to which the City of Brunswick services are contracted and/or performed, including parking lots, lunch, and change rooms and similar common areas used by City of Brunswick employees. Also, anyone driving a company vehicle to and from work and during work hours and driving a company vehicle for personal use.
21. **"Verified Positive Test Result"** means a test result that was positive on both the initial and confirmatory tests, and reviewed and verified by the medical review officer.

D. Prohibited Conduct:

1. ***Alcohol.***

No employee shall be on the job while under the influence of alcohol or within four hours after using alcohol (including, without limitation, legal substances containing alcohol). While any violation of this prohibition may result in discipline up to and including termination, any employee found on the job to have a breath alcohol level of .04 grams/210 liters of breath should expect, at a minimum, to be subject to disciplinary action up to and including termination.

2. ***Illegal Drugs, Improper Use of Legal Drugs, and Other Impairing Substances.***

No employee shall be on the job while possessing, using, or under the influence of any illegal drugs. Nor shall the employee otherwise be impaired while at work through the improper use of legal drugs or any other impairing substances. Any employee found to have been violating this provision may be disciplined up to and including termination.

3. ***Prescription Drugs and Medical Cannabis and THC-Containing Products***

An employee whose job performance is adversely affected by prescription drugs, including prescribed medical cannabis and THC-containing products, creates a risk of danger to the safety, security and health of not only himself or herself but to innocent co-workers and members of the public. Consistent with business necessity and public safety requirements, the following procedures shall apply:

- a) Any employee who is using a prescribed drug for any medical reason or other condition, which impairs the ability to perform an essential function of his or her job potentially creates a safety hazard and has a duty to discuss this matter with his or her Department Director.
- b) All employees who are prescribed medical cannabis and THC-containing products are prohibited from using and/or possessing cannabis and THC-containing products while on the job or work premises, or while operating a take-home vehicle.
- c) Safety sensitive employees, such as employees who could operate City vehicles, or who hold a commercial driver's license, and employees who handle or operate hazardous, heavy, or motorized equipment as part of their job duties or who are responsible for public safety or the safety of others as a part of their job duties, must immediately notify their Department Director when prescribed any drug or substance which may impact their ability to drive, operate, or handle equipment, or adversely affects judgment and/or motor skills.

d) Failure to disclose the use of potentially impairing prescription medications may result in discipline up to and including termination.

e) Based on a written statement from the employee's prescribing physician, the Department Director will determine whether the employee can work safely while taking the medication, whether an essential function of the job is affected, and whether a reasonable accommodation is required to enable the employee to continue in the job.

f) If it is determined that the employee is unable to perform the essential function of his or her duties without impairment caused by the medication and cannot be reasonably accommodated, then the employee shall be directed not to work until the medication that is being taken is no longer present or use of medication causing the impairment is discontinued. The employee may be placed on accrued sick leave and/or leave pursuant to the Family Medical Leave Act ("FMLA"), where applicable. The City of Brunswick may ask an employee making proper use of legal prescription drugs to go home if in the reasonable opinion of the City of Brunswick such use interferes with the ability of the employee to work safely and efficiently.

4. ***Refusal of Testing.***

Any employee who refuses to submit to drug or alcohol testing as required by the City of Brunswick under its substance abuse policy will be treated as having failed the test and should expect, at a minimum, to be subject to disciplinary action up to and including termination.

Each workday every employee shall have the independent duty not to report to work, or continue working, if the influence of a controlled or non-controlled substance impairs the employee's job performance or causes a safety risk to themselves or others. Failure to do so may result in disciplinary action up to and including termination.

E. **Drug & Alcohol Testing Procedures:**

These procedures will be followed for pre-employment, random, reasonable suspicion, or post accident/incident investigation. The drug and alcohol testing will be performed in a manner consistent with DOT regulations and Maryland law at qualified collection sites designated by the employer. The test shall be conducted in a professional and sanitary manner with due regard for the employee's or potential employee's privacy, dignity, and confidentiality. A secure, written Chain-of-Custody process will be followed at all times.

The urine specimen will be taken and will be analyzed by a SAMHSA-certified professional laboratory for the following substances:

Non-DOT Employees: Cocaine, Amphetamines, Opiates, Phencyclidine (PCP). Testing for cannabis and THC-containing products will be added for all cases of reasonable suspicion and post accident/incident investigations.

DOT Employees: Cocaine, Amphetamines, Opiates, Cannabinoids (Marijuana), Phencyclidine (PCP), MDMA (ecstasy).

Any positive urine screen result will automatically undergo a confirmatory test. All positive results will be reviewed by a certified Medical Review Officer (MRO) prior to the result being communicated to City of Brunswick management.

At this time, the designated Medical Review Officer is:

Stephan Mann, MD, MPH
Certified Medical Review Officer

F. Retest of Urine Specimens:

An employee is entitled to request a retest of the urine sample that produced a confirmed positive test result, at the employee's expense, within three days after notification of the test results by the MRO. The employee will be provided a list of other SAMHSA certified laboratories to choose from

The City of Brunswick shall abide by the results of the retest and pay for the retest if the retest results are negative and contrary to the initial test results obtained at the employer's request.

Breath Alcohol Testing will only be performed at qualified testing sites designated by the employer. Only certified breath alcohol technicians who have successfully completed the course curriculum specified by the Department of Transportation (DOT) will perform breath alcohol testing.

G. When Employees Will Be Tested:

Upon the initiation of this policy, all employees will sign an Agreement and will be drug tested as a condition of their continued employment and pursuant to regulations promulgated by the DOT as described in the "Execution by Each Employee of Agreement" section, and pursuant to the City of Brunswick's legal right and prerogative to test any employee for drug and or alcohol abuse. The following testing within the limits of federal and state laws will be initiated:

1. Pre-Employment or Post Offer Testing (drug testing only)

All applicants must submit to a urine drug test as outlined in the DOT regulations.

2. Post-Accident/Incident Testing

All employees will submit for drug and alcohol testing following an accident if:

1. the accident involves bodily injury requiring medical treatment away from the scene of the accident or the loss of human life;
2. the accident results in a moving traffic citation **and** any bodily injury results in medical treatment away from the scene of the accident;
3. the accident results in a moving traffic citation **and** there is disabling damage to any motor vehicle requiring tow away.
4. the accident results in serious damage to City property; and/or
5. the accident results in an employee's claim for a work-related injury.

An employee must submit to drug and alcohol testing as soon as possible following an accident/incident. An employee must make every effort to get his or her breath alcohol test completed within two hours after the accident. If that is not possible, an employee must continue to try for up to eight hours.

An employee must make every effort to obtain his or her urine collection for a drug test within eight hours after the accident. If that is not possible, an employee must continue to try for up to thirty-two hours after the accident.

If an employee is unable to complete the breath alcohol test or urine collection within these time limits, he or she should stop trying and notify the management of the City of Brunswick.

In the event an employee is so seriously injured that the employee cannot provide a urine or breathe alcohol sample, then the employee must provide the necessary authorization for the

City of Brunswick to obtain hospital reports or other documents that would indicate whether there were controlled substances/ alcohol in the employee's system.

3. Random Testing

All employees will be subject to unannounced random drug/alcohol testing. Employees covered under this policy will be placed in a random pool for selection. The City or its agents will periodically select employees at random for testing. Pursuant to Federal Regulations, fifty percent (50%) of the average number of DOT regulated positions will be selected for random drug testing each year and ten percent (10%) of the average number of DOT regulated employees will be selected for random breath alcohol testing each year. These percentages may be revised in the future in accordance with DOT policy. A City official will notify an employee when his or her name has been selected for urine drug test/breath alcohol test and instruct them to report immediately to a collection site.

4. Reasonable Suspicion Testing

All employees will be subject to reasonable suspicion testing. A supervisor or designated City of Brunswick official may ask any employee to submit to a drug and/or alcohol test if his or her conduct or appearance indicates evidence of drug or alcohol use. Anyone who would make the decision to test an employee will be trained in recognizing drug and alcohol misuse.

When reasonable suspicion exists that an employee has possession of alcohol, illegal drugs or controlled substances without a valid right or prescription, a supervisor with the concurrence of the Department Director shall have the right, to the extent not prohibited by law, to require the employee to submit immediately to a search of his or her vehicle or personal property of any employee during working hours, or while on City property or designated sites. The City shall also have the right to search an employee's desk, cabinet, locker or other items on the City premises to which he or she has or had access. The reasonable suspicion must be based on objective facts and inferences rationally drawn from those facts. As stated above, the reasonable suspicion of a supervisor must be confirmed by the employee's Department Director. It is only when a supervisor and Department Director both agree that reasonable suspicion exist that a search will be conducted. Refusal to agree to a lawful search is grounds for discipline up to and including termination.

H. Refusal to Test

The following are provided as examples of refusal to test. This list is non exhaustive and is subject to change according to DOT guidelines.

1. Failure to go to the clinical testing site;
2. Failure to provide a breath alcohol sample or urine drug screen sample as described in the post-accident/incident testing section;
3. Failure to provide a sufficient specimen or a specimen which is suitable for testing; and
4. Refusing to complete the testing process.

I. Discipline:

First Offense:

Any Employee may be disciplined up to and including termination for:

1. refusing a drug test;
2. testing positive on a drug test; or
3. testing .04 or above on a breath alcohol test.

J. Breath Alcohol Concentration:

Employees with breath alcohol concentrations (“BAC”) of 0.02 will not be permitted to perform safety-sensitive functions nor operate a commercial vehicle. The employee will not be eligible to perform safety-sensitive functions; including operating a commercial vehicle, for a minimum of 24 hours after the initial test has been administered. The employee may then become eligible to perform safety-sensitive functions, including operating a commercial vehicle, at the start of his/her next regularly scheduled shift.

No disciplinary action will be taken against an employee based solely on a breath alcohol concentration 0.02 and 0.039 except temporary removal from safety-sensitive functions as described above.

K. Acknowledgement of Receipt:

As a condition of continued employment, all employees must sign an acknowledgement of receipt of the substance abuse policy.

Appendix B

Anti-Harassment Policy

The City of Brunswick is committed to creating a workplace free from harassment. It is a violation of this policy for a City employee, Supervisor, Department Director, or Appointed/Elected official to harass another employee on the basis of age, race, color, religion, national origin, physical or mental disability, marital status, or any other protected characteristic. Harassment will not be tolerated.

Any employee who feels that he/she is a victim of such unlawful harassment should follow the complaint procedure set forth in the Sexual Harassment policy. The City will investigate all such reports as confidentially as possible. All complaints will be investigated in an objective, confidential, and timely manner. Adverse action will not be taken against an employee who, in good faith, reports or participates in the investigation of an alleged violation of this policy. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Appendix C

Sexual Harassment Policy

The City of Brunswick is committed to creating a workplace free from sexual harassment of any form. It is a violation of this policy for any City employee, Supervisor, Department Director, or Appointed/Elected official to harass an employee through conduct or communications of a sexual nature as defined below.

I. Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written, physical conduct, or material of a sexual nature by City employees, Supervisors, Department Directors, Division Directors or Appointed/Elected officials, when:

- a) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.
- b) submission to such conduct is either explicitly or implicitly a term or condition of employment.
- c) such conduct or material that has the purpose or effect of substantially interfering with the individual's employment performance or creates an intimidating, hostile or offensive employment environment.

II. Terms

Sexual harassment, as defined above, may include but is not limited to the following:

- A. Verbal harassment or abuse
- B. Pressure for sexual activity
 - 1) Unwelcome, unwanted, unsolicited propositions
 - 2) Demands for sexual advances and explicit sexual proposals
- C. Repeated communications to a person, with sexual or demeaning implications
 - 1) Obscene or suggestive remarks, gestures, or jokes of a sexual nature, or about gender specific traits
- D. Unwelcome touching
 - 1) Unwelcome and intentional physical behavior such as kissing, hugging, pinching, or brushing up against another individual
- E. Sending or displaying sexually explicit or suggestive material
 - 1) Displaying or circulating photographs or other materials and objects that are sexually explicit or suggestive
 - 2) Sending or viewing jokes, pictures, or other information by email or the Internet that is sexually explicit or suggestive

III. Procedures

A. Reporting Sexual Harassment

Complaints are to be reported immediately to any of the following at the employee's option: Supervisor, Department Director, Division Director, or any member of the Human Resource staff. In the event the complaint involves a Division Director or appointed or elected official, the complaint may be made directly to the Human Resource Director, Assistant Human Resource Director, Chief Administrative Officer, or the City Executive.

B. Investigating Complaints

All complaints will be investigated in an objective, confidential, and timely manner.

III. Corrective Action

If an investigation confirms that harassment has occurred, the City will promptly take corrective action. Disciplinary action up to and including discharge may be imposed.

IV. Confidentiality and Retaliation

The confidentiality rights of both the complainant and the accused will be respected consistent with the City's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

Retaliation of any kind against anyone who is involved in the investigation of or in the making an allegation of sexual harassment is prohibited and may result in disciplinary action against the retaliator.

V. False or Malicious Reports

Disciplinary action also may be imposed if the City determines that a false or malicious complaint was made under this policy.

Appendix: D

Affirmative Action Plan and EEO Policy Statement

To further its goal of Equal Opportunity in employment for all employees and prospective employees, and in the provision of all services, without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, physical or mental handicap (unrelated in nature and extent so as to reasonably preclude the ability to receive benefits from services or perform a job), or any other characteristic protected by law (hereinafter referred to as protected groups)¹ The City of Brunswick, Maryland (hereinafter referred to as the “City”) states as its policy the following concerning these subjects under its jurisdiction:

- A. No person shall be discriminated against on the basis of race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, physical or mental handicap or any other characteristic protected by law in accordance with applicable local, State, and Federal law.
- B. It will be the policy of the City to recruit, hire, train, evaluate, and promote persons in all job titles without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap, except where any of these characteristics are a bona fide occupational qualification.
- C. The principle of Equal Employment Opportunity will always be an underlying basis for employment decisions.
- D. All personnel actions and employment services including, but not limited to, compensation, benefits, transfers, performance evaluations, layoffs, return from layoff, training programs, tuition assistance, and social and recreational programs will be made available to, provided, and administered without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, physical or mental handicap, gender identity, or any other characteristic protected by law.
- E. All services will be publicized, made available to, and provided without regard to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

¹ Hereinafter used to designate and define those groups who are protected under applicable law from discrimination due to race, color, religion or creed, sex, national origin or ancestry, age, marital status, veteran status, or physical or mental handicap.

Appendix E

Family and Medical Leave Act (FMLA)

In addition to other types of leave mentioned in this chapter, employees who have worked for the City for a period of 12 months (need not be consecutive) and have worked at least 1250 hours during the preceding 12 months, may qualify for FMLA leave.

A. FMLA Basic Leave Entitlement

1. Eligible employees may qualify for a total of twelve (12) work weeks of leave (paid or unpaid) during any 12 month period (measured backward from the first date the leave begins) for one or more of the following conditions:

- a) Birth of a son or daughter;
- b) Placement of a son or daughter with the employee for adoption or foster care;
- c) Care for spouse, son, daughter, parent or parent-in-law who has a serious health condition;
- d) A serious health condition of the employee whether work-related or not.

