

Town of Mansfield
PERSONNEL RULES

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INTRODUCTION

This booklet has been prepared to provide you with a ready reference of:

1. Rules, regulations and policies regarding the Town of Mansfield's human resources program; and
2. The benefits for which you are eligible as an Employee of the Town of Mansfield.

The contents herein are presented as a matter of information only and are not to be understood or construed as a promise or contract between the Town and its Employees. Any oral statements or representations which conflict with this position are unauthorized and may not be relied upon by any employee.

These Personnel Rules and Regulations are not intended to cover all topics or circumstances. The Town reserves the right to respond to specific situations in the manner the Town believes best suits the needs of the Town and the Employee(s) involved.

Employees covered by a Collective Bargaining Agreement will be governed by the policies set forth in their respective Agreement to the extent such policies differ from the policies outlined herein.

The Town of Mansfield reserves the right to modify, revoke, suspend, terminate or cancel at anytime all or any part of its rules, regulations and policies as circumstances may require. The language used in the Personnel Rules and Regulations is not intended to create nor is it to be construed to constitute an employment contract.

All Employees are urged to read this manual carefully and at their earliest convenience. Any questions concerning this material should be directed to the Town Manager's Office.

DEFINITIONS OF PERSONNEL TERMS

1. ALLOCATION means the official assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.
2. APPOINTING AUTHORITY means an office or agency subject to the Town Charter having power to make appointments to positions.
3. CLASS or CLASS OF POSITIONS means a group of positions sufficiently alike in duties, authority, and responsibility to justify the application of same class title, qualifications, and salary range to all positions in the group and the use of the same tests of fitness in recruiting.
4. CLASSIFIED SERVICE means all positions in the Town service except elected officers, members of boards and commissions and officers appointed by the Council or the Town, the Town Manager, employees of the Board of Education, persons employed in a professional or scientific capacity to make or conduct temporary and special inquiries, investigations or examinations. For the purpose of these rules, the term "employees in the classified service" and "positions in the classified service" shall be used interchangeably.
5. JOB DESCRIPTION means the written description of a class containing the official title, a statement of the duties, authority, and responsibilities of the class and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.
6. CONTINUOUS SERVICE means the employment by the Town without break or interruption. Leaves of absence with pay and approved leaves without pay of 12 weeks or less shall not interrupt continuous service nor be deducted therefrom. Military service does not constitute a break in service. All absences without approved leave in excess of three work days in any calendar month shall be deducted from and shall interrupt continuity of service.
7. DEMOTION means the change of an employee from a position in one class to a position in another class having a lower maximum salary rate.
8. DISMISSAL means the complete separation of an employee from Town service by failure of the employee to successfully complete his/her probationary period, or separation of a regular employee after she/he is given written notice.
9. ELIGIBLE means a person whose name is on an active employment list.

10. EMPLOYEE means a full-time, regular employee who has completed a probationary period.
11. EXEMPT EMPLOYEE means any employee who is not subject to minimum wage and overtime requirements as provided by Connecticut law, the Fair Labor Standards Act and related regulations.
12. FULL-TIME POSITION means a position requiring the observance of normal working hours, as stipulated in Section 6.1.a and 6.1.b, on a year-round basis.
13. LAYOFF means separation of an employee from the service of the Town due to lack of work or funds or elimination of the position held by the employee due to reorganization, a change in duties or other reasons related to the Town's operations.
14. INTERIM EMPLOYEE means a temporary employee whose appointment exceeds three months; this term will normally be used to characterize employees hired to fill grant funded positions.
15. MERIT means a system by which the Town seeks to treat employees and candidates for employment on the basis of their competence to perform the work which the Town considers to be in its best interest to require.
16. NON-EXEMPT EMPLOYEE means any employee subject to minimum wage and overtime requirements as provided by Connecticut law, the Fair Labor Standards Act and related regulations.
17. NON-REGULAR EMPLOYEE means an employee who is a seasonal or temporary employee.
18. OPEN COMPETITIVE TEST means a test open to all qualified persons including permanent Town employees.
19. PART-TIME POSITION means a position involving sub-normal working hours, such as a few hours a day or days a week on a regular recurring basis and paid on a proportional basis at one of the weekly rates established for full-time employment.
20. PERMANENT POSITION means a regularly established position in the classified service in which the duties are of such a nature that it can be reasonably assumed that the position will continue indefinitely.
21. PERSONNEL APPEALS BOARD means a three-member committee that seeks to assure the employment system of the Town is fair and equitable for both the Town and its employees.

22. POSITION means a related group of duties within an organization unit assigned to an employee.
23. PROBATIONARY PERIOD means a working test period during which an employee's fitness to perform the duties of the appointed class of position is demonstrated through the actual performance of those duties.
24. PROMOTION means advancing an employee from a position in one class to a position in another class having a higher maximum salary range.
25. PROMOTION TEST means a test to determine which employees in a particular class merit advancement to a higher class, admission to the test being limited to regular employees in the classified service who possess the required qualifications.
26. PUBLIC HEARING means a hearing after public notice at which any person may have a reasonable opportunity to be heard.
27. RECLASSIFICATION means a transfer of an employee from one class to another.
28. REGULAR EMPLOYEE means an employee other than a seasonal or temporary employee who has been regularly and legally appointed to a position in the classified service after satisfactorily completing a working test period (probation) in accordance with these Rules.
29. SEASONAL POSITION means a position requiring the observance of scheduled full or part-time working hours but which is filled only during certain months or seasons of the year.
30. SUSPENSION means the temporary separation of an employee from the service for disciplinary reasons and for a definite period specified in writing.
31. TEMPORARY EMPLOYEE means any employee appointed to a temporary position or temporarily appointed to fill a regular position.
32. TEMPORARY POSITION means a regularly established position in the classified service created for a designated period of time not to exceed one year.
33. TEST means any procedure upon which an employment decision is based.
34. TRANSFER means a change of an employee from one position to another position, whether in the same department or another department, in the same class or another class having the same minimum and maximum

salary limits, involving the performance of similar duties, and requiring substantially the same basic qualifications.

Chapter 1

GENERAL MERIT AND ANTI-DISCRIMINATION POLICIES

- 1.1 Personnel Policy. It is hereby the declared personnel policy of the Town of Mansfield that:

Employment in the Town government shall be based on merit, and free of personal or political considerations;

Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the Town government;

Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis;

Appointments, promotions and other actions requiring the application of merit principles shall be based on systematic tests and evaluations;

Every consideration shall be given to the rights and interests of employees consistent with the best interests of the public and the Town;

Every employee is expected to comply with the spirit and intent of this merit system.

- 1.2 Equal Opportunity Employer. The Town of Mansfield is an equal opportunity employer. Except in the case of a bona fide occupational qualification or need, the Town does not discriminate in hiring or other personnel actions on the basis of any legally-protected class basis, including race, color, religious creed, age, sex, sexual orientation, marital status, national origin, ancestry, veteran status, present or past history of mental disability, mental retardation, learning disability or physical disability, including, but not limited to, blindness.

Chapter 2

PURPOSE AND SCOPE

- 2.1 Purpose of Rules. It is the purpose of these rules to give effect to the Town Charter which states that:
- " Consistent with all applicable federal and state laws, the Town Council shall provide by ordinance for the establishment, regulation, and maintenance of personnel policies necessary for effective administration of the Town's departments, offices and agencies, including but not limited to classification and pay plans, merit systems, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations, including collective bargaining units. " (Section c602)
- 2.2 Scope. The classified service shall include appointees to all positions now or hereafter created except the following:
- a. Elected officials and persons appointed to fill vacancies in elective offices
 - b. Members of boards and commissions
 - c. The town manager, town attorney, and other officers appointed by the Council
 - d. Employees of the Board of Education
 - e. Persons employed in a professional capacity to make or conduct a temporary or special inquiry, study or investigation
 - f. Temporary and seasonal employees as defined in Section 7.4
 - g. Persons employed on a contractual basis
 - h. Students participating in work study programs
 - i. Persons employed by non-profit entities and government agencies other than the Town
 - j. Volunteer personnel
- 2.3 Application. Provisions of these personnel rules may be specifically included in and are subject to labor contracts negotiated with Town

employees' bargaining units constituted under Section 7-467 to 7-477 inclusive of the General Statutes of Connecticut.

- 2.4 Omission. Provisions relating to the employment and tenure of employees to whom these Rules are applicable which are not specifically addressed by these Rules shall be determined by the town manager.

Chapter 3

ADMINISTRATION

- 3.1 Administration of Merit System. The merit system shall be administered by the town manager acting as the personnel director.
- 3.2 Technical Personnel Services. The town manager may contract with any qualified person or agency for the performance of such technical services as may be needed in the establishment and operation of the personnel program.
- 3.3 Delegation of Authority. As stated in Section C503 of the Town Charter: "The manager may designate one of his appointees to serve as acting manager during the manager's absence."
- 3.4 Delegation of Authority to Department Heads. The town manager may delegate to department heads or his or her designee the authority to take personnel actions in their departments in accordance with these rules.
- 3.5 Departmental Regulations. Subject to the approval of the town manager, a department head may develop regulations for the operation of his/her unit.
- 3.6 Amendments to the Personnel Rules. Any amendments to these Rules shall become effective upon approval by the Town Council and filing by the town manager with the town clerk. Copies of any amendments shall be distributed to all members of the classified service.

Chapter 4

CLASSIFICATION PLAN

- 4.1 Classification of Positions. All positions in the classified service shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skills, and personal qualities are applicable thereto.
- 4.2 Class Specifications. Written job descriptions shall be prepared for each class. Each job description shall include a class title, a description of the duties and responsibilities of the class, and the minimum qualifications required of applicants seeking appointment. Class specifications shall be descriptive and explanatory and shall not be restrictive.
- 4.3 Classification Plan. The Classification Plan is available in the office of the town manager and is hereby incorporated by reference along with any amendments thereto which may be recommended from time to time by the manager and adopted by the Town Council.
- 4.4 Reclassification of Positions. Whenever the duties and responsibilities of an existing position are so changed that the position in effect becomes one of a different class from that to which it is allocated, the town manager, on his/her own initiative or at the request of a department head, shall study the position and recommend re-allocation to the appropriate class. A reclassified position is not a new position and does not constitute the filling of an open position, and therefore is not subject to the positing requirements set forth in Section 7.1.
- 4.5 Employee Request for Reclassification. Any regular non-union employee may make a written request for a review of the classification of his/her position at any time, provided no such review had been made in the previous twelve months. The reclassification request shall be handled according to the following procedure.
 - a. The request shall be made through the department head. The department head shall forward the request to the Town Manager.
 - b. Upon completing his/her investigation, the Town Manager may reclassify the position effective on the date of his/her decision or may order removal of the duties.
 - c. If the employee's request and information from the department disclose that the employee is performing such duties as to require the

creation of a new job classification, the Town Manager may develop a job description and assign a pay range for the new position or may order removal of the duties.

