

Town of Milton

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ORDINANCE NO. 2011-002

AN ORDINANCE AMENDING THE TOWN CODE, CHAPTER 26, ENTITLED "PERSONNEL POLICIES"

WHEREAS, the Town Charter of the Town of Milton authorizes the Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants and affairs; and

WHEREAS, Whereas the Town of Milton currently has its Personnel Policies codified in Town Code Chapter 26; and

WHEREAS, Whereas the Town of Milton seeks to amend its Personnel Policies for purposes of clarification and efficiency in the Town's operation;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby by incorporated into Chapter 26 of the Town Code as follows:

Section 26-11(K) through (O) shall be deleted in their entirety and replaced as follows:

- K. The Town Manager or Mayor may appoint, suspend or discharge any of the following employees without the prior approval of the Town Council: (1) Part-time employees; (2) Introductory employees; (3) Temporary employees; (4) Summer employees; (5) Regular full-time employees. The Town Council shall have the sole authority to appoint, suspend or discharge the following: Town Manager and Chief of Police.
- L. Reduction in force. When there is a lack of work, or lack of funds requiring a reduction in the number of employees in a department, the Town Manager or Mayor shall make the necessary reductions after receiving the department head's recommendation. Employees shall be separated by quality of total performance and/or the inverse order of their relative length of service. With each affected job class, all temporary employees shall be separated before probationary and regular employees.
- M. Demotion. A regular employee may be demoted whenever, in the judgment of the Town Manager or Mayor, the performance of the employee or the employee's misconduct warrants demotion or whenever there is reduction in force where the employee is to fill a lower position of an employee who was laid off. When the Town Manager or Mayor takes such action, written notification shall be sent to the employee within three working days of the decision and 30 days prior to the effective

date. Notification shall include a statement of the reasons for the action. The Personnel Committee will review the demotion if the Town Manager or Mayor receives the employee's request for review within 10 days of the employee's receipt of notice of demotion. The standard of review is whether the Town Manager's or Mayor's decision is supported by substantial evidence.

- N. Termination. Probationary and temporary employees may be terminated with or without cause and have no right to a hearing. A regular employee, except for the Town Manager and Chief of Police, may be terminated for incompetence, neglect of duty, willful and persistent insubordination and misconduct (including but not limited to theft, destruction of town property, falsification of records, abuse of the employee's position for personal gain or conviction of a felony). If the Town Manager or Mayor concludes a regular employee should be terminated, such an employee will be sent a notice of intent to terminate. The Town Council will review the Town Manager or Mayor's determination if the Town Manager or Mayor receives the employee's written request for such a hearing within 10 days of the employee's receipt of the notice of intent to terminate. If the employee fails to submit a timely request for a hearing, the notice of intent to terminate shall be the final notice of termination. The standard of review is whether the Town Manager or Mayor's decision is supported by substantial evidence. If the employee prevails, the employee shall be reinstated with back pay less any income earned from other sources, including unemployment compensation benefits.
- O. A majority of the Council must be present for the hearing. The hearing officer shall not be the person who recommends the dismissal charges. At the hearing, which need not follow any formal procedures, and need not be transcribed, the employee may offer his/her side and the reasons why dismissal is not warranted. After having heard both the charges, and the employee's answer to them, the hearing officer shall notify the employee of the Council's decision within five working days of the hearing. If dismissed, the employee is entitled to a letter listing the reasons, incidents and conditions that singly or together led to the dismissal.
- P. Resignation. Any employee may resign in good standing by filing a letter with the Town Manager or Mayor no later than 14 days before the effective date of such resignation. Any employee resigning in good standing may be reinstated to a position in the same class if there is a need for the former employee's service within one year from the date of resignation.
- Q. Notice. Reduction in force, demotion, disciplinary suspension and termination notices shall be sent to the affected employee by certified mail or delivered by hand. If such an employee fails to accept or claim the certified mail, the employee is presumed to receive the notice within three days of mailing.

I, **CLIFFORD M. NEWLANDS**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of a Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 2 day of MAY, 2011, at which a quorum was present and voting throughout and that the same is still in full force and effect.


MAYOR CLIFFORD M. NEWLANDS

5/2/11
DATE


ATTEST