

Town of Milton

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ORDINANCE NO. 2013- XX

AN ORDINANCE TO ADOPT AN AMENDED TOWN OF MILTON EMPLOYEE HANDBOOK, AS DESCRIBED IN CHAPTER 26 OF THE TOWN OF MILTON MUNICIPAL CODE.

WHEREAS, the Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Charter of the Town of Milton directs the Town Council to hire a Town Manager who shall have duties which include serving as Personnel Officer with the responsibility to establish procedures for the coordination of departmental activities as well as the responsibility to present policy needs to the Mayor and Council with recommendations for action in writing; and

WHEREAS, the Chapter 26, Article II of the Municipal Code vests the Personnel Committee with the Administrative Authority to prepare and distribute to every employee of the town an employee handbook; and

WHEREAS, the Personnel Officer and Personnel Committee have reviewed and approved the following revisions to the existing Town of Milton Employee Handbook;

NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring in Council duly met, that the Town of Milton Employee Handbook hereby is amended as follows:

- 1) The Preface, entitled "Important Notice regarding this Manual", shall make reference to the enabling legislation. It shall state:
The Personnel System shall be managed by and under the direction of the Personnel Committee. The Town Manager shall administer the provisions of this chapter. The Town Manager shall be the Personnel Officer of the Town (ref. Milton Municipal Code, Chapter 26-3 "Personnel System; Personnel Committee" – amended 11/30/12 as Ordinance 2012-10). The Personnel Officer may designate the Municipal Clerk or another person to assist in the administration of Personnel Policies and employee benefits.
- 2) The Equal Employment Opportunity statement shall be amended by substituting the following language for the existing language:
It is the policy of the Town of Milton to ensure equal employment opportunity for every employee and applicant for employment without regard to political or religious affiliation or belief, race, marital status, genetic information, color, age, sex, sexual orientation or national origin. The Town of Milton is firmly committed to a policy of non-discrimination in all employment practices and to strict adherence to Federal and State laws and

regulations on Fair Employment Practices. (ref. Milton Municipal Code, Chapter 26 - 6 "Recruitment, Appointments and Promotions" – amended 3/6/12 as Ordinance 2012-04).

- 3) The Code of Conduct shall list protected classes in the same order that is described in the Delaware Code and there shall be a reference to the inclusion of a copy of the Whistle Blowers Protection Act in the Appendix.
- 4) Policy I-1 shall be re-named "Recruitment, Hiring and Employment Process" and the following language shall be substituted for the existing language:

The Town of Milton requires background checks for all applicants and persons to be assigned to a new position classification. Criminal and civil records, as well as credit history, will be included in the background check. Persons who drive a town-owned vehicle will be subject to a review of their Motor Vehicle Record not less than annually. Persons who are in a position of trust with regard to town finances will be bonded and may require a review of credit prior to the issuance of a bond, for each policy period.

The Town of Milton is committed to the accuracy, fairness and privacy of information in the files of applicants and employees – as detailed in the federal Fair Credit Reporting Act and other applicable federal and state statutes.

A copy of the authorization form(s) and reference to the Consumer Financial Protection Bureau is in the Appendix to this Employee Handbook.

- 5) Policy I-2 "Employee Benefits" shall be amended to include a Donated Leave Program with the insertion of the following language:

Donated Leave Program

An employee, with the approval of the Personnel Officer, may donate accrued sick leave and annual leave in equal amounts to a Leave Bank or to another employee of the Town.

A person wishing to donate leave time under this section may also request the Personnel Officer to debit the donor's sick leave and annual leave accounts.

Sick leave and annual leave accrued in the Leave Bank or directly donated to an employee may be used by the recipient only for a catastrophic illness of the recipient or of a family member of the recipient. For purposes of this section, the term "catastrophic illness" means an illness or injury to an employee or to a member of an employee's family which is diagnosed by a physician and certified by the physician as rendering the employee or a member of the employee's family unable to work, or in the case of a family member who does not work, the medical equivalent of "unable to work," for a period greater than 5 calendar weeks. Separate periods of disability lasting 7 calendar days or more each, resulting from the same or a related medical condition and occurring within any 12-consecutive-month period, shall be considered the same period of disability. For purposes of this section, "family member" or "member of an employee's family" means an employee's spouse, son, daughter or parent who resides with the employee and who requires the personal attendance of the employee during the family member's catastrophic illness.