- 4.6 Status of Employees Upon Reclassification. Upon the reclassification of a position from one class to another class of the same, a lower level or a higher level, the method of filling the position shall be determined in accordance with the appropriate rules regarding transfers, demotions or promotions. An employee occupying a reclassified position at the same grade level shall continue in the position if the change is in class title only; or, if the change is in recognition of the gradual change in duties and the employee has been satisfactory or better in performance of the duties of the position. The town manager may, before recognizing an employee's right to retain a position reclassified to a higher level, require evidence of the qualifications and fitness of the incumbent including hearings, investigations and/or non-competitive examination.
- 4.7 When an employee is reclassified to a class with a higher base maximum rate, the town manager shall have the discretion to set the beginning pay rate at any rate equal to or higher than the lowest step in the higher range that will provide an increase of approximately 510% over the rate received prior to reclassification, provided the new range will permit such an increase. If the pay range for the class does not allow for a 510% increase, the increase shall be the highest rate available in the pay range for that class. When an employee is reclassified to a class with a lower base maximum rate, the beginning rate shall be at the step in the lower range that is closest to the rate received prior to reclassification, provided the new range will permit such an increase.

Chapter 5

PAY PLAN

- 5.1 Guidelines for Establishing Salaries. In order to assure the recruitment and retention of personnel necessary to maintain a continued high level of public service, it is the policy of the Town that the level of compensation of municipal employees should compare equitably with prevailing rates among the Town's workforce and in the relevant labor market. In carrying out this policy, consideration shall be given the various positions, rates paid for comparable services in public and private employment, experience in recruiting for such positions and availability of funds. Any annual changes made by the Town Council to compensation terms are hereby incorporated into these Rules, and any Rules that are contrary to such changes are null and void to the extent they conflict only.
- 5.2 Preparation of the Plan. The town manager shall prepare a uniform and equitable pay plan which shall consist of minimum and maximum rate of pay for each class and such intermediate rates considered necessary or equitable. The pay plan shall be submitted to the Town Council for action. The salary ranges for positions in the classified service shall consist of those listed in the approved annual budget and collective bargaining agreements, as amended from time to time.
- 5.3 Pay Surveys. The town manager shall make comparative studies of factors affecting the level of salary ranges when deemed appropriate. On the basis of the information derived from the studies, requests for adjustments in salary ranges shall be initiated by the town manager and submitted to the Town Council for action.
- 5.4 Pay Increases by Merit. An employee may receive an annual salary increase for meritorious service consistent with the approved pay plan. Increments are not to be considered automatic or based on length of service alone. Such increase shall be given upon the recommendation of the employee's department head.
- 5.5 Entrance Salary Rates.
 - a. Starting Rate on Initial Employment. The entrance pay rate of a class shall normally be offered for recruitment purposes and shall normally be paid upon appointment to the class. The town manager may approve initial compensation at a rate higher than the minimum in the pay range for the class when the needs of the service make such action necessary, provided that:

- (1) The qualifications of the applicant are outstanding in relation to those of competing applicants; the qualifications of the applicant are substantially in excess of the requirements of the class; and the applicant cannot be hired at the minimum rate; and/or,
 - (2) There is a shortage of qualified applicants available at the minimum rate of the range; and/or,
 - (3) The competitive realities of the job market make such a rate appropriate.
- b. Starting Rate on Return from Military Service. Any regular employee who leaves the Town service to enter the armed forces shall be reinstated in accordance with Section 7-462 of the Connecticut General Statutes as amended.
- c. Rate of Pay on Transfer, Reclassification or Demotion. When a regular employee is transferred or reclassified from a position in one class to a position in another class at the same grade, he/she shall continue to be paid at the same rate.

When a regular employee is demoted to a lower grade, the salary shall be set at:

- (1) The rate in the lower grade which provides the smallest decrease in pay, if the action is not for cause; or,
 - (2) If the action is for cause, the appropriate rate in the lower grade that is less than the employee's existing salary as determined by the town manager.
- d. Rate of Pay on Promotion. When an employee is promoted to a class with a higher base maximum rate, the beginning rate shall be at the lowest step in the higher range that will provide an increase of approximately 10% over the rate received prior to promotion, provided the new range will permit such an increase. If the pay range for the class does not allow for a 10% increase, the increase shall be the highest rate available in the pay range for that class.
- e. Rate of Pay on Reclassification. Refer to Section 4.7.

5.6 Salary Advancement Within Range

- a. Completion of Probation. Upon satisfactory completion of probation following initial appointment or promotion, the salary of a regular employee may be advanced a half-step.

- b. Advancement in the Base Range. At the completion of the first 52 weeks of service, the employee may, on recommendation of the department head and approval of the town manager, be advanced another half-step to the next higher rate above the hiring rate in the appropriate salary range provided performance has been satisfactory. Subsequent advancement within the range shall be dependent upon the recommendation of the department head concerned and approval of the town manager as follows:
 - (1) An employee whose performance is considered to be satisfactory may receive one step each 52 weeks until the base maximum is reached.
 - (2) An employee whose performance is considered to be outstanding may receive one additional step each 52 weeks until the base maximum is reached. No employee shall be granted more than two step increases in any one year.

5.7 Longevity Advancement for Non-Union Employees.

- a. Amount. Longevity pay is provided in the pay plan to give financial recognition for long and faithful services to the Town. The Town Council shall periodically adopt a longevity payment schedule, at the recommendation of the town manager.
- b. Payment. Longevity pay shall be earned on the Sunday following the employee's full-time anniversary hiring date during the fiscal year and will be paid in the second payroll of November of that fiscal year.
- c. Eligibility. Longevity is to be determined on the basis of total years of continuous full-time service in Town employment. Prior years of full-time service which have been interrupted for just and reasonable cause may be added to years of continuous full-time service by the town manager.

5.8 Full-Time Basis of Salary Schedule. Salary rates are based on full-time employment at normal working hours for each group specified in Chapter 4. Hourly rates are computed by dividing the annual salary by the standard annual scheduled hours of work, based upon a 52.2 week work year. Part-time employees in any of the groups will be compensated on a proportional basis for actual hours worked.

5.9 Implementation of Pay Adjustments. Pay changes resulting from completion of probation, merit, promotion, demotion, cost-of-living or

related salary adjustments shall be made as of the effective date of the change.

- 5.10 Compensation for Work in a Higher Classification. When assigned to work in an acting capacity in a higher classification for more than ten days, an employee shall be considered for additional compensation to be determined by the department head and town manager.
- 5.11 Department Heads in an Acting Capacity. When a department head is assigned to perform the duties and assume the responsibilities of another department head for a period of more than sixty (60) days, he/she shall be considered for additional compensation to be determined by the town manager.

CHAPTER 6

HOURS OF WORK AND OVERTIME

6.1 Hours of Work.

- a. Normal Work Week. The normal work week for full-time regular employees shall be:
 - (1) As determined by the applicable collective bargaining agreement for union employees.
 - (2) An annual average total of 42 hours per week for uniformed employees of the Department of Public Safety.
 - (3) A total of 40 hours per week for the Facilities Management Director, the Superintendent of Public Works, and information technology staff.
 - (4) A total of 35 hours per week for non-union regular employees.
- b. Normal Work Day. The normal work day is as determined by the employee's Department Head, with approval from the Town Manager.
- c. Meal Periods. The town manager may authorize the inclusion of meal periods as time actually worked for shift-type positions.
- d. Rest Periods. The town manager may authorize the inclusion of a ten-minute rest period during each half of the daily schedule as time actually worked. The department head will schedule specific times for rest periods and may combine both into one twenty-minute period.

6.2 Overtime.

- a. Overtime Administration. In emergencies, the town manager may prescribe reasonable periods of overtime work to meet operational needs. Complete records of overtime of non-exempt employees shall be maintained by the Finance Department.
- b. Authorization. Non-exempt employees shall not work overtime except when properly authorized as prescribed by the Department Head or his or her designee.

- c. Positions Exempt from Overtime. Because bona fide executive, professional and administrative personnel have an obligation that goes beyond fixed work schedules, these employees shall not be paid for overtime work except under exceptional circumstances and with prior written approval of the town manager.

Exempt personnel will accrue compensatory time after working 40 hours in any week.

Exemption from overtime eligibility is determined in accordance with applicable state and federal statutes and regulations.

- d. Overtime Payment. When an employee has received proper authorization to work hours in excess of their regular work week as prescribed in 6.2a and 6.2b the following overtime rates apply:

- (1) 35 hour/week employees. For full-time non-exempt employees regularly scheduled to work thirty five (35) hours per week, they shall receive their regular hourly rate for up to forty (40) hours per week and one and one half times their regular hourly rate for all hours worked over forty (40) hours per week.

- (2) 40 hour/week employees. For full-time non-exempt employees regularly scheduled to work forty (40) hours per week, they shall be compensated at one and one half times their regular hourly rate for all hours worked over forty (40) hours per week.

- (3) 42 hour/week employees. For full-time non-exempt Department of Public Safety employees regularly scheduled to work forty two (42) hours per week, they shall be compensated at one and one half times their regular hourly rate for all hours worked over forty two (42) hours per week.

Vacations, holidays and paid sick leave will not be considered as work days for the purpose of computing overtime.

- e. Compensatory Leave in Lieu of Overtime Payment.

- (1) Non-Exempt. A regular non-exempt full-time employee may request compensatory leave equivalent to the amount of overtime worked in lieu of payment. Compensatory leave shall be scheduled at a time mutually agreeable to the employee and the department head.

Compensatory leave balances cannot be carried over from fiscal year to fiscal year for non-exempt employees.

Compensatory leave earned and not taken within the fiscal year it was earned shall be paid at the rate in which it was earned in the last pay period of the fiscal year.

Upon termination for any reason, a non-exempt employee will be paid for unused compensatory time.

- (2) Exempt. Exempt personnel will accrue compensatory time after working 40 hours in any one week. Compensatory time will not be accrued by employees while on administrative leave for training purposes pursuant to Chapter 10.12.a.(1) of these rules unless training occurs on a weekend or a paid holiday.

Earned compensatory time can only be taken with the approval of the employee's supervisor. Compensatory leave balances in excess of one hundred and five (105) hours for 35 hour/week employees and one hundred and twenty (120) hours for 40 hour/week employees on May 1, 2012 shall be forfeited unless carryover is approved by the Town Manager. Compensatory leave balances in excess of seventy hours (70) hours for 35 hour/week employees and eighty (80) hours for 40 hour/week employees on May 1, 2013 shall be forfeited unless carryover is approved by the Town Manager. Compensatory leave balances in excess of thirty five (35) hours for 35 hour/week employees and forty (40) hours for 40 hour/week employees on May 1, 2014 and beyond shall be forfeited annually on May 1st unless carryover is approved by the Town Manager. A list of the employees whose positions are exempt is available in the town manager's office.

- 6.3 Call-Back Time. When a full-time employee in a non-exempt position is officially ordered to report back to work for emergency service after departing from his/her regularly scheduled shift, the employee shall be compensated for all hours worked at the rates set forth in Section 6.2.d or two (2) hours pay at his/her regular rate, whichever is greater.
- 6.4 New Classes. When any new class is created and/or when the salary level of any existing class is changed, the overtime provisions of this section shall be applied in an equitable manner according to the classification group which includes the class.

Chapter 7

RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES

7.1 Recruitment of Employees.

- a. **Recruitment Policy.** Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Recruitment shall occur in accordance with the Town's equal employment opportunity policy.
- b. **Announcement.** The town manager shall post vacancies for all positions in the classified service by using means of publicizing the announcement as are, in his or her judgment, best suited for informing and attracting qualified individuals. Postings may be made solely internally, or a combination of internally and externally, as deemed appropriate by the Town Manager.
- c. **Recruitment and Moving Expenses.** It is recognized that various staff, professional and supervisory positions may require recruitment from outside the area to obtain well-qualified applicants. Accordingly, in recruiting for and filling positions of this type, the town manager may authorize payment of expenses for an applicant's trip for a personal interview or reporting to duty upon appointment to Town service. Reimbursable expenses may include an allowance for transportation, meals and lodging.

7.2 Selection of Employees.

- a. **Application Forms.** Applications for employment shall be accepted only for posted vacancies. Each candidate for municipal employment shall complete the official employment application. Resumes, transcripts, certifications and other materials may be required as is deemed necessary in order to judge the applicant's fitness for service with the Town. Applications shall not be returned to the applicant, but will remain on file for at least two years, after which they may be destroyed once approval has been received from the State Records Administrator.
- b. **Background Investigations.** Prior to certification of employment, the town manager may investigate the candidate's educational record, previous work history, personal record, character, and credit and criminal history, and may, after conditional offer of employment and as permitted by law, require a physical examination. In addition,

police officer candidates will require a psychological evaluation with either a psychiatrist or a doctor of clinical psychology.

- c. Rejection of Applications. The town manager may reject any application which indicates that the applicant does not possess the minimum qualifications required for the position or which was not filed by the announced closing date for receiving applications, unless prior to such date an extension had been publicly announced.
- d. Disqualification of Applications. The town manager may remove from further consideration the application of any person who has an unsatisfactory employment or personal record as evidenced by reference or other inquiry; has made false statements of any material fact or practiced deception in his/her application; has been convicted of a felony related to the job sought; or is unable to perform the essential functions of the position to which she/he seeks appointment, with or without reasonable accommodation.
- e. Policy of Non-Discrimination. (See Section 1.2)
- f. Eligibility for Competitive Examinations. Only applicants who meet the minimum qualifications shall be permitted to take the examination for a position in the classified service. The Town may limit the number of applicants accepted for an examination. Advancement within the service shall be through promotional tests which shall be open to all regular employees who meet the necessary requirements and who are serving in an appropriate class as determined by the town manager or under the applicable collective bargaining agreement. Promotional examinations may be limited to a single department.
- g. Competitive Examination. All regular appointments to positions in the classified service of the Town of Mansfield shall be made according to merit and suitability. Examinations shall be constructed to reveal the capacity of the candidate for the particular class for which the applicant is being considered and/or to appraise the applicant's general background and related knowledge. These examinations may include written, oral, practical, physical, psychological or performance tests, or any combination of these, as permitted by law. Education, experience, aptitude, knowledge, character and physical fitness shall be considered with weights assigned to each factor as may be deemed proper by the town manager or examining committee as he/she may appoint.
- h. Evaluation Boards. When an oral examination forms a part or all of the examination for a position, the town manager or his/her designee

shall appoint an evaluation board. This board shall normally consist of three or more members, of whom at least two shall be a person technically familiar with the character of the work in the position for which the applicants will be examined. The board members may be comprised of Town and non-Town employees in any combination. All applicants who qualify for the oral examination shall be rated by the same evaluation board.

- i. Certification and Notice. Applicants shall be certified in order of their competence as demonstrated in the testing procedure. Those applicants having received passing scores throughout the examination process shall be certified to the appointing authority and appointment shall normally be made from the top three persons. In the case where two vacancies exist, the selection shall normally be made from the top six persons on the list. For each additional vacancy, the number of candidates from whom the appointment shall normally be made shall increase by three. For vacancies within the Fire Department, the number of certified candidates may be greater than three per vacancy.

If the top persons are shown to be unsuitable by the appointing authority, a second list will be submitted by the town manager. All applicants invited to participate in the examination process shall be notified of the results of the hiring procedure in writing as soon as possible following the close of the examination period.

- j. Right of Test Review. Candidates who wish to review their test results must submit a request to do so via a Freedom of Information Act request through the Town Clerk's office. Disclosed records may be publicly inspected or received via hardcopy for a fee as determined by the Connecticut General Statutes. Records are maintained for at least two years, after which they will be destroyed once approval has been received from the State Records Administrator.
- k. Re-Examination. A person who has failed to pass an examination shall not be re-examined for the same class within ninety (90) days of the original examination, unless otherwise authorized by permission of the town manager.
- l. Certification List to Remain Active. Rosters of eligible applicants shall remain in effect for one year unless the roster is exhausted sooner. For Fire Department vacancies certified lists may be extended and remain active for up to one additional year upon the recommendation of the Fire Chief and approval of the Town Manager. During the time when such roster is in effect, vacancies

occurring in applicable positions in the classified service may be filled from among applicants on the roster. Upon the recommendation of the appointing authority and approval of the Town Manager, certified lists with less than three qualified applicants may be inactivated prior to the expiration date of the list.

- 7.3 Medical Examination. For certain job categories and as permitted by law, each entering employee will be required to take a medical examination after the employee receives a conditional offer of employment and prior to the commencement of employment to determine the individual's fitness for duty. The Town may condition an offer of employment on the results of such an examination. Likewise, for certain job categories, employees will be required to take periodic medical examinations which are job-related and consistent with business necessity to determine the employees' ongoing fitness for duty.

The Town will treat the results of all medical examinations as confidential and will maintain all documents resulting from such medical examinations in separate medical files. The Town will pay the cost of all medical examinations which are required by the Town and will arrange to have such examinations performed by physicians chosen by the Town.

7.4 Appointment of Employees.

- a. Method of Filling Vacancies. All vacancies shall be filled by regular appointment, temporary appointment, part-time, or seasonal appointment. Appointment to a vacancy in the classified service shall be by the appointing authority from the qualified candidates as certified by the town manager.
- b. Regular Appointment. A regular appointment indicates that the employee is to work for the Town on a continuing basis. A regular appointment will be made from an employment list in the following order: re-employment layoff, re-employment termination as defined in Section 8.5 paragraph two, transfer, promotion list, and open competition.

Every regular employee shall serve a probationary period after the original or promotional appointment, in accordance with the provisions of Chapter 8 of these rules. The status of the employee shall be probationary until his/her department head notifies the town manager in writing that the employee's services are satisfactory and recommends that the probationary period be ended.

- c. Temporary Appointment. A temporary appointment indicates that the employee is to work for the Town for a period of not more than one

year. When an employee has service of twelve (12) consecutive months in a temporary appointment, a personnel action form shall be submitted changing the status to regular or separating the employee from service.

- (1) When the appointment of an employee is changed from temporary to regular, crediting of vacation leave and sick leave becomes retroactive to the date of the original appointment provided there has been no break in service.
 - (2) Temporary employees may be separated at any time within the one-year appointment when their services are no longer required. The separation is not subject to Chapter 11 of the Personnel Rules or any bargaining agreement.
- d. Part-Time Positions. Employees appointed to part-time positions may receive regular or temporary appointments, as appropriate.
 - e. Seasonal Positions. A seasonal position may be full or part-time and is filled only during certain months or seasons of the year. This position is not eligible for fringe benefits nor shall it extend for a period in excess of 180 calendar days.

Chapter 8

PROBATIONARY PERIOD

- 8.1 Purpose of Probationary Period. The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized by supervisors, department heads, and the town manager to closely observe the employee's work as well as to secure the most effective adjustment of each new employee to his/her position and to reject any employee whose performance does not meet the required work standards.
- 8.2 Duration. Every person appointed to a regular position or promoted to a higher or new classification shall be required to successfully complete a probationary period which shall be of sufficient length to enable the department head or town manager to observe the employee's ability to perform the principal duties pertaining to the position. The probationary period shall begin immediately upon appointment or promotion and shall continue for not less than six months nor more than twelve months.
- 8.3 Evaluation of Performance. At the end of the third month of employment during the probationary period and at intervals of three months thereafter for the duration of the probationary period, an evaluation report shall be prepared by the supervisor, reviewed by the department head and forwarded to the town manager. Such reports shall give an accurate and fair appraisal of the employee's work, the person's willingness and ability to perform the duties of the position satisfactorily, as well as observations concerning work habits and dependability. Evaluation of department heads will be conducted by the town manager on the same basis.
- 8.4 Successful Completion of Probationary Period. If after a minimum of six months has been completed, the supervisor, department head or town manager determines that the employee's performance is satisfactory, the probationary period may be determined to be ended. Such action shall be in writing to the employee with a copy to the town manager. Similar notification will be given to department heads by the town manager concerning the completion of their probation. Written notification must be given to the town manager prior to the completion of twelve (12) months service, as stated in Section 8.2. When the probation period has been successfully completed, the employee shall be deemed a permanent regular employee of the Town.
- 8.5 Termination. At any time during the probationary period, the department head or town manager may terminate an employee if the employee is unable or unwilling to perform the duties of the position satisfactorily or

that the individual's habits and dependability do not merit continuance in the position. Such action shall be in writing to the employee with a copy to the town manager. Termination of department heads by the town manager shall be affected on the same basis.

An employee appointed through promotion who does not successfully complete the probationary period shall be reinstated in a position in the class occupied by the employee immediately prior to promotion if the position is still available. If such position is not available, the individual shall be terminated and his/her name placed on a reappointment list.

Any termination made during the probationary period shall not be subject to appeal.

8.6 Benefits During Probationary Period. Probationary employees shall accrue the same benefits as regular employees with the following exceptions:

- a. Vacation and personal days may not be utilized until probation has been successfully completed.
- b. Promotional opportunities shall not be available to probationary employees.
- c. Insurance coverage shall normally take effect on the first day of the calendar month following the date of hire.

Chapter 9

PROMOTION, TRANSFERS, DEMOTIONS AND RE-EMPLOYMENT

- 9.1 Promotion Policy. The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible and difficult positions. When the town manager determines that an insufficient number of well-qualified employees is available from within the classified service, outside applicants may be considered in order to provide an adequate number of candidates for consideration.
- 9.2 Transfer Policy. A voluntary or an involuntary transfer of an employee from one position to another without change in grade may be affected when one or more of the following criteria are met:
- a. The employee meets the qualification requirements.
 - b. The transfer is in the best interest of the Town in the consideration of the town manager.
 - c. Further training and development of an employee in another position would be beneficial to the future staffing potential of the Town.
 - d. The transfer meets a personal need of the employee and is consistent with "a" and "b" above.
- 9.3 Demotion Policy. An employee may be demoted to a position of a lower grade for which he/she is qualified for any of the following reasons:
- a. When an employee would otherwise be laid off because his/her position is being abolished or reclassified to a lower grade; when there is a lack of work or lack of funds; or because of the return to work from authorized leave of another employee to such position in accordance with these rules.
 - b. When an employee does not possess the necessary qualifications to render satisfactory service in the position held.
 - c. When an employee voluntarily requests such demotion.
 - d. In discipline, consistent with Chapter 11.4.d.

Chapter 10

LEAVE

10.1 General Policy. Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with these rules on the basis of the work requirements of the departments and, whenever possible, the personal wishes of the employee.

10.2 Types. The following types of leave are officially established:

- Holiday Leave
- Vacation Leave
- Sick Leave
- Worker's Compensation Leave
- Disability Leave
- Compensatory Leave
- Bereavement Leave
- Family/Medical Leave
- Other Leave with Pay
- Leave without Pay
- Military leave
- Family Violence Victim Leave

10.3 Eligibility.

- a. Regular Employees. All full time employees are eligible to earn paid holiday, vacation, sick, personal, and bereavement leave. Part time employees working twenty (20) or more hours per week but less than thirty-five (35) hours per week are eligible to earn paid holiday, vacation, sick, personal, and bereavement leave on a prorated basis based upon their FTE status. Other forms of leave specified in this Chapter may be granted in accordance with the parameters established in this Chapter and applicable law. All regular employees who work less than twenty (20) hours per week may be granted leave without pay in accordance with the parameters established in this Chapter.
- b. Interim Employees. All interim employees who regularly work thirty-five (35) or more hours per week, except for those employed by the Parks and Recreation Department, shall be eligible to be paid for holidays defined in 10.5 and earn sick leave as defined in 10.7.

10.4 Procedure for Requesting Leave. Unless otherwise provided by statute or regulation, Employees must submit a leave request form to their immediate supervisor prior to taking leave (except for holiday leave and workers compensation leave) indicating the kind of leave, duration, and dates of departure and return; requests must be approved by the employee's immediate supervisor or other appropriate authority as designated in this Chapter prior to taking leave. In the case of sick or

bereavement leave, the leave forms shall be completed and submitted for approval immediately upon the employee's return to duty. Unless an absence is substantiated by an approved leave request form, an employee shall not be paid for any absence from scheduled work hours. Employees taking an unapproved leave of absence shall be subjected to the discipline process defined in Chapter 11.

10.5 Holiday Leave. The following holidays for eligible regular and interim employees in full time positions shall be granted with pay:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving
- Day After Thanksgiving
- Christmas Day
- Floating Holiday

Regular and interim employees in part time positions working twenty (20) or more hours per week but less than thirty-five (35) hours per week shall be paid holiday leave for these holidays on a prorated basis based upon their FTE status.

When a holiday falls on a Saturday, it shall be observed on the preceding Friday; when a holiday falls on a Sunday, the following Monday shall be observed.

Eligible regular and interim employees required to work on the designated holidays shall be granted compensatory leave for actual hours worked on the holiday.

In order to receive pay for an observed holiday, an employee must be in a work or paid leave status on both the scheduled workdays immediately preceding and following the holiday.

10.6 Vacation Leave.

- a. Eligibility. Eligible regular and interim employees whose normal work week is twenty (20) hours or more and who have completed six months employment are eligible to accrue vacation leave.
- b. Accrual of Vacation Leave. Vacation leave shall be accrued on a monthly basis as defined in the table below. Vacation leave earned in any month of service may be used in any subsequent month. Regular and interim employees working twenty (20) or more hours per week but less than thirty-five (35) hours per week shall accrue

leave on a prorated basis based upon their FTE status.

<u>Length of Continuous Service</u>	<u>Vacation Leave Accrual</u>	<u>Maximum Accrual on Nov. 1st</u>
Six months 35 hr work week employees 40 hr work week employees	5.84 hrs/month ≈ 5 days 6.67 hrs/month ≈ 5 days	35 hours ≈ 5 days 40 hours ≈ 5 days
1 year up to but not including 5 years 35 hr work week employees 40 hr work week employees	5.84 hrs/month ≈ 10 days/yr 6.67 hrs/month ≈ 10 days/yr	140 hours ≈ 20 days 160 hours ≈ 20 days
5 years up to but not including 10 years ¹ 35 hr work week employees 40 hr work week employees	8.75 hrs/month ≈ 15 days/yr 10 hrs/month ≈ 15 days/yr	175 hours ≈ 25 days 200 hours ≈ 25 days
10 years up to but not including 25 years 35 hr work week employees 40 hr work week employees	11.67 hrs/month ≈ 20 days/yr 13.34 hrs/month ≈ 20 days/yr	210 hours ≈ 30 days 240 hours ≈ 30 days
25 years and over 35 hr work week employees 40 hr work week employees	14.59 hrs/month ≈ 25 days/yr 16.67 hrs/month ≈ 25 days/yr	245 hours ≈ 35 days 280 hours ≈ 35 days

- (1) Benefits for Department Heads. Department heads with less than ten years service shall receive vacation time accrued at the rate of 8.75 hours per month for thirty-five (35) hour/week employees and 10 hours per month for forty (40) hour/week employees.
- (2) Absences of 90 Calendar Days or Less. Employees with approved leaves of absence of ninety (90) calendar days or less shall continue to accrue vacation leave as defined in 10.6b.

¹ Also includes department heads as noted in 10.5b(1).

- (3) Absences in Excess of 90 Calendar Days. Employees with approved leaves of absence in excess of ninety (90) calendar days shall cease to accrue vacation leave until they return to duty.
 - (4) Re-hired Employees. Individuals whom were employed in regular benefits eligible positions and separate from Town service, but are later rehired, shall be considered to have a break in service. As a result, these employees shall be considered new employees for the purposes of calculating vacation accruals.
 - (5) Transfers. An employee who is transferred between departments shall retain all accrued vacation leave.
- c. Maximum Accumulation of Vacation Leave. A regular employee may accumulate from year to year a maximum of ten (10) earned vacation days in addition to his/her yearly earned vacation leave as defined in the table in 10.6b. Any employee with a balance of vacation leave in excess of the maximum accrual amount on November 1st of each year shall forfeit said excess accrual amount. Employees seeking to make a vacation carryover request must do so in writing, have the request signed by their department head and then forward the request to the town manager no later than October 15th for review and consideration. Vacation carryovers will only be granted for extenuating circumstances that prevented an employee from being able to use their leave during the past year.
 - d. Request for Vacation. To apply for vacation leave, employees shall submit a leave request form to their immediate supervisor. In order to assure the orderly performance and continuity of those municipal services provided by the employees and their respective departments, each employee wishing to schedule a vacation should request such leave as far in advance as reasonably possible, but usually at least one (1) week in advance of the requested vacation period. In order to assure that vacations may be scheduled when wanted, employees should make their requests as far in advance as possible.
 - e. Advanced Vacation. Eligible regular employees may take vacation leave beyond the amount earned only in the most unusual cases. Employees seeking to make an advanced vacation request must do so in writing, have the request signed by their department head and then forward the request to the town manager for review and consideration. No advanced vacation shall be approved without a written agreement signed by the employee insuring reimbursement to

the Town if termination occurs before earning the vacation leave taken.

- f. **Holiday Celebrated During Vacation Leave.** When an observed holiday as established in 10.5 occurs during an employee's vacation leave, said holiday shall not be considered part of the vacation leave.
- g. **Sickness While on Vacation.** An employee who becomes ill while on vacation leave may not charge such illness to sick leave unless the illness exceeds three vacation days and the employee files a physician's certificate describing the nature and duration of the illness with Human Resources.
- h. **Vacation Leave Payouts.**
 - (1) **Separation from Service.** Employees who separate from Town service in good standing shall receive payment for their accrued vacation leave balance; separating employees shall not be paid for any vacation leave balance in excess of the maximum accrual defined in 10.6b. Vacation leave payouts shall be subject to applicable taxes and deductions.
 - (2) **Other.** No additional salary shall be paid an employee in lieu of vacation except in the most unusual cases. Employees seeking to make a vacation leave payment request must do so in writing, have the request signed by their department head and then forward the request to the town manager for review and consideration.

10.7 Sick Leave.

- a. **Eligibility.** Regular and interim employees whose normal workweek is twenty (20) hours or more shall be eligible to earn sick leave.
- b. **Accrual.** Sick leave shall be accrued annually, on July 1st of each year as defined in the table below:

<u>Work Week</u>	<u>Sick Leave Accrual on July 1st</u>	<u>Maximum Accrual on July 1st</u>
35 hr work week employees	105 hours ≈ 15 days	210 hours ≈ 30 days
40 hr work week employees	120 hours ≈ 15 days	240 hours ≈ 30 days

Sick leave earned as of July 1st may be used immediately. Regular employees working twenty (20) or more hours per week but less than thirty-five (35) hours per week shall accrue leave on a prorated basis based upon their FTE status. Eligible new employees starting after

July 1st shall receive pro-rated leave for the remainder of the fiscal year based upon their date of employment with the Town, and shall be eligible for the full benefit the next July 1st.

- c. **Maximum Accumulation of Sick Leave.** A regular employee may accumulate from year to year a maximum of thirty (30) earned sick leave days as defined in the table in 10.7b. Any employee with a balance of sick leave in excess of the maximum accrual amount on July 1st of each year shall forfeit said excess accrual amount. Further, no employee and/or his/her estate is entitled to receive payment for accrued sick leave upon separation from service for any reason, including but not limited to termination, retirement and death.

- d. **Use of Sick Leave.** Sick leave may be authorized by an employee's immediate supervisor or appropriate authority for the following purposes:
 - (1) Personal illness or disability leave approved by the Town's insurance carrier. For Family Medical Leave Act (FMLA) absences please reference 10.12.
 - (2) Enforced quarantine in accordance with public health regulations.
 - (3) To meet medical and dental appointments when an employee has made reasonable effort to secure appointments outside of normal working hours and provided, except in extenuating circumstances, the immediate supervisor is notified at least one day in advance of the absence.
 - (4) Illness or incapacity in the employee's immediate family, requiring his/her personal attention and resulting from causes beyond his/her control, up to a maximum of three days per year. For Family Medical Leave Act (FMLA) absences please reference 10.12.

- e. **Report of Illness.** Illness shall be reported to the employee's supervisor no later than two hours after the beginning of the scheduled work assignment, except in cases where a relief employee is required such report must be made at least one hour prior to the beginning of the scheduled work assignment unless the illness is an emergency. In the event that the illness is an emergency, the employee shall notify his or her supervisor of their absence as soon as practicable. Nothing in this section shall preclude the payment of sick leave to an employee who cannot comply with provisions of this section due to extenuating circumstances.

- f. Proof of Illness. Proof of illness may be required for authorized sick leave. Proof of illness may include a doctor's certificate or other documentation from the employee's physician indicating the nature and duration of the illness. Proof of illness will not ordinarily be needed for absences of less than three days. For absences of three days or more, such proof will normally be required. The Town may investigate any absence for which sick leave is requested.
- g. Extended Sick Leave. Any regular employee may request an extended sick leave when their FMLA leave has expired, including when an employee qualifies for long term disability leave as defined in 16.6. Employees seeking to make an extended sick leave request must do so in writing, have the request reviewed by their department head, and then forward the request to the town manager for review and consideration. Extended leaves of absence may be approved at the discretion of the town manager and granted for up to 180 calendar days. An additional 90 calendar day extension may be granted by the town manager in the most extenuating circumstances. Employees seeking an additional 90 calendar day extension must submit their request in writing during the first approved extended leave of absence.

While an employee is on an approved extended leave of absence, both the employee and the Town shall remain responsible for paying their respective portions of the costs of group insurance that the employee is otherwise eligible to receive as defined in 16.4a. Employees on an approved extended leave of absence will not be eligible to earn any form of accrued leave during the absence.

- 10.8 Workers Compensation Leave. Workers Compensation leave is granted to an employee due to absence from duty caused by an accident, injury, or occupational disease that occurred while the employee was engaged in the performance of work-related duties. As part of the Town's workers compensation coverage, the Town is a member of a preferred provider network for health care services as they relate to workers compensation injuries. The Town will also utilize the services of a managed care program provided by the workers compensation insurance carrier.
 - a. Proof of Injury. Injuries arising out of an accident in the course of employment and while engaged in the performance of one's duties shall be reported immediately by the employee to his/her supervisor who shall make a full report to the Town's workers compensation insurance carrier. In the event that emergency medical treatment is needed, the employee may seek treatment at a hospital or by calling 911. If non-emergency medical treatment is needed, the employee

must seek initial treatment at the Town approved occupational health facility and continued treatment within the preferred provider network as determined by the managed care program. It is the responsibility of the employee to submit initial and continued medical documentation related to their injury or illness to their immediate supervisor as well as to the Town's insurance carrier.

- b. **Payments.** Employees of the Town are covered by workers' compensation insurance for occupational illness or injury sustained on the job for the Town. All payments while on workers compensation leave shall be made subject to the same rules and regulations as workers' compensation insurance and shall not be payable if the accident was due to intoxication, drug use, or willful misconduct on the part of the employee. Lost time during regularly scheduled work hours due to workers compensation leave will be handled in the following manner:

- (1) **Absences of Three (3) or Less Work Days.** In the case of workers compensation injuries causing absences of three or less work days, the Town shall pay the employee's full net base pay for that time, since payments are not made under workers' compensation insurance for such accidents.
- (2) **Absences in Excess of Three (3) Work Days.** For workers compensation absences in excess of three (3) work days and up to and including sixty (60) work days, the Town shall provide for salary continuation of the employee's full net base pay for that time. The employee will not need to use accrued sick leave during this specified period for salary continuation.

For absences in excess of sixty (60) work days the employee may elect to utilize earned sick leave as salary continuation to get as close as possible to the employee's full net base pay for that time.

- (3) **Medical Appointments.** When an employee returns to duty, but needs continued medical care as determined by their treating medical provider in the managed care program, the employee may attend said medical appointments during regularly scheduled work hours with full pay.

- c. **Benefits.** Health insurance will continue as long as the employee is receiving workers compensation, as required by law. The Town shall pay its share of the premium for the employee's health insurance; the employee is responsible for his or her cost share of their health insurance premium. Failure by the employee to pay the employee

share of the cost of health insurance shall result in a disruption of health benefits subject to the rights of the employee to continue such coverage pursuant to COBRA as defined in 16.8.

For workers compensation leave absences of ninety (90) calendar days or less, employees shall continue to accrue all forms of earned leave in which the employee is eligible to accrue. Earned leave will no longer be accrued for absences in excess of ninety (90) calendar days.

- d. Return to Work. An employee who, based on the medical opinion of his/her medical provider in the managed care program, is able to return to work in a modified capacity shall be provided with modified duty work related to their job functions if, in the Town's discretion, such modified duty work is available. Employees must provide medical documentation to the Town demonstrating that they are able to perform the functions of the modified position. Employees will be provided with modified duty work for so long as it is available up to six months. Any employee who is unable to fully resume his/her regular duties following a period of one year from the date of injury or occupational illness shall be terminated from employment with the Town unless the condition is deemed disabling under the American with Disabilities Act (ADA) or state law, the Town and employee have engaged in the ADA interactive process, and a reasonable accommodation has been determined and granted by the Town.

10.9 Disability Leave (see 16.6)

10.10 Compensatory Leave. (See 6.2.e)

10.11 Bereavement Leave. In the event of a death in the immediate family, regular employees in full time positions will be entitled to three (3) days paid leave. Regular employees in part-time positions will be entitled to three (3) days of, pro-rated paid leave based upon their full-time equivalent status. If the funeral of a member of the immediate family takes place further than one-hundred (100) miles from the employee's residence, s/he shall be granted an additional day off with pay. All days must be taken within one week of the funeral. Immediate family includes only spouse, children, step-children, mother, father, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, grandparents-in-law, grandchildren, great grandparents, a person for whom the employee or the employee's spouse is the legal guardian, any other family member domiciled in the employee's household, and domestic partner regardless of gender. Domestic partner is defined as an individual in a cohabitating relationship

of mutual support, caring, and commitment that intends to remain in such a relationship for the indefinite future.

- 10.12 Family Medical Leave Act (FMLA) Leave. Eligible employees may be allowed up to 12 weeks of unpaid leave of absence in any one-year period (calculated on a rolling basis) in the event of childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition, or in the event of serious illness of the employee. Eligible employees are those who have been employed for twelve (12) months or more, and who have worked 1,250 or more hours in the 12-month period preceding the first day of leave.

Employees seeking to take leave that is considered FMLA eligible shall submit a leave request to their department head for review. The request shall then be forwarded to the town manager for review and consideration. In order for the Town to consider an FMLA leave request, eligible employees must provide the Town with written certification from the treating physician or health care provider of themselves, employee, child, spouse or parent which includes the nature of such illness and its probable duration at the time of making the request, and verifying the need for leave. In the event of an emergency, the employee shall submit the required documentation to the Town as soon as practicable following the emergency. The Town has the right to and shall designate FMLA eligible leave as such, with or without the employee's completed request form. During an FMLA absence an employee shall be required to use all paid leave with the exception of five (5) vacation days or unpaid leave if accrued forms of leave are exhausted. Paid and unpaid leave for FMLA eligible absences runs concurrently with FMLA leave during the rolling 12 month period.

During approved FMLA leave, an employee will not lose any seniority or rights available to him or her under the personnel rules. Furthermore, the Town shall pay its share of the premium for the employee's health insurance; the employee is responsible for his or her cost share of their health insurance premium. Failure by the employee to pay the employee share of the cost of health insurance shall result in a disruption of health benefits subject to the rights of the employee to continue such coverage pursuant to COBRA as defined in 16.8.

Prior to returning to duty, an employee on an approved FMLA leave of absence for their own serious health condition shall submit a fitness for duty certificate. If this certification is not received, the employee's return to work will be delayed until the certification is provided to the Town. An employee may return to his or her original position prior to the leave of absence unless the position has been eliminated for normal business reasons unrelated to the employee's leave of absence or in the event that

the employee is medically unable to perform his or her original job. In the event that the employee is unable to return to his or her original position for reasons stated above, the Town will make reasonable efforts to find job placement for the employee with the Town. Job placement will be based on the availability of existing regular vacant positions with the Town in which the employee is qualified to perform job related duties.

10.13 Other Leave With Pay. Regular employees may be granted leave with pay in accordance with the following:

a. Administrative Leave.

- (1) Training. With the prior approval of the town manager, leave of absence with pay may be granted by the department head for the purpose of allowing a regular employee to participate in conferences, seminars, training courses and official meetings which enhance the employee's value to the Town.
- (2) Special. The town manager may authorize either full or partial days off in addition to those already authorized in these rules to permit closing some or all Town buildings or facilities in such instances as severe snow storms, public celebrations and days of mourning.

b. Jury Duty. A regular or interim employee whose normal workweek is twenty (20) or more and who is called to jury duty shall be granted leave with full pay for the period of service, provided that the juror's salary designated by the court shall be included in the computation of full pay. The employee shall notify his/her department head of the scheduled jury duty in advance.

c. Court Appearance or Administrative Hearing. A regular or interim employee whose normal workweek is twenty (20) or more and who is subpoenaed or directed by proper authority to appear as a witness for a unit of federal, state, county or municipal government, in a matter not related to official duty (such as providing expert testimony), shall be granted leave with full pay for the period he/she is to appear. No leave shall be required for any appearance in connection with official duty.

An employee who is a principal in, or is subpoenaed in connection with private litigation whether or not subpoenaed, must use vacation leave, personal leave or leave without pay in order to appear in court.

d. Military Leave. A military leave of absence will be granted to employees who are absent from work because of service in the U.S.

uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

If the employee's gross pay with the Town exceeds his/her gross pay with the military, the Town shall pay the employee the difference in gross pay while on military leave. While on military leave the Town shall only pay the difference in salaries for a period up to 12 calendar months. Employees shall receive said pay on a bi-weekly basis in conjunction with the Town payroll periods. If the employee's gross military pay exceeds or is equal to his/her gross pay with the Town, the Town shall not pay the employee while on active duty.

While on military leave the Town shall maintain an employee's health insurance coverage for a period up to 12 calendar months. The employee shall be responsible for paying his/her share of the health insurance premium while on military leave. Failure by the employee to pay the employee share of the cost of health insurance shall result in a disruption of health benefits subject to the rights of the employee to continue such coverage pursuant to USERRA and COBRA, as defined in 16.8.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state law.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

The Town reserves the right to fill the position with an interim worker if it is deemed necessary to ensure the safe and effective operations of his/her department.

In addition to the above, eligible employees may be allowed up to 12 weeks of unpaid leave of absence in any one-year period (calculated on a rolling basis) in the event of qualifying exigencies when an immediate family members is on or called to active duty. The Town will provide a one-time 26-week military caregiver leave to the

spouse, child, parent or next of kin of a seriously injured member of the armed forces. For details of the parameters of such leave, employees should consult the town manager.

- d. Personal Leave. Regular and interim employees whose normal work week is twenty (20) or more hours and who have completed their probationary period may request, and department heads may grant, up to a maximum of three (3) personal leave days per fiscal year with pay for personal business that cannot be conducted outside normal working hours and for other good and sufficient personal reason.

Personal leave will not be carried over from fiscal year to fiscal year.

- e. Family Violence Victim Leave. Employees who have been the victim of family violence may take up to 12 days of unpaid leave if reasonably necessary to:
 - Seek medical care or psychological or other counseling for physical or psychological injury or disability;
 - Obtain services from a victim services organization;
 - Relocate due to family violence reasons;
 - or Participate in any civil or criminal proceeding related to or resulting from such family violence.

When such leave is foreseeable, employees shall provide seven days' notice of the need for leave. When the leave is not foreseeable, notice shall be provided as soon as practicable. Employees taking leave under this section must supply a signed written statement certifying that the leave is for an authorized purpose. The Town may request, and in which case the employee is required to provide, documentation of the need for leave, including but not limited to police or court records and/or written statements medical professionals, social workers, and/or victim services organizations. The Town will protect from disclosure and maintain in strict confidence any information provided by the employee in response to the Town's request.

10.14 Leave Without Pay. The Town Manager may grant a leave of absence without pay to an employee if such leave is deemed to be in the best interest of the Town, provided the position remains vacant or is filled by interim appointment until the expiration of such leave. No benefits or seniority will be earned during such unpaid leave.

- a. Professional Development/Sabbatical. The Town Manager may grant a regular full-time employee leave of absence without pay for travel or study for a period not to exceed one year. Such leave shall be granted only after consideration of the service record of the employee

and when it will not result in undue harm to the interests of the Town. No leave without pay shall be granted except upon written request of the employee and a signed statement by the employee promising to serve the Town for a minimum of one year after return from such leave.

b. Extended Sick Leave (See Section 10.7g)

c. Family Leave (See Section 10.12)

10.15 Absence Without Leave. Absence of an employee from duty, including an absence for a whole or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action. Any employee who is absent from work for three (3) consecutive workdays, or on three (3) separate occasions for less than a total of three (3) days without notifying his/her department head or immediate supervisor of the reason for such absence(s) shall be considered to have resigned from Town service.

Chapter 11

SEPARATIONS AND DISCIPLINARY ACTIONS

- 11.1 Separation. All separations of employees from positions in the classified service shall be designated as one of the following types and accomplished in accordance with the manner indicated. In all instances, the town manager has the right to make payments to an employee in lieu of all or part of the required notice periods.
- a. Removal. At any time during the probationary period, the town manager or other appointing authority may separate, in accordance with Chapter 8 of these Rules, an employee whose performance does not meet the required standards.
 - b. Resignation and Retirement. An employee may resign or retire from the Town service in good standing by submitting in writing the reasons therefore and the effective date to the department head at least fourteen (14) calendar days in advance. The department head may permit a shorter period of notice because of extenuating circumstances. The notice shall be forwarded to the town manager with a statement by the department head as to the employee's service performance and pertinent information concerning the cause of resignation or retirement. Failure to comply with this rule may be cause for denying future employment with the Town.
 - c. Lay-off. The Town, in its discretion, and with approval by the Town Manager, may lay off a classified Employee.
 - (1) Notice of Lay-off. Regular employees subject to lay-off should be notified in writing two (2) calendar weeks prior to the effective date. However, the notice period can be shortened or eliminated should the Town Manager provide severance pay in lieu of notice.
 - d. Dismissal. (See Section 11.4.d.)
 - e. Non-Disciplinary Separation. An employee shall be subject to non-disciplinary separation in the following circumstances:
 - (1) Inability to perform the essential functions of the position;
 - (2) Failure to comply with educational, licensing or other requirements for the position;

- (3) Any employee who is unable to fully resume his/her regular duties following a period of one year from the date of injury or occupational illness shall be terminated from employment with the Town unless the condition is deemed disabling under the American with Disabilities Act (ADA) or state law, the Town and employee have engaged in the ADA interactive process, and a reasonable accommodation has been determined and granted by the Town.
- (4) Lack of a position following the expiration of a leave of absence without pay/position not held.

f. Death. Separation shall be effective as of the date of death. All compensation due in accordance with Section 11.3 shall be paid to the estate of the employee, except for such sums as by law may be paid to the surviving spouse.

11.2 Conditions of Separations. At the time of separation and prior to final payment, all records, assets, and other items of Town property in the employee's custody shall be transferred to his/her department head. Any amount due because of a shortage in the above shall be withheld from the employee's final compensation or collected through other appropriate action.

Any monies due the Town because of salary advanced while on advanced sick leave or advanced vacation leave will be withheld from the final compensation or collected through other appropriate action.

11.3 Payment of Earned Compensation and Leave Upon Separation. Employees who separate from Town service in good standing shall receive payment for earned salary, compensatory time (non-exempt employees only), and vacation leave as established elsewhere in these Rules, and subject to deduction for any indebtedness pursuant to Section 11.2.

11.4 Disciplinary Actions. The action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. In some instances a specific incident in and of itself may justify severe disciplinary action including demotion or dismissal. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating a disciplinary action.

a. Counseling and Verbal Warnings. If at any time performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor informs the employee promptly and specifically of such lapses and give counsel and assistance.

- b. **Written Warning.** In situations where a counseling and/or verbal warning has not resulted in expected improvements or where more severe initial action is warranted, a written warning is sent to the employee and a copy shall be placed in the employee's personnel file.
- c. **Suspension.** A regular non-union employee may be suspended by the department head or appointing authority with or without pay for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence or other justifiable reasons when alternate personnel actions are not appropriate. Within 48 hours, exclusive of Saturday, Sunday or holidays, the town manager and the employee shall be furnished with a written statement of such action specifically setting forth the reasons for the suspension and the appeals procedure. Any regular non-union employee so suspended shall have the right to appeal as provided in Section 12.2 of these Rules.
- d. **Dismissal or Demotion.** A department head or appointing authority may dismiss or demote an employee for the good of the Town service. Reasons for such action may include but shall not be limited to:
 - (1) Activities prohibited by the Town Charter or a Town Ordinance.
 - (2) Failure to meet prescribed standards of work, morality, or ethical standards applicable to the performance of the employee's duties
 - (3) Theft or destruction of Town property.
 - (4) Incompetence, inefficiency or negligence in the performance of duties.
 - (5) Insubordination which constitutes a serious breach of discipline.
 - (6) Unwillingness to perform normal quality or quantity of work.
 - (7) Conviction of a job-related criminal offense.
 - (8) Use of abusive or harassing language or behavior toward a co-worker or a member of the public.
 - (9) Personal conduct which impairs the employee's ability to effectively carry out his/her duties

- (10) Fraudulent use of sick or injury leave.
- (11) Unauthorized absences or abuse of leave privileges.
- (12) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his/her duties.
- (13) Falsification or alteration of records or use of official position in conflict with the Town's Code of Ethics.
- (14) Dishonesty, deliberate untruthfulness, reckless conduct, habitual tardiness, drunkenness, drug abuse or other misconduct either on-the-job or otherwise job related.
- (15) Action or conduct which affects or impairs the effectiveness or efficiency of the Town service or which may bring the Town into disrepute.

Within forty-eight (48) hours, exclusive of Saturday, Sunday or holidays, the town manager and the employee shall be furnished with a written statement of such action specifically setting forth the reasons for the action and the appeals procedure. Any regular employee dismissed or demoted shall have the right to appeal as provided in Section 12.2 of these Rules. If the employee fails to appeal, the action of the department head or appointing authority shall be effective on the date specified.

It is the policy of the Town not to rehire former employees who have been dismissed or who resigned while charges were pending.

Chapter 12

GRIEVANCES AND APPEALS

12.1 Grievance Procedure. Non-union employee grievances alleging a violation of these rules shall be presented as follows.

- a. Step One. The aggrieved employee shall first notify the immediate supervisor in writing of the nature and facts of the grievance within three (3) working days of its occurrence. The immediate supervisor shall make and return a resolution of the grievance in writing within five (5) working days after such notification. If an employee's immediate supervisor is a department head, Step One in the grievance process is not applicable and the employee shall automatically proceed to Step Two.

If an employee's department head or immediate supervisor is the Town Manager, Step One and Step Two in the grievance process are not applicable and the employee shall automatically proceed to Step Three.

- b. Step Two. If the supervisor's resolution of the matter is not satisfactory to the employee, such grievance shall be submitted in writing to the department head within three (3) additional working days of receipt of the supervisor's response. Within ten (10) working days after the department head receives such grievance, the department head shall resolve the matter in writing and it shall be returned to the employee. If an employee's department head or immediate supervisor is the Town Manager, Step Two in the grievance process is not applicable and the employee shall automatically proceed to Step Three.
- c. Step Three. If the department head's resolution of the matter is not satisfactory to the employee, the grievance can be submitted to the town manager in writing for review within five (5) working days of receipt of the department head's resolution. Within ten (10) working days of the date of his or her receipt of the grievance, the town manager may call a meeting to review the nature and facts of the grievance or may refer the grievance to the Personnel Appeals Board.

When the town manager chooses to make a review of the matter, the following may be called to meet: the aggrieved employee; the employee's representative, if any; the department head; any other person involved in the complaint. Within ten (10) working days

following such a meeting, the town manager shall either render a decision in writing to all concerned or refer the matter to the Personnel Appeals Board.

- d. Step Four. An aggrieved employee may file a grievance for the consideration of the Personnel Appeals Board whenever the resolution of the town manager does not provide satisfaction. The employee must file an appeal to the Personnel Appeals Board within five (5) working days of the date on the letter of decision which is being appealed. The Personnel Appeals Board shall hold a hearing on any question placed before it within thirty (30) working days of the date of receipt of the grievance and shall inform all concerned parties of its decision within ten (10) working days from the date of the hearing. The employee has the right to request a hearing which is open to the public.
- e. This procedure applies to all grievances or complaints filed with the ADA Grievance Committee alleging acts prohibited by the United States Department of Health and Human Services regulations (45 CFR Part 84) implementing Section 504 of the Vocational Rehabilitation Act of 1973 as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from participation in any program or activity receiving Federal financial assistance..." The law and regulations may be examined in the office of the Town Manager, Audrey P. Beck Town Offices, Four South Eagleville Road, Storrs, Connecticut.

The right of a person to prompt and equitable resolution of the complaint filed under Chapter 12 of the Personnel Rules for the Town of Mansfield shall not be impaired by the person's pursuit of other remedies including the following:

- (1) Filing a complaint with the Connecticut Human Rights and Opportunities Commission or the United States Equal Employment Opportunity Commission.
- (2) Filing a complaint with the Regional Office of Civil Rights of the U. S. Department of Health and Human Services.
- (3) Pursuing legal action through the courts.
- (4) Filing a grievance with the ADA Grievance Committee.

12.2 Appeals from Suspension, Demotion and Dismissal. Appeals from suspension, dismissal or demotion may be made by a regular non-union

employee by applying to the Personnel Appeals Board in writing within five (5) working days of the date on the letter of decision which is being appealed. The Personnel Appeals Board shall hold a hearing within ten (10) working days or a mutually agreeable time after such a request for appeal is made by the employee.

The hearing will be informal with the employee, the employee's representative (if any) and the department head present. The hearing may be public or private at the discretion of the employee. The Personnel Appeals Board shall make findings and recommendations in individual cases brought before it and shall notify all parties concerned within ten (10) working days after the hearing.

Chapter 13

EMPLOYEE PERFORMANCE

- 13.1 Outside Employment. An employee may engage in additional employment unless the additional employment could interfere with the proper and effective performance of the duties of his/her position, result in a conflict of interest as defined by the Town's Ethics Ordinance, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment in the opinion of the Town Manager. Upon notification in writing by the Town Manager, such outside employment shall be terminated if it is disadvantageous to the Town.
- a. Outside employment includes but is not limited to a self-owned/operated business, internet based business, or other type of business employment.
 - b. Preference of Town Employment. Any employee who engages in outside employment shall not perform duties for his/her outside employer during work hours for the Town. Any employee who engages in employment outside of his/her regular working hours shall be subject to perform his/her assigned Town duties first.
 - c. Injury and Illness. The Town shall in no respect be liable nor grant sick leave in case of an injury to an employee while he/she is engaged in outside employment or any occupational illness attributed thereto.
- 13.2 Political Activity. All employees of the Town shall be free and encouraged to exercise their rights as citizens, to cast their votes and express their opinions on all political subjects consistent with Section 7-421 of the Connecticut General Statutes. However, no employee shall:
- a. Engage in any political activity while on duty.
 - b. Be required as a duty of office or condition of employment to contribute funds to or otherwise assist political or partisan purpose.
 - c. Solicit or act as a custodian of funds for political or partisan purpose during working hours.
 - d. Coerce or compel contributions of funds or other assistance for political or partisan purposes by any other town employee.

- e. Use any funds, supplies, materials or equipment of the Town for political or partisan purposes.
 - f. Use official authority or influence to affect the results of a nomination or election for office, through public endorsement or otherwise.
- 13.3 **Obligation to Work.** All employees of the Town are obliged to fulfill the duties and responsibilities of their positions for compensation received. Accordingly, no individual employee may contract out or sub-contract to other employees or individuals for the performance of his/her assigned duties.
- 13.4 **Performance Appraisal.** The town manager may, in cooperation with appointing authorities and others, develop and adopt a structured system of appraising the performance of employees in the classified service for purpose of employee development, improving work performance, promotion and salary advancement. The town manager shall receive annual evaluations of regular employees from the department heads which shall be considered in determining merit increases.

Chapter 14

EMPLOYEE DEVELOPMENT

- 14.1 Employee Development. It shall be the responsibility of the town manager, department heads and supervisors to foster and promote programs of training for the purpose of improving the quality of personal services rendered to the citizens and to aid employees to equip themselves for advancement in the service.
- 14.2 Administration. The town manager shall:
- a. Establish standards for training programs and see that training is carried out as approved.
 - b. Provide assistance to department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.
 - c. Develop supervisory and management training and other types of training and employee development programs common to all departments.
 - d. Provide assistance to department heads in establishing standards of performance and procedures for evaluating employee efficiency.
 - e. Keep a record of all approved training courses and programs, and a record of employees who successfully complete such courses and programs.
- 14.3 Education Assistance. Regular full-time employees who wish to pursue formal courses of study beyond the scope provided for in Section 14.2 on their own time outside of normal working hours which will contribute to their ability and skill to perform as an employee of the Town may apply to the town manager in writing for financial assistance.
- a. Approved educational and training programs will be reimbursed in accordance with a schedule adopted by the town council at the recommendation of the town manager. The town manager may waive any maximum payment when there are uncommitted funds left after approved applications have been reimbursed.
 - b. Reimbursable costs include tuition, required course fees and materials. Costs not eligible for reimbursement include admission

application, registration, service fees, special or activity fees, transportation, meals, supplies and other related items.

- c. Reimbursement will be paid the employee when proof of a grade of "C" (2.0 quality point average) or better in the course is provided, proof of payment is provided, and the applicant is still a full-time regular employee of the Town at the time the request for reimbursement is submitted.

Chapter 15

RETIREMENT

- 15.1 Retirement Plan. Retirement benefits for Town employees shall be as provided by the retirement plan in force, currently the Connecticut Municipal Employees Retirement System (CMERS). Participation in the retirement plan is mandatory for all regular employees working twenty (20) hours or more per week and who meet the eligibility criteria stipulated by the plan.
- 15.2 Social Security (FICA). Compensation paid to regular employees working twenty (20) hours or more per week shall be subject to deductions for the tax under the Federal Insurance Contributions Act (FICA) otherwise known as "Social Security".
- 15.3 Social Security (FICA) Alternative. Non-regular employees and regular employees not eligible to participate in MERS shall participate in a deferred compensation plan in lieu of Social Security (FICA). The employee shall contribute a minimum of five and a half (5.5) percent of gross wages and the employer shall contribute two (2) percent of gross wages to the plan. At his/her option, the employee may contribute in excess of five and a half (5.5) percent of gross wages, as permitted by IRS regulations and plan rules.
- 15.4 Deferred Compensation Plan. Regular employees are eligible to enroll and participate in the Town's deferred compensation plans offered by the ICMA Retirement Corporation. Enrollment and participation in the deferred compensation plans is optional. Employees electing to enroll and participate in said plans shall make tax deferred contributions through payroll deduction. Employees may not make contributions into their plans that exceed the allowable annual amounts as permitted by IRS regulations and plan rules. In January of each year the Town shall notify regular employees of their eligibility status to participate in deferred compensation plans and of the allowable annual contribution amounts for said plans.
- 15.5 Separation Leave. An employee who retires under a normal or disability retirement according to the provisions of the Connecticut Municipal Employees Retirement System (CMERS) may utilize his/her earned accrued vacation leave as separation leave. Employees utilizing separation leave as vacation leave may not use earned vacation leave in excess of the allowable maximum amount on November 1st as defined in 10.6b. While on separation leave, the employee will not continue to accrue any form of paid leave, but will retain his/her health insurance benefits as he/she would as an active employee. Employees on

separation leave shall receive holiday pay for those days defined in 10.5 that occur during the separation leave.

15.6 Retiree Benefits. See 16.7.

Chapter 16

GROUP INSURANCE & MISCELLANEOUS EMPLOYEE BENEFITS

- 16.1 Types of Group Insurance. The Town will provide to eligible employees group insurance benefits, including health insurance, dental insurance, disability insurance, and life insurance. Full details of the plans will be included in the plan documents. Plan documents will be available on the employee intranet or upon request. From time to time, the Town will update the plan design and/or documents as needed. Any changes made to the Town's insurance coverage and plans are hereby incorporated into these Rules, and any Rules that are contrary to such changes are null and void to the extent they conflict only.
- 16.2 Eligibility. All regular employees who work twenty (20) or more hours per week are eligible to participate in the Town's health, dental, life and disability insurance plans. Eligible regular employees working twenty (20) or more hours per week but less than thirty-five (35) hours per week are eligible for benefits on a prorated basis based upon their FTE status and will be responsible for higher employee premiums than full-time employees.
- 16.3 Enrollment.
- a. Health and Dental Insurance. Eligible employees as defined in 16.2 may choose to enroll in the Town's health and/or dental insurance plans at the time of hire, during open enrollment, or when a qualifying event occurs as defined in the plan documents. Eligible employees may enroll themselves and/or eligible dependents (as defined in the plan documents) into the Town's health and/or dental insurance plans. The effective date of coverage is set forth in Section 8.6(c).
 - b. Life and Disability Insurance. Eligible employees as defined in 16.2 will be enrolled in the Towns' disability and life insurance plans at the time of hire or when a change in work status necessitates eligibility in the plans.
- 16.4 Payment of Premiums. The Town and employees shall pay that portion of the premium so designated by the Town Council.
- a. Health Insurance. The employer and employee health insurance premium percentages will normally be established by Town Council on an annual basis. Health insurance premium rates shall be determined annually by the Town, and if necessary normally adjusted on or around July 1st.

The Town shall pay its share of the premium for the employee's health insurance; the employee is responsible for his or her cost share of their health insurance premium. The employee's share of the premium shall be paid through payroll deduction on a pre-tax basis. Active employees whom are on an approved leave of absence and are not receiving a regular paycheck from the Town shall be billed for the employee share of the health insurance premium on a monthly basis. Failure by an employee to pay the employee share of the cost of health insurance shall result in a disruption of health benefits subject to the rights of the employee to continue such coverage pursuant to COBRA as defined in 16.8.

- b. Dental Insurance. Eligible employees shall be responsible for the full cost of dental insurance premiums. The employee's premium shall be paid through payroll deduction on a pre-tax basis. Active employees whom are on an approved leave of absence and are not receiving a regular paycheck from the Town shall be billed for the employee's dental insurance premium on a monthly basis. Failure by an employee to pay his/her dental insurance premium shall result in a disruption of dental benefits.
 - c. Life and Disability Insurance. The Town shall pay the full premium for eligible employees for the Town's group life and disability insurance plans.
- 16.5 Life Insurance. The Town shall provide a term life insurance for eligible employees as defined in 16.2. The life insurance policy shall be in the amount of one and a half (1.5) times the employee's base salary and three (3) times the employee's salary in the event of accidental death and dismemberment. Changes in base salary will be reported to the insurance carrier in the calendar month following the change in salary.
- 16.6 Disability Insurance. The Town shall provide short and long term disability insurance for eligible employees as defined in 16.2. While an employee is on disability leave, both the employee and the Town shall remain responsible for paying their respective portions of the costs of group health insurance that the employee is otherwise eligible to receive as defined in 16.4a.
- a. Short-term Disability. The short-term disability policy is intended to cover most non-occupational illnesses or injuries following an elimination period as determined in the plan documents. The benefit following the elimination period shall be 66 2/3 percent of weekly base pay to a maximum of \$1,650 per week. The Town shall supplement the benefit to 100 percent of weekly net pay. Short-term

absences are covered for up to eleven (11) weeks prior to commencement of long-term benefits.

- b. Long-term Disability. The long-term disability policy is intended to cover most non-occupational illnesses or injuries following an elimination period as determined in the plan documents. The benefit following the elimination period shall be 66 2/3 percent of weekly base pay to a maximum of \$7,500 per month. Employees may utilize accrued vacation, floating holiday or personal leave to supplement their long-term disability benefit; employees may utilize earned leave to get as close as possible to 100% of full net pay while on long-term disability leave. Employees receiving long-term disability benefits will not be eligible to earn any form of accrued leave during the long-term disability absence. The duration of coverage shall be determined by the insurance carrier in accordance with the plan document.

16.7 Insurance for Retirees. Retiring employees from the Town may elect to purchase health, dental, and/or life insurance from the Town with the full cost of all premiums to be paid by the retiree. For the purposes of this section an employee is considered to be a retiree when they separate from service in good standing for the following reasons: 1) they have completed twenty-five (25) years of aggregate service with the Town in a regular position(s) as defined in 16.2; 2) attained the age of fifty-five (55) years with ten (10) years of continuous service or fifteen (15) years of aggregate service with the Town in a regular position(s) as defined in 16.2; or 3) receiving a disability retirement under the Town's pension plan. Retirees must make a determination to elect or not elect health insurance coverage at the time of separation from the Town. Retirees that do not opt to purchase insurance coverage from the Town at the time of separation may purchase coverage during any open enrollment period available to current employees.

- a. Health Insurance. Eligible retirees as defined in 16.7 may elect to purchase health insurance through the Town. Retirees electing to purchase health insurance through the Town whom are less than sixty-five (65) years of age, or whom are not Medicare or Medicaid eligible, shall be able to enroll in a POE plan or its substantial equivalent depending upon which plan is available to active employees. Retirees electing to purchase health insurance through the Town whose primary residence is not within the state of Connecticut and are less than sixty-five (65) years of age, or not Medicare or Medicaid eligible, shall be able to enroll in a PPO plan or its substantial equivalent depending upon which plan is available to active employees. Retirees electing to purchase health insurance through the Town whom are aged sixty-five (65) years or older, or Medicare eligible, shall be able to enroll in a Medicare supplemental

plan that is selected by the Town. Retirees may continue to insure eligible dependents (as defined in the plan documents) with the full cost of all premiums to be paid by the retiree.

Health insurance premium rates shall be determined annually by the Town, and if necessary normally adjusted on or around July 1st for retirees enrolled in a PPO, POE plan, or their substantial equivalent and on or around January 1st for retirees enrolled in a Medicare supplemental plan. The Town shall bill retirees on a monthly basis for their health insurance premium. Failure by a retiree to pay the cost of health insurance shall result in a disruption of health benefits subject to the rights of the retiree to continue such coverage pursuant to COBRA defined in 16.8.

The Town Council may from time to time designate a Town contribution to retiree health insurance for those retirees electing to purchase health insurance through the Town. Said contribution shall be deducted from the amount owed by the retiree to the Town. This benefit is not transferable to any retiree's heirs, executors, administrators, successors and assigns, or covenants.

Upon the death of a retiree, an eligible dependent being covered by the Town's group health insurance plan shall be able to remain on the plan for three (3) calendar months following the death of the retiree. Eligible dependents are responsible for paying the full cost of the insurance premium. At the conclusion of the three (3) calendar months following the retiree's death, eligible dependents shall be eligible to purchase insurance through COBRA as defined in 16.8.

- b. Dental Insurance. Retirees electing dental coverage shall be responsible for the full cost of dental insurance premiums. Dental insurance premium rates shall be determined annually by the Town, and if necessary adjusted on or around July 1st. The Town shall bill retirees on a monthly basis for their dental insurance premium. Failure by a retiree to pay the cost of dental insurance shall result in a disruption of dental benefits.

Upon the death of a retiree, an eligible dependent being covered by the Town's group health insurance plan shall be able to remain on the plan for three (3) calendar months following the death of the retiree. Eligible dependents are responsible for paying the full cost of the insurance premium. At the conclusion of the three (3) calendar months following the retiree's death, eligible dependents shall be eligible to purchase insurance through COBRA as defined in 16.8.

- c. Life Insurance. Retirees may elect to purchase a \$10,000 term life insurance policy through the Town until the retiree reaches age seventy-five (75). Life insurance premium rates shall be determined annually by the Town, and if necessary adjusted on or around July 1st. The Town shall bill retirees on a monthly basis for their life insurance premium. Failure by a retiree to pay the cost of life insurance shall result in a disruption of life insurance benefits.
- 16.8 Insurance for Individuals No Longer Eligible as Town Employees and/or Their Dependents. The Consolidated Omnibus Budget Reconciliation Act (U. S. Public Law 99-272), known as COBRA, makes former employees and their dependents eligible to continue their group health insurance benefits when they would otherwise end. Additional provisions for these individuals are stipulated in CGS 38a-538 as amended by Public Act 92-158. The Town of Mansfield will extend these benefits as provided by law with the cost to be borne by the subscriber.
- 16.9 Insurance Plans and Carriers and Third Party Administrators. The Town reserves the right in its sole discretion to determine its insurance plans and carriers and third party administrators. The Town may at any time switch insurance plans and/or carriers or third party administrators. The Town will in its sole discretion determine to be self or fully insured for its group insurance policies.
- 16.10 Payment In Lieu of Health Insurance. This program is designed for those eligible regular employees as defined in 16.2 who currently have dual health insurance coverage or who have the ability to acquire health insurance from an employer not participating in the Town of Mansfield health insurance pool. The plan provides some reimbursement for employees who terminate their coverage with the Town. The covered benefits are limited to health insurance benefits and do not include dental insurance benefits. To enroll in this program, employees must complete the "Waiver of Insurance Agreement" annually and provide documentation of coverage from their spouse or another source. Employees can enroll at the time of hire, throughout the work year when a plan outside the Town of Mansfield insurance pool becomes available, or when a change in work status necessitates eligibility in the plans.
- 16.11 Retiree Payment in Lieu of Health Insurance. Employees retiring after July 1, 2011 may also participate in the payment in lieu of health benefits program for a benefit of \$1,740 per year if the participant is age 65 or older or Medicaid/Medicare eligible or for a benefit of \$2,520 per year if the participant is under age 65 and not Medicaid/Medicare eligible. The program requirements of section 16.10 shall apply.

- 16.12 Flexible Benefits Plan. All regular employees are eligible to participate in the Town's Flexible Benefits Plan, established in accordance with federal and state regulations. Plan administration is at the discretion of the Town. Employees may elect to participate in the medical and/or dependent care flexible spending account programs. Enrollment occurs during open enrollment of each year for the following calendar year beginning on January 1st. Employee contributions shall be made on a pre-tax basis through payroll deduction. Details of the plan are available in the plan documents.
- 16.13 Employee Assistance Program. The Employee Assistance Program (EAP) is provided to help employees and their families resolve job-related, personal and family problems. All regular full and part time employees, their spouses, significant others and family members who reside in the employee's household and all other legal dependents that are covered by the employee's health insurance plan are eligible to participate in the EAP. The EAP provides eligible persons with assessments, short-term problem resolution and referrals at no cost to the employee. Further details of the program, including the number of permissible visits may be obtained by contacting Human Resources.

Chapter 17

RECORDS AND REPORTS

- 17.1 Personnel File. The town manager or designee shall be responsible for the maintenance of a personnel file for each employee to include all records that may be pertinent to the employee's service. These records will be maintained for the time period stipulated by state statute.
- 17.2 Financial Records. The finance department shall be responsible for the maintenance of a financial record of each employee. This record shall include annual salary, salary deductions, and any other financial records that the finance director determines to be in the best interest of the Town.
- 17.3 Medical Record. For each employee, all papers, documents and reports prepared by a physician, psychiatrist or psychologist that work-related or upon which the Town relies to make any employment-related decision shall be maintained in a separate file. These records will be maintained for the time period stipulated by state statute.
- 17.4 Leave of Absence Records. Records of all leaves of absence (see Chapter 10) other than sick time shall be maintained with payroll records when appropriate.
- 17.5 Schedules of Compensation. The town manager shall maintain complete schedules of compensation for all classes of positions. Compensation paid all employees shall be in accordance with these schedules.
- 17.6 Public Access to Personnel Records. Certain documents in employee personnel files are public records subject to disclosure under the Freedom of Information Act. However, the law does not require disclosure of information in a personnel file which, if disclosed, would invade an employee's personal privacy.

The decision whether or not to release information in a personnel file will be made by the town manager. If the town manager believes that disclosure of information about an employee would invade that employee's personal privacy, the town manager will notify the employee and provide an opportunity for objection to the disclosure in accordance with CGS 1-214. When a request has been made and information will be disclosed, the Town Manager or his or her designee will inform the employee as a courtesy.

- 17.7 Written Warnings. Written warnings shall remain a part of an employee's personnel record for eighteen (18) months from the date of the warning.

However, if another written warning for the same type of offense is received within the eighteen month period, both warnings shall remain on the record for a period of eighteen months from the date of the most recent warning. Other more severe disciplinary actions shall remain a permanent part of the employee's personnel record.

Written warnings will become null and void in keeping with the above, however, they will not be literally destroyed by the Town until official permission is received from the State Public Records Administrator.

- 17.8 Employee Request to Remove Material from File. An employee who objects to any personnel information on the grounds that it is inaccurate or misleading may add to the material a signed statement relating to it, or may seek, through the grievance procedure, to have the material altered or removed from the personnel records. In some instances, permission to remove material may have to be granted by the State Public Records Administrator.