2. Whenever the leave is for a serious health condition, the City will require that the absence be supported with certification from the health care provider of the employee, spouse, son, daughter, parent or parent-in-law. The Certification of Physician or Practitioner form must be used for all non-work-related conditions.

- a) If the validity of the certification is in doubt, the City may request that the employee obtain a second opinion, at the City's expense, from a health care provider designated B by the City.
- b) If there is a conflict of opinion between the two health care providers, the City may request the employee to obtain, at the City's expense, an opinion from a third provider jointly approved by the City and the employee.

B. FMLA Military Leave Entitlement

1. Qualifying Exigency: Eligible employees with a spouse, son, daughter, or parent in the National Guard, Reserves or Regular Armed forces who are on or called to covered active duty which includes deployment to a foreign country, and for members of the National Guard and Reserves, be in support of a contingency operation may qualify for up to twelve weeks during any 12 month period (measured backwards from the first date the leave begins) to address certain qualifying exigencies which may include:

- a) Attending certain military events
- b) Arranging for alternative childcare/parental care;
- c) Addressing certain financial and legal arrangements;
- d) Attending certain counseling sessions;
- e) Attending post-deployment reintegration briefings;
- f) Rest and Recuperation (15 calendar days)

2. Military Caregiver: Eligible employees who are the spouse, son, daughter, parent or next of kin

of a covered service member or covered veteran who has a serious disabling injury or illness incurred in or aggravated by service in the line of duty during active duty in the Armed Forces may take up to 26 weeks of leave in a 12-month period (measured forward only) to care for that covered member.

3. Whenever the leave request is for military family leave, the City will require that the request be supported by an appropriate certification, as outlined below:

- a) Leave for a qualifying exigency will require a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency including contact information if the leave involves meeting with a third party;
- b) Leave to care for a covered service member or covered veteran with a serious injury or illness will require certification completed by an authorized health care provider, or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family, or documentation of enrollment in the Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

C. The following provisions apply to all leaves taken for FMLA qualifying reasons:

1. FMLA leave time shall run concurrently with any of the following leaves that are taken for any FMLA qualifying condition: Disability Leave or any leave that is taken as a result of a condition covered under Worker's Compensation law and Sick Leave Absence (in excess of seven consecutive calendar days), Sick Leave Donor, Extended Sick Leave, Annual Leave, Compensatory/Accrued Holiday Leave.

2. All eligible accrued leave (e.g. annual, sick, holiday and/or compensatory) must be used before unpaid leave can be used. Both paid and unpaid leave will count toward the maximum total of 12 work weeks of FMLA leave within a 12 month period, or 26 weeks if on approved Military Caregiver leave.

3. The City will continue the employee's health care coverage at the regular employee's rate as long as all employee contributions are paid during the unpaid leave periods. However, if the employee does not return to work, the employee will be responsible for the City's portion of the premiums for the unpaid leave period. Arrangements must be made with the Human Resources office.

4. During the unpaid FMLA leave periods, sick leave and annual leave will not be accrued.

5. While the employee is using FMLA leave, the employee's position will be protected, and the employee will return to the position at the same grade and rate of pay at which he/she left.

6. An employee who is on designated FMLA leave for their own serious health condition has the right to refuse an offer of restricted/light duty without affecting their employment status. However, if applicable, Disability/Workers Compensation benefits may be affected.

7. Whenever the need for FMLA leave is foreseeable, the employee is expected to provide 30 days advance written notice before the leave is to begin.

D. FMLA leave shall end:

1. When the employee, spouse, son, daughter, parent or parent-in-law is no longer affected by the serious health condition;
2. If the employee fails to provide documentation to continue the leave when requested;
3. When the employee has exhausted the maximum period of time eligible for FMLA leave. If additional time needed, the employee may request leave of absence or leave without pay in accordance to this Personnel Policy Manual. An absence beyond the maximum time under FMLA leave is not protected by that law.
4. If the employee accepts other employment.

Appendix F

Cellular Phone Policy

The City of Brunswick's cell phone policy offers general guidelines for using personal and company cell phones during work hours.

The purpose of this policy is to get the most out of the advantages cell phones offer our workforce while minimizing distractions, accidents, and frustrations improper cell phone use can cause.

This policy applies to all City of Brunswick's employees.

Cell Phone Use Guidelines:

The following are City of Brunswick's basic guidelines for proper employee cell phone use during work hours. In general, cell phones should not be used when they could pose a security or safety risk, or when they distract from work tasks. The National Safety Council estimate cell phone use while driving leads to 1.6 million accidents yearly resulting in 3,166 deaths in 2017.

- Never use a cell phone while driving.
- Never use a cell phone while operating equipment.
- Do not use cell phones for surfing the internet or gaming during work hours.
- Avoid using work cell phones for personal tasks.
- Avoid using personal cell phones for work tasks.
- Do not use cell phones during meetings.
- Do not use cell phones to record confidential information.

We realize the cell phones can be great tools for our employees. We encourage employees to use cell phones when:

- For making or receiving work calls in the appropriate place and situation to do so.
- For other work-related communication, such as text messaging or emailing, in appropriate places and situations.
- To schedule and keep track of appointments.
- To carry out work-related research.
- To keep track of work tasks.
- To keep track of work contacts

Disciplinary Action:

Improper use of cell phones may result in disciplinary action. Use of cell phones at inappropriate times or in ways that distract from work may lead to having cell phone privileges suspended or revoked. The City reserves the right to monitor activity on City-issued cell phones, to include, internet access, emails, phone calls, etc.

Cell phone usage for illegal or dangerous activity, for purposes of harassment, disclosure of confidential information, or non-work related internet access may result in revocation of employee's cell phone privileges.

Non-work related loss or damage to city-issued cellular phone may result in disciplinary action or employee reimbursement costs of device.

Appendix G

Citywide Telework Policy for City Employees

I. Purpose:

- A. The purpose of the policy is to allow certain employees to work from home ensuring the continuity of agency business operations, ensuring City responsiveness during pre-approved telework activities, severe weather, emergencies, and other situations; as well as enhancing the recruitment and retention of highly qualified employees, and to improve employee work-life.
- B. While participating in the Telework Program, a teleworker will continue to provide internal and external customer service and maintain the normal functions and performance standards of the City.
- C. This policy does not supersede City rules, regulations, policies applicable in the workplace, but rather is designed to facilitate the performance of City business in alternate work locations.

II. Definitions:

- A. Telework: Arrangement that allows a teleworker to perform work, during any part of their authorized work schedule, at an approved Remote Work Location. Telework is an alternative method of meeting the needs of the City and will not be universally available to all City positions.
- B. Situational Telework: Instances in which Situational Telework may be approved include but are not limited to, operational need, inclement weather; maximize work output or days when the teleworker's availability is impacted by personal appointments, or special work assignments. Approved on a case-by-case basis.
- C. Teleworker: An eligible employee who has been approved to work from a Remote Work Location and who works to produce an agreed upon work product. The teleworker performs the normal duties and responsibilities of his/her position.
- D. Eligible Position: Any City employee approved by a Department Director with concurrence of the City Administrator and Mayor.
- E. Main Worksite: A teleworker's primary workspace and place where the teleworker normally performs work duties.
- F. Remote Work Location: A worksite approved by the Department Director with City Administrator's concurrence other than the Teleworker's Main Worksite, such as the teleworker's residence.
- G. Telework Arrangements: An agreement between the teleworker and the City which defines the parameters for participation as determined by the teleworker's departments.

III. Policy

A. Eligibility

- 1. Employees eligible to participate in the Program must:
 - a. Successfully completed their training period.
 - b. Has received a satisfactory performance evaluation.

- c. Have received approval to participate in the Telework Program
2. Employees who have received formal disciplinary action in the past 12 months may not be eligible.
3. Eligible employees are not required to participate in the Telework Program.
4. The City has the right to refuse to make telework available to an employee who is otherwise eligible.
5. Telework is an employee privilege and is not an employee right.
6. Telework is generally not appropriate for police officers or field workers.
7. Employees who provide essential services in a business continuity context, which can be performed in a remote capacity, are most ideal for telework opportunities.
8. Employees whose tasks have measurable deliverables including, but not limited to, responsibilities such as writing, research, or editing reports, and other tasks that require minimal supervision, should be considered appropriate for telework.
9. Employee effective communication with clients, stakeholders, and team members must be possible from a telework location.
10. A position that requires frequent interactions with members of the public may not be appropriate for telework.
11. If an employee is ill, and the position is one in which telework is feasible, employees are permitted to work from home on a voluntary basis if the employee is healthy enough to work and other criteria within this policy are met, with Director's approval.
12. Department Directors may consider length of service in making telework eligibility determinations.
13. During closures of main worksites telework may be required. Employee may use their own leave if required to telework.

B. Participation

1. Telework Program is subject to all City policies and procedures, including but not limited to, those regarding confidentiality, disclosure of information, conflict of interest, EEO, Drug Abuse, Sexual Abuse, Ethical Ordinance, etc.
2. Complete and submit a Telework Policy Request/Agreement.
3. Adhere to the Telework Policy or risk termination from the program.

C. Workspace

1. The teleworker must designate and maintain a clean, safe, and productive workspace at the Remote Work Location that is adequate for accomplishing necessary tasks and free from obstructions and distractions. This space may be at the teleworker's residence or another Remote Work Location approved by the Director, with City Administrator concurrence. Factors impacting approval will include but are not limited to, type of work,

access to specialized equipment or materials, potential distractions, and ability to maintain confidentiality of data and files.

2. A teleworker must not conduct in-person meetings with customers or co-workers at the Remote Work Location. When a meeting is scheduled on a day the teleworker is scheduled to telework, the teleworker must go to the Main Worksite to attend the meeting or make alternative arrangements as agreed upon by the Director.
3. With reasonable advance notice, but no less than 24 hours, the Director or designee has the right to inspect the Remote Work Location before the telework arrangement begins and at periodic intervals, but no more than once a month. This is to ensure the workspace is safe, information is secured, and all equipment is adequately installed and performing properly.

IV. Workers' Compensation

- A. During telework hours, the teleworker is covered for any injury arising out of and in the course of employment pursuant to the Maryland State Workers' Compensation Act.
- B. A teleworker injured while working at a Remote Work Location is required to follow established City procedures for reporting on-the-job injuries.

V. Telework Schedule and Availability

- A. Before the start of telework a schedule must be agreed upon by the Director and the teleworker. The schedule should:
 1. Identify the specific days and hours for teleworking.
 2. Identify the approved Remote Work Location.
 3. Include times for a meal period and break(s) as required by State and Federal Law.
 4. Include whether the teleworker must be available by phone, email, or both during the scheduled telework hours, with the exception of the meal period and breaks.
- B. Work schedules at the Remote Work Location will parallel those at the Main Worksite but can be structured to meet the needs of the teleworker, their supervisors, and the City.
- C. The total number of hours a teleworker is expected to work per day or per pay period will not change due to participation in the program.
- D. A teleworker will be given a minimum of 24 hours advance notice of events which require their physical presence at the Main Worksite, when possible. The teleworker must comply with any reasonable request to be present at the Main Worksite.
- E. The Telework Arrangement may be abbreviated or revised regarding the number of hours, days per week, including termination in totality. They may occur on an interim or ongoing basis due to other operational needs, i.e. office coverage becomes a problem due to changes in work demands or office staffing.
- F. A teleworker must not perform secondary employment activities during designated telework hours.

- G. All participants in the Telework Program must indicate accurately on their timecards which hours or days were worked at the Remote Work Location. Telework is indicated on the timesheet by the Reason Code

VI. Overtime, Leave, and Compensation

- A. Supervisors must approve paid overtime or compensatory time for the time the teleworker works at the Remote Work Location, in accordance with the City's policy.
- B. Procedures for requesting leave will remain unchanged, i.e., vacation, comp time, sick leave, etc.
- C. Teleworkers working at a Remote Work Location will be granted the same holidays as employees working at the Main Worksite.
- D. An occurrence at remote location preventing telework, i.e. power outage, etc., will require the employee to use leave or respond to the work site.

VII. Liability

- A. The City will defend and indemnify a teleworker who is teleworking at their residence or other approved Remote Work Location for all claims arising out of and within the teleworker's scope of employment consistent with the provisions of the Local Government Tort Claims Act and other applicable laws.
- B. The City is not liable for any loss, destruction or damage to property, or any injury or loss to third persons occurring at or around the teleworker's residence or other approved Remote Work Location.

VIII. Worksite Issues

- A. Teleworker may take supplies needed for work to the Remote Work Location from the teleworker's main worksite with the Supervisor's approval. The Teleworker will not be reimbursed for out-of-pocket expenses for supplies regularly available at the Main Worksite.
- B. A Teleworker is responsible for protecting the confidentiality, integrity, and availability of data, information, and paper files used when teleworking. A teleworker must follow all applicable County, federal, state, and departmental policies, laws, and regulations to protect data accessed or maintained while teleworking. In addition, teleworking employees must adhere to the following:
 - 1. Protect information assets from unauthorized access and use by others, including family members, friends, and other visitors.
 - 2. Leaving information assets only in secured locations and not in unattended or unlocked vehicles or other locations where they may be easily accessible.
 - 3. Ensuring that employee owned systems utilized for teleworking purposes meet or exceed City security requirements.

C. Termination of the Telework Arrangement

Teleworkers do not have an automatic right to continue to telework and Telework Arrangements may be modified, adjusted, suspended, or terminated at any time by

management for any reason, including a request by the employee.

IX. Provision of Equipment

- A. The City will facilitate home access to necessary systems for approved teleworkers.
- B. The City assumes no liability for responsibility for the personal equipment of individuals who telework and utilize personal equipment for teleworking purposes. The designated alternate work location must be an appropriate work environment. The teleworker agrees to perform all work at the specified location. This location should be one in which the employee's telework duties can be performed in a safe and ergonomically appropriate manner.

X. Policy Compliance

- A. All terms and conditions of City employment will continue to apply.
- B. All information security protocols must be followed when using City electronic equipment and accessing systems.
- C. Workplace rules prohibiting private activities during work hours should be followed notwithstanding the fact that employees are working from home.
- D. Overtime must be approved in advance.
- E. Any leave time must be requested and processed in the same manner as in the workplace.
- F. Employees participating in the Telework Program may be required to participate in conference calls/team meetings as necessary.
- G. Employees must maintain safeguards to protect agency records from unauthorized disclosure or damage, complying with the privacy requirements.
- H. Employees are required to receive approval from their Director to work in any alternate location other than the primary designated location.

XI. Supervisory Oversight

Supervisors are responsible for oversight of employees on telework ensuring the employee is conforming to all aspects of this policy.

Appendix H

Uniform Policy

Policy pertains to employee uniforms and boots in the Departments of Public Works, Utilities, and Planning and Zoning, and other field service workers determined by their Directors.

1. Applicable employees will be provided certain uniform pieces containing the City logo by the City to include shirts, sweatshirts and jackets.
 - a. Employees are expected to keep these items clean and in good repair. If an item becomes damaged or soiled beyond repair, employees may request a replacement, to be determined by the Director/Deputy Director.
 - b. Items provided by the City must be turned in should an individual leave employment.

2. Applicable employees will be provided a yearly clothing and boot stipend to be paid at the beginning of each fiscal year.
 - a. This amount shall be paid through payroll and will be subject to income taxes.
 - b. Employees may use this stipend to purchase any other boot or clothing item necessary for their employment needs.
 - c. As representatives of the City, employees are expected to keep these items clean and in good repair.

Employees are responsible for laundering all clothing items. A washer and dryer will be provided at Public Works and the Waste Water Plant.

Appendix I

Take Home Vehicle Policy

Policy pertains to take home vehicles for Directors, Deputy Directors, and On-Call Personnel in Public Works and Utilities Departments.

1. Directors, Deputy Directors, and On-Call personnel who work in the Departments of Public Works and Utilities are granted the option of a take home vehicle when one is available. Directors and Deputy Directors may have continual use of a take home vehicle, while on-call personnel have access to this program for the length of time they are serving in the on-call capacity and for certain supervisor-approved weather-related emergencies.
2. On-call personnel will be assigned a vehicle by their Director or Deputy Director.
3. On-call personnel may choose to leave their personal vehicle on City property for the length of time they are driving a take home vehicle, or they may return to pick up their personal vehicle on personal time. City employees are prohibited from transporting their personal vehicle to their home during working hours.
4. Employees leaving their personal vehicle on City property should do so in a secure location. The City of Brunswick is not responsible for personal employee vehicles.
5. City vehicles may be used for travel to and from work and work-related activities only. Stops along the route home are permitted within reason.
6. The City of Brunswick reserves the right to monitor gas and mileage during employee participation in this program.
7. It is the employee's responsibility to be sure that take home vehicles are turned in for regularly scheduled maintenance at the appropriate time. Similarly, an employee driving a take home vehicle should report any vehicles issues to their supervisor immediately. Employees are expected to keep their take home vehicle in good working condition, as well as kept clean inside and out.
8. Employees participating in the take home vehicle program are expected to respond to on-call situations in their City vehicle within one hour of initial report of incident.
9. Employee participation in the program is optional and can be revoked by management at any time.
10. While operating a City vehicle, employees are covered under the City's LGIT insurance policy.
11. If an employee is involved in an accident or other event while driving a City vehicle, or if an employee is stopped by law enforcement while driving a City vehicle, it is the employee's responsibility to notify their supervisor immediately at the time of the incident.
12. Employees are mandated to have a valid driver's license at all times while operating a City vehicle. If an employee's driver's license is revoked, it is the employee's responsibility to notify their supervisor immediately.

Appendix J

Social Media Policy

The City of Brunswick is committed to transparency and public engagement through communication. As a part of its mission and goals in the exchange of information, the City communicates to the public through the use of social media. To facilitate the exchange of information on its social media sites, the City desires to establish guidelines for the use of these sites, as well as the roles and responsibilities of participants.

I. Purpose

The purpose of this policy is to set forth the guidelines for the use of social media by the City of Brunswick (City) when communicating to the public, as well as setting forth guidelines for members of the public. As part of the City's commitment to transparency and public engagement, social media tools are used to enhance communication, collaboration, and information exchange to meet the City's goals.

II. Applicability

The City's social media sites are forums limited to the specific topics identified or raised by the City, its Administrator, and its moderators. This policy applies to any participant who submits comments or posts or otherwise interacts with the City and other users on the City's social media sites. Participants of these forums understand that by submitting content, they have read and agreed to this policy. If any part of this policy is held invalid or unconstitutional, such declaration shall not affect the other provisions of this policy, which shall be given effect and are deemed severable.

III. Definitions, Roles, and Responsibilities

A. **Administrator**: Person responsible for enforcing this policy and approving the creation of official social media accounts for the City and its various departments and volunteers. The Administrator reviews, edits, authorizes, and allows submitted content to be posted on the City's social media sites. The Administrator may, from time to time, designate moderators to moderate separate pages or sites maintained by the City. The Director of Administration is hereby designated as the Administrator.

The Administrator shall:

- Approve request in writing for the creation of a new page;
- Remove unused pages;
- Maintain a record of the name of each social media account and a list of authorized Moderators/Users;
- Have full access to all social media accounts at all times;
- Remove Moderators/Users no longer employed by, or acting in a volunteer capacity for, the City;
- Provide training on this policy and social media best practices to all Moderators of City accounts.

In the event that an account is compromised, Moderators/Users shall notify the Administrator immediately for corrective action.

B. **Moderator**: Person designated by the Administrator to create content on behalf of the City and to moderate the forums by reviewing, editing, and allowing content to be submitted to the social media sites of the City. Moderators may also send messages through social media sites. Moderators must complete a signed agreement to be kept by the Administrator.

C. Participant: Any person, either a member of the public or an employee of the City, who submits content on the social media sites including messaging.

D. Social Media: Any site, platform, or online process designated to facilitate communication between users, encompassing content in the form of video, audio, text, or images, and are publicly available to allow viewers to post or submit their own content, comments, or responses.

E. Content: Any posts, writings, materials, documents, photographs, videos, links, graphics, messages, or other information that is created, posted, shared, distributed, or transmitted via social media.

IV. Use of Social Media and Official City Sites

A. Approval: All official use of social media on behalf of the City shall be approved by the Administrator or designated moderators and conducted using only approved City social media platforms and tools, accompanied by social media training provided by the Administrator.

B. Applicable Law and Policies: Submitted content shall adhere to applicable federal, state, and local laws, regulations and policies, including laws regarding harassment, discrimination, retaliation, privacy, copyright, and to the extent applicable and feasible, those relating to the disclosure and retention of public records.

C. City Reserved Rights:

i. The City reserves the right to restrict, remove, or archive any prohibited content or content that may violate any applicable law or policy. Only the Administrator may remove content. A log of removed content shall be kept by the Administrator.

ii. The City reserves the right to repost or share any content, photos, or videos submitted by other participants when submitted on its social media sites.

D. Conduct: Employees representing the City via social media must conduct themselves as a representative of the City and in accordance with City policies. Employees found in violation of this policy may be subject to disciplinary actions, up to and including termination of employment. Only employees designated as Administrators or Moderators are authorized to submit comments on behalf of the City to City social media pages. Employees not designated as Administrators or Moderators that comment on City social media pages do so as a member of the public, not in an official capacity representing the City.

E. Identification, Maintenance, and Contact Notice: Social media sites of the City shall follow an established naming convention identified by the Administrator, clearly indicate that they are maintained by the City, and shall have City contact information prominently displayed. City pages shall contain consistent header language identified by the Administrator, with this policy pinned to each page for permanent review.

F. Links: Links placed on social media sites of the City should only link to a resource on the City's website, or to a federal, state, or local government site, and educational website, or an organization with an official partnership with the City.

G. Use of Available Photos/Graphics: Whenever possible, moderators shall create photos/graphics for use on social media. If photos or graphics are obtained from another source for use on City social media sites, copyright laws shall apply.

H. Public Disclosure: Social media sites of the City shall clearly indicate that any content posted or submitted for posting may be subject to public disclosure under Maryland's Public Information Act (PIA). The Director of Administration acts as the City's Public Information Officer and shall answer any questions regarding PIA laws.

I. Public Notice: Each social media site of the City shall include an introductory statement that clearly specifies the purpose and topical scope. Where possible, social media sites should link back to the official City website for forms, documents, and other information.

J. Prohibited Content: The City reserves the right to remove inappropriate content, including, but not limited to:

- i. Comments not topically related to the posted content,
- ii. Obscene, indecent, or profane language, or pornographic images,
- iii. Content that promotes, fosters or perpetuates discrimination on the basis of race, color, age, religion, sex, gender, national origin, sexual orientation, gender identity, marital status, physical or mental disability, or any other status protected by law,
- iv. Content that includes unlawful harassment or threats of violence,
- v. Content that advocates or encourages illegal activity,
- vi. Information that may compromise the safety or security of the public or public systems,
- vii. Use of confidential information or intellectual property without a license or authority,
- viii. Personally identifiable information or sensitive information that if released violates federal or state law, or
- ix. Content that falsely creates the impression that it is being posted by or on behalf of the City or any City official.
- x. The Administrator shall have sole authority to block comments or users.

Disclaimer and Waiver of Liability

A. Disclaimer and Release: The City does not endorse, support, or agree with any comments, opinions, advertisements, videos, external links, statements, products or promoted material posted by the public, or any third-party entity or application asocial with the social media site's platform. Participants release and hold harmless and agree to indemnify the City, including its officials, employees, or volunteers, from any and all actions, claims, liabilities and damages of whatever kind and nature arising out of or in connection with the use of the social media sites of the City.

Appendix K

Employee Civility Code of Conduct

The purpose of this Civility Code of Conduct is to promote a respectful, professional, and productive work environment for all employees of the City of Brunswick.

This Code applies to all employees, including full-time, part-time, and temporary seasonal. Employees of the City of Brunswick are representatives of the City at all times, on or off duty. Behavior should reflect the values of this Code of Conduct.

Principles of Conduct

- A. Respectful Communication
 - i. Communicate respectfully with colleagues, supervisors, and the public (see Social Media Policy for online conduct guidelines).
 - ii. Avoid any form of harassment, discrimination, or offensive behavior.
- B. Professionalism
 - i. Maintain a professional demeanor in all interactions, both in person and online.
 - ii. Dress appropriately for the workplace and adhere to any dress code guidelines provided elsewhere in this manual or within specific departments (i.e. high visibility, safety-sensitive). Vulgar or offensive attire is not permitted at any time during working hours.
- C. Integrity and Honesty
 - i. Act with integrity and honesty in all duties and interactions.
 - ii. Avoid conflicts of interest and disclose any potential conflicts to a supervisor.
- D. Accountability
 - i. Take responsibility for your actions and decisions.
 - ii. Report any unethical behavior or violations of this Code to the appropriate authority.
- E. Collaboration
 - i. Encourage teamwork and cooperation among employees.
 - ii. Share information and resources to achieve common goals while maintaining appropriate confidentiality.
- F. Conflict Resolution
 - i. Address conflicts constructively and seek to resolve disputes amicably.
 - ii. Use established procedures for conflict resolution when necessary.

Enforcement – Violations of this Code may result in disciplinary action, up to and including termination of employment. All employees are expected to adhere to this Code and contribute to a positive work environment.