The Personnel Officer shall convert the donated leave into cash value at the donor's rate of pay, shall re-convert the cash value to hours of leave at the recipient's rate of pay, and shall then credit the recipient's account.

Before receiving donated leave time under this section, the recipient of the leave time shall:

(1) Have been an employee of the Town of Milton for at least 6 months before he or she is eligible for donated leave time;

(2) Have used all of his or her sick days and half of his or her annual leave; however, when the donated leave time is for the catastrophic illness of a family member, the employee must have used all of his or her sick days and annual leave; and

(3) Have established medical justification for such receipt, which must be renewed every 30 days.

6) Policy I-3 "Compensation" shall be amended to include a reference to the more detailed legislation, as follows:

(Compensation and Compensation Rules are detailed in Chapter 26, Sections 5 and 17, of the Milton Municipal Code)

7) Policy I-4 "Continuing Education" shall be amended to include the following language:

When training necessary to the fulfillment of the employee's department mission is funded and available only through institutions of higher learning, this training may be authorized by the Personnel Officer as an expense, rather than a reimbursement.

8) Policy I-5 "Holidays" shall be amended to include a reference to the more detailed legislation, as follows:

(See also Milton Municipal Code Chapter 26-18 "Employee Benefits", part A. "Holidays", amended 3/6/12 by Ordinance 2012-03)

9) Policy I-8 "Use of Town Owned Vehicles" shall be amended as follows:
The first sentence of the policy shall have the word "only" inserted after the word "business". This is to be followed by additional, explanatory, language in the first paragraph. This language is as follows:

Passengers who are not employees, or not engaged in the official business of the Town of Milton at that time, are prohibited. This prohibition of unauthorized passengers applies to on-duty and off-duty use of Town Owned vehicles.

Discretionary language between items #4 and #5 shall be deleted. And, the first sentence of the last paragraph shall be amended to read as follows:

Use of any cell phone while operating a Town owned or leased vehicle **without the aid of a hands-free device** is strictly prohibited.

10) Policy I-9 "Travel" shall be amended in several places to make reference to the Personnel Officer or Personnel Officer's Designee, instead of the Town Clerk. Reimbursement standards shall refer to the current U.S. General Services Administration per diem rates for the metropolitan area in which the employee must attend a meeting or training.

11)Policy I-12 “Workplace Safety”, section referencing “modified duty” shall be amended to include the following:

The Town of Milton recognizes that a prompt return to work is essential to both the employee’s performance and the town’s ability to provide services. The limited number of positions and requirements of service may restrict the availability of light duty assignments. In such circumstances, the Town may require that an employee pass a Fit for Duty examination which is based upon the fitness requirements of the subject employee’s job description. This examination will be conducted by a provider that is selected and paid by the Town.

12)Policy II-11 “Disciplinary Action” shall be amended to include the following:

The Town of Milton is committed to each employee’s right of due process in consideration of employment suspension or termination (see Appendix for Law Enforcement Officers’ Bill of Rights).

13)The page entitled “Acknowledgement of Receipt of Employee Handbook” shall be incorporated into the Town of Milton Employee Handbook as “Policy II-13” and entitled “Acceptance Agreement”. It shall be amended to include a severability clause and explanation of the superior or subordinate relationship of policies as follows:

SEVERABILITY

If any provision, or portion of a provision, of this Handbook is determined to be unenforceable, then the unenforceable provision shall be deemed to be severed and excised from the Employee Handbook and the remainder of the Handbook shall remain in full force and effect.

Acknowledge of Receipt of Employee Handbook

I hereby acknowledge receipt of a copy of the Town of Milton Employee Handbook. I understand that it is my responsibility to read this handbook and be familiar with the policies contained therein as I am expected to abide by these policies.

I understand that this September 9, 2013 version of the Town of Milton Employee Handbook supersedes and takes place of all prior versions of the same. Departmental policies, as may be promulgated from time to time, are subordinate to the Town of Milton Employee Handbook. Such policies may establish a higher threshold for performance or conduct, but may not diminish the effect of policies described within the Town of Milton Employee Handbook.

I, MARION JONES, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Town Council of the Town of Milton at its meeting held on the XX day of XXXX, 2013, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR MARION JONES

(Signature of Witness)

(Printed name of witness)