

City of Claremont Merit Plan

Section I - PERSONNEL DEPARTMENT

The Personnel Department shall be composed of a Human Resources Coordinator who may be the City Manager or any qualified person appointed by the City Manager and any additional employees as may be required. The duties of the Human Resources Coordinator shall be as follows:

1. To make effective and enforce this Merit Plan.
2. To be familiar with and address personnel problems, standards, and performance in every department in the City government.
3. To prepare amendments to this Plan for presentation to the City Council for its consideration from time to time (pursuant to City Code).
4. To prepare and maintain a complete set of personnel records for each employee.

Section II - JOB DESCRIPTION CLASSIFICATION

- A. Preparation - The Department Head/City Manager shall prepare or cause to be prepared, the job description. All positions shall be described in detail as to the duties and responsibilities in order to more easily determine the qualifications necessary for and measure the performance of employees or applicants for any position.
- B. The City Manager, when presented with a new or revised job description falling under the Merit Plan, shall convene a committee to classify and rate said position. Final classification will be determined by the Human Resources Coordinator/City Manager.

Section III - FLSA CLASSIFICATION

- A. Based on the Fair Labor Standards Act (FLSA) of 2004, which includes municipalities, all city positions are reviewed to determine if they are in the exempt or nonexempt category. The FLSA has specific criteria that must be met for jobs to be classified as exempt - if the criteria are not met the job is to be classified as nonexempt and eligible for overtime pay.
- B. Reclassification - In the event that new duties are added, changed or removed in a department, the job description will be reviewed to determine if the exempt/non-exempt classification is correct. This may be done at the request of the Employee, Supervisor, Department Head or the Human Resources Coordinator/City Manager.
- C. Approval - The job description, after preparation and later amendments thereto, shall be presented for its recommendation to the Human Resources Coordinator/City Manager for final determination of correct classification. Final FLSA classification will be determined by the Human Resources Coordinator/City Manager.
- D. Enforcement - Each Department Head shall be responsible for the proper use of the job description/classification plan in their department. The Human Resources Coordinator/City Manager shall verify from time to time that the job description/classification plan is being correctly followed.

Section IV - EXEMPT AND NONEXEMPT POSITIONS

- A. Based on the Fair Labor Standards Act (FLSA), as implemented by 29 CFR Part 541 (revised effective August 23, 2004), which includes municipalities, the following positions are classified as (E) for exempt or (NE) for non-exempt:

Administration:

City Manager (E) *** Salary & Benefits at the Discretion of the City Council ***
City Solicitor (E)
Executive Assistant/Clerk to the Council (NE)
Legal Assistant/Fiscal Grant Administrator (E)

Public Works:

Public Works Director (E)
Assistant Public Works Director (E)
City Engineer (E)
Highway Superintendent (E)
Water/Sewer Superintendent (E)
Secretary to Public Works Director/Office Mgr. (E)

Police Department:

Police Chief (E)
Deputy Police Chief (E)
Police Attorney/Prosecutor (E)
Police Captain (E)
Police Lieutenants (E)
Communications/Records Manager (E)
Secretary to Police Chief (NE)

Fire Department:

Fire Chief (E)
Deputy Fire Chief (E)
Fire Captain (E)
Fire Codes Enforcement Officer (E)
Call Firefighter; Call Lieutenant; Call Captain (NE)

Finance:

Finance Director (E)
City Treasurer/Assistant Finance Director (E)
City Clerk/Tax Collector (E)
Information Systems II/Network Administrator (E)
Information Systems I/MIS Coordinator (E)
Human Resources Coordinator (E)
Maintenance Supervisor (NE)

Development

Planning & Development Director (E)
City Planner (E)
Business Development Coordinator (E)
Planning & Development Project Manager (E)
Community Development Project Coordinator (E)
Chief Building & Code Enforcement Officer (E)
Business Development Specialist (E)
Health Service Inspector (E)

Assessing

Chief Assessor (E)
Deputy Assessor (E)
Assessing Technician (E)

Parks/Recreation:

Director of Parks and Rec. (E)

Superintendent Parks & Facilities (E)
Superintendent Recreation Programs (E)
Program Director for Parks & Rec. (E)
Community Center Coordinator (NE)

Library:

City Librarian (E)
Assistant City Librarian /Adult Services (E)
Children's Librarian (E)
Children's Librarian Assistant (E)
Circulation Librarian (E)

Welfare:

Welfare Director (E)

Part Time Personnel to Include

Temporary Part Time Crossing Guards (NE)
After School Program Coordinator (NE)
Police Accreditation Coordinator (E)
Police Detective/Prosecutor (E)
Police Information Systems/Trainer (NE)
Aquatic Program Coordinator (NE)
Youth/Adult Program Coordinators (NE)
Seasonal Patrol & Enforcement (NE)
Community Center AM/PM Weekend Facility (NE)
Community Center
 Janitor (NE)
 Front Desk (NE)
 Play Area Attendant (NE)
Central Collections Clerk (NE)
Communications Specialists (NE)
Janitor (NE)
Parking Attendant (NE)
Dog Officer (NE)
Transfer Station Attendant (NE)
Parking Enforcement Officer (NE)
Police Officer (NE)
Library Cataloger (NE)
Secretary (NE)
Teen Coordinator (NE)
Clerical (NE)
Summer Help (NE)

Temporary & Seasonal Help (All NE)

Any Position not specifically listed above

- B. Based on the Fair Labor Standards Act (FLSA), all other City positions that are non-union are in the nonexempt category.

Section V - APPLICATION AND APPOINTMENT

- A. The City of Claremont is committed to a policy of equal opportunity founded on the basic belief of respect for the individual. All aspects of employment are carried out free of discrimination or harassment based on race, color, religion, sex, national origin, ancestry, age, familial status, sexual orientation, handicap, disability, veteran status, or other protected classification. This policy applies to all terms and conditions

of employment, including hiring, placement, promotion, layoff, recall, transfer, termination, leaves of absence, compensation and training.

- B. Applications - Position Openings - Upon vacancy of a position, a Requisition to Hire, must be approved and submitted to the Human Resources Coordinator/City Manager. All applicants for approved positions must complete an Application for Employment. All applications will be maintained by the Human Resources Coordinator/City Manager for a minimum of two years. Openings are posted throughout the City in each Department for (7) working days. Employees who are qualified and interested may apply by completing a Job Posting Application Form and submitting this to the Department Head. The City may advertise concurrently outside.
- C. Examination - Following receipt of applications the Human Resources Coordinator/City Manager may require such examination as may be indicated by the position. This examination may be written and/or oral and shall be given to qualified applicants at the same time where practical. If an exam is deemed to be required for a particular position, qualified applicants must take the same exam for that round of hiring.
- D. Qualified applicants offered either a full-time or part-time position with the City of Claremont must successfully pass a pre-employment physical examination and drug and alcohol testing examination as may be indicated by the position. These tests will be scheduled and paid for by the City and are a condition of employment. All physical exams and tests will be administered by or under the direction of a licensed physician designated by the City of Claremont. .
- E. The Human Resources Coordinator will schedule and participate in all interviews and perform all reference checking. The City Manager's approval for pay rate and authorization to hire must be obtained prior to any job offer being made. The City Manager has the final authority on all appointments and may participate in the interview process if he/she chooses to do so. This excludes the Police Department.
- F. If a qualified applicant does not result from the application and interview process, the position may be re-posted at the discretion of the City Manager.

Section VI - TEMPORARY ASSIGNMENTS

When qualified applicants are not available, or pending the making of a permanent appointment, the City Manager may make temporary appointments. Such temporary appointments shall be made under terms and conditions as may be deemed advisable under the circumstances.

Section VII - PROBATION

All original or promotional appointments shall be for a probationary period of one (1) year. Transfers, made at the request of the employee, shall be subject to a six (6) month probationary period if the employee has at least six (6) months service with the City. The employee's supervisor shall submit to the Human Resources Coordinator/City Manager a report on the employee's performance at the end of six months of the probationary period and again just before the completion of the probationary period for original or promotional appointments. Newly hired employees may be terminated, at any point during this probationary period, upon the recommendation of the Supervisor and Department Head for failure to successfully complete probationary period. If the transferred employee is unable to successfully perform in his/her new position, every attempt will be made to return transferred employees to their former position or another position within the City, if one exists for which that employee is qualified.

Section VIII. TRANSFER/CHANGES OF POSITION

An employee, or any Department Head on behalf of an employee, may request a temporary or permanent transfer or the City Manager may order a transfer. Transfers may be made under the following conditions:

- 1. In the event that one department is deemed to be over staffed and another department is in need of an employee of the same general classification.

2. When an employee has applied for and has been selected for another position.
3. If the transfer/change of position is at the request of the employee, the employee shall resign, in writing, from their former department and shall lose their department seniority, but not their City seniority.
4. Upon any transfer/change of position, the Department Heads involved shall review all the terms and conditions involved with the employee. An Employee Change of Status form shall be completed by the supervisor/Department Head and authorizations obtained from the Department Head and City Manager. Employees will be notified only after all approvals have been obtained.
5. All transfers/changes in position shall be subject to the approval of the City Manager. Transfers shall be arranged by the Supervisors and Department Heads involved to effect an orderly transition.

Section IX - PROMOTIONS/VACANCIES

Every employee shall be eligible to apply for a promotion/vacancy. An employee desiring to be considered for a promotion/vacancy shall make applications as provided in Section V. Such application shall be considered by the Human Resources Coordinator/City Manager as provided for in Section V. E. and, in the event applicants appear to be equally qualified, preference shall be given to the City employee over an applicant who is not employed by the City. Department Heads and the Human Resources Coordinator/City Manager shall endeavor to advise employees who might be interested and/or qualified when vacancies exist that could be filled by promotion. Promotions shall be subject to the probationary period provided for under Section VII.

Section X - DEMOTION/REDUCTION

- A. In the event that a Department Head determines that an employee is not meeting performance requirements, the Department Head may recommend to the Human Resources Coordinator/City Manager that such employee be demoted to a lower classification. Any such recommendation will be accompanied by the appropriate documentation.
- B. Any demotion shall be subject to the approval of the City Manager. Each employee shall have the right to appeal a demotion to the City Manager. Each employee shall have the right of further appeal to the Personnel Advisory Board as provided under Section 53 of the City Charter.
- C. In the event that a reduction of personnel is necessary due to reorganization or budgeting concerns, an employee may be demoted and will be reclassified to the correct position status. The employee will be eligible to be restored to the original position if and when the department resumes its original staffing level.

Section XI - DISCIPLINARY ACTION, SUSPENSION AND DISCHARGE

- A. In order to operate in an orderly and efficient manner, and to protect the rights and safety of all employees, the City has certain basic rules, principles and expectations which must be followed. When these are broken, the City will, if reasonable, try to change the behavior or attitude of the offending employee through corrective discipline. Corrective discipline is used to notify and impress upon the employee that if he/she continues to violate established standards of good conduct she will then be subject to disciplinary action. While the system is designed to motivate the employee to improve his/her conduct, the orderly function of the City and the overall concern for all employees will always be the governing consideration.

While all rules of good conduct cannot be spelled out, the following are examples of unacceptable conduct which may result in disciplinary action up to and including termination of employment:

1. Careless and/or inefficient performance of duties.
2. Failure to produce quality work and sufficient quantity of work.
3. Removing City property, records, or information from the City without proper authorization.

4. Falsifying time records.
 5. Willful or careless damage to City property, or defacing City property.
 6. Possessing, using, selling or being under the influence of alcohol or any illegal drugs or drug paraphernalia on City premises while performing work for the City.
 7. Conviction of a felony.
 8. Falsifying employment application or other City records.
 9. Chronic absenteeism or tardiness, excessive absence from one's work area.
 10. Insubordination or abusive or threatening language to any supervisor or employee.
 11. Loss of drivers' license, if required to perform job duties.
 12. Incompatibility with other employees.
 13. Harassment of fellow employees or of members of the public.
 14. Failure to observe all rules and regulations.
- B. Disciplinary action is primarily administered through the employee's supervisor. The Human Resources Coordinator/City Manager has overall responsibility to ensure consistency in administration of disciplinary action throughout the City. The purpose of this policy is to motivate the employee to maintain good standards of conduct, not to punish.
- C. Minor infractions of these rules and policies will usually be called to the employee's attention by his/her supervisor. If the employee continues unsatisfactory conduct or performance disciplinary action should be taken as follows:
1. Verbal Notice - The supervisor notifies the employee verbally that his/her behavior is unacceptable.
 2. Correction Notice - for repeated minor infractions. The supervisor notifies the employee verbally that a notice is being placed in his/her personnel file. The notice automatically becomes inactive after six months if the situation is corrected and no further notices are issued to the employee.
 3. Written Notice - for more significant and/or repeated infractions. The supervisor prepares a written document. The supervisor notifies the employee verbally that the notice is being placed in his/her personnel file. Both the supervisor and the employee sign the document. The purpose of the employee's signature is to acknowledge receipt, not necessarily agreement.
 4. Written Notice with suspension. This action may be taken if prior corrective discipline or the nature of the offense so warrants. This action is taken using a written notice as described above. The Human Resources Coordinator/City Manager is to be consulted any time suspension is being considered.
 5. Dismissal. This action may be taken if the nature of the offense or prior disciplinary action has not resulted in improvement of the employee's performance and/or conduct. If further investigation or consultation is desirable, the employee may be suspended with or without pay pending dismissal. The Human Resources Coordinator/City Manager is to be consulted any time dismissal is being considered.

Discipline may begin at any level noted above depending on the seriousness of the offense and the surrounding circumstances. Former offenses may be considered in determining corrective action. Circumstances serious enough in nature may result in immediate dismissal from employment after consultation with the City Manager.

- D. Any employee receiving a Written Notice with or without suspension will have three (3) days to file a response to the action. The action taken and the employee's answer will be reviewed by the Human Resources Coordinator/City Manager and filed in the employee's personnel file. Following the filing of a statement the employee may request a public or private hearing within 10 days before the City Manager. Such hearing shall be granted, and evidence may be presented in the employee's defense either personally or through counsel. The City Manager will, following such hearing, file a decision in writing and shall furnish a copy to the employee involved within five (5) days. The City Manager may approve, amend, or set aside the disciplinary action if, in the City Manager's opinion, such action is warranted.
- E. Before dismissal an employee shall be given written notice of his/her discharge, together with the charges giving rise to such action, if applicable, and the date upon which such discharge shall be effective. The effective date of the discharge shall be at least two weeks from the date of the notice and the employee may receive pay in lieu of notice until the effective date of discharge, unless the discharge is for cause. The

employee may file a written answer to such notice of discharge, which shall be filed with the Human Resources Coordinator/City Manager within three (3) days after receipt of the notice of discharge and shall, at that time, if the employee desires, request a public or private hearing before the City Manager. Such hearing shall be granted the employee within five (5) days without delay, and the employee shall be entitled to present evidence in his or her defense either personally or through legal counsel. The City Manager, within five (5) days following such hearing, will issue a decision in writing and shall furnish a copy to the employee involved. The City Manager may approve, amend or set aside the notice of discharge as, in the City Manager's opinion, such action is warranted. Nothing herein contained shall prevent simultaneous suspension of the employee to whom a notice of discharge is given.

- F. Decisions made under this section may be appealed to the Personnel Advisory Board, per City Code Section 2-101.
- G. The City will give thirty (30) days notice or pay in lieu of notice to any Department Director being terminated.

Section XII - LAYOFF

When it becomes necessary to lay off employees due to a lack of work or budget constraints, the City Manager/Human Resources Coordinator shall make a thorough analysis of the situation. First, temporary employees shall be dismissed and such positions filled by qualified employees through transfers, if necessary. If there are further layoffs, the employee's tenure of service and relative efficiency will be considered. The advisability of demoting employees in the higher classification to positions of a lower classification shall also be considered. Any employee laid off shall not lose tenure of service standing by reason of such layoff and shall be eligible for eighteen (18) months to be restored to the original position if and when the department resumes its original status. Preference shall be given to laid-off employees in filling its vacancies. This preferential treatment is limited to eighteen (18) months.

Section XIII - RESIGNATION

Any employee may resign at any time and when so resigning must give written notice of his/her intention to resign. It is the City's expectation that the resigning employee give at least two weeks notice, with the exception of Department Heads and Directors who are expected to give a minimum of thirty (30) days notice. All resignations must be submitted to the Department Head. Upon resignation, the employee shall forfeit all seniority and employment privileges allowed by this Plan. Such employee may reapply for City employment in compliance with Section V of this Plan, as any other applicant. The Department Head or Human Resources Coordinator may conduct an exit interview with the resigning employee so that the City may know why the employee is leaving.

Section XIV - VACATION

- A. All permanent full-time employees are entitled to vacations. The employee's anniversary date of hire will be used to determine the amount of vacation time due on the first year of service only; after which time, vacation time will be accrued on an annual basis.
 - (a) Two (2) weeks and one (1) day of vacation each year from zero (0) to four years of service; one week of which may be taken following six (6) months service with the approval of the Department Head;
 - (b) Five years of continuous service earns two weeks and two days of vacation (12 days);
 - (c) Six years of continuous service earns two weeks and three days of vacation (13 days);
 - (d) Seven years of continuous service earns two weeks and four days of vacation (14 days);
 - (e) Eight years of continuous service earns three weeks of vacation (15 days);
 - (f) Nine years of continuous service earns three weeks and one day of vacation (16 days);
 - (g) Ten years of continuous service earns three weeks and two days of vacation (17 days);
 - (h) Eleven years of continuous service earns three weeks and three days of vacation (18 days);
 - (i) Twelve years of continuous service earns four weeks of vacation (20 days);
 - (j) Thirteen years of continuous service earns four weeks and one day of vacation (21 days);

- (k) Fourteen years of continuous service earns four weeks and two days of vacation (22 days);
 - (l) Fifteen years of continuous service earns four weeks and three days of vacation (23 days);
 - (m) Twenty years of continuous service earns five weeks of vacation (25 days);
 - (n) Twenty five years of continuous service earns five weeks two days of vacation (27 days).
- B. In the event of death of an employee, the value of the employee's accrued vacation, computed as that which she would have been entitled to take at the time of death, shall be paid to the employee's estate following current state and federal guidelines.
 - C. The vacation scheduling shall be determined by the Department Head. Department Heads shall prepare or approve the vacation schedules in such a manner as not to interfere with the work schedule of the department. Department Heads shall notify the City Manager of their individual vacation schedules.
 - D. Part-time, temporary and seasonal employees are not entitled to receive vacation pay.
 - E. The intent of this policy is to allow employees to take vacation for rest and relaxation, away from the work place. The City does not provide vacation pay in lieu of vacation time, except as may be stated herein. No employee may work for the City, or in the place of another employee of the City, while said employee is receiving vacation pay. This provision does not apply to employees who serve as election officials for the City, other than the City Clerk.
 - F. Effective January 1, 2004, Merit Plan employees may carry over a maximum of ten (10) vacation days earned in one year to the next with the approval of the department head, subject to the approval of the city manager, at a rate earned. Except in exceptional circumstances, an employee will forfeit any unused vacation as provided by this policy. If an employee wishes to carry over more than ten (10) days vacation time, written request must be made, through the Department Head, to the City Manager. If approved by the City Manager, the approval will be communicated to the Department Head and payroll office. Notwithstanding, this limitation in carryover of vacation days shall be suspended in the year preceding retirement from the City of Claremont, provided however, that the employee in question qualifies for retirement in accordance with Section XVII herein on the anticipated date of separation. The employee must submit written notification to the City of the intent to retire at least one year in advance in order to qualify for the suspension of the limitation on carryover of vacation days.
 - G. Upon leaving the employ of the City, employees will be paid for any remaining accrued vacation time.

Section XV - LEAVE OTHER THAN VACATION

A. (1) *Sick Leave*

(a) Each permanent full-time non-union employee shall be entitled to one (1) working day, computed in hours (based on the employee's approved straight time schedule), of sick leave for each month worked. Earned sick leave is computed on a continuous basis and may be accumulated to a maximum of forty five (45) days. Accumulated sick leave for employees not grandfathered under these provisions, beyond these maximums will not be compensated. Employees who have more than forty-five (45) days accumulated sick leave prior to November 10, 1999 shall retain and be permitted to maintain those accumulated days, unless such accumulated sick leave falls below 45 days, at which time they will only be able to accrue up to a maximum of 45 days going forward.

(b) An employee may donate accumulated sick leave to any other merit plan employee within the City or any union member within same department who is entitled to accumulate sick leave in his or her own name, but who has inadequate sick leave to apply to an absence from work resulting from an existing sickness or injury. To be eligible as a donor, the donor employee must maintain a minimum of twenty (20) days of accumulated sick leave in order to donate time. The donor employee shall have the option of donating sick leave anonymously. To be eligible to receive donated sick leave, the recipient employee must have exhausted all available paid leave, excluding one week of vacation, and shall make a request in writing to the Sick Leave Donation Committee requesting to receive such

additional days. An employee receiving donated sick leave may accept a maximum of thirty (30) days donated sick leave during any twelve (12)-month period. Donated sick time shall not be considered as "used" for the purposes of determining eligibility for any sick leave incentives. Any unused donated sick leave shall be returned to the donor upon the donee's return to work.

(c) Sick leave is granted because of an off-the-job illness or injury of the employee. In order to be paid for sick leave, the employee must notify the supervisor/Department Head as soon as possible to the employee's normal time to report for work, except for good cause shown. The Department Head may require proof of the sickness by a doctor's certification. Reports of sick leave must be submitted by the Department Head to the payroll office on the proper form.—Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave is to care for a covered servicemember with a serious injury or illness is also used) or as otherwise allowed by federal law or regulation.

(2) *Intermittent leave and reduced-leave schedule.* An eligible employee may take intermittent leave or may arrange a reduced-leave schedule as permitted by applicable state and federal law and regulation with the permission of the employee's department head. The city will limit the shortest leave period to one hour. For an employee needing intermittent leave or a reduced-leave schedule for foreseeable medical treatment, the city and the employee will implement a work schedule that meets the needs of the employee without unduly disrupting the city's or the department's operations, subject to the approval of the employee's healthcare provider. If the employee in need of intermittent leave or a reduced-leave schedule has a second place of employment, the employee will give priority to the city, as opposed to the second employer, when scheduling time off for FMLA leave. During intermittent or reduced-schedule FMLA leave, the city temporarily may transfer the employee to an available alternative position, with equivalent pay and benefits, that accommodates recurring periods of leave better than the employee's regular job.

(3) *Paid and unpaid leave.* FMLA leave begins on the first day of leave designated as "FMLA leave" by the city, regardless of whether said leave is paid or unpaid. The city requires the substitution of accrued paid leave for unpaid leave. Accordingly, all eligible employees who take FMLA leave for purposes set forth above will use all accrued paid leave before taking unpaid leave pursuant to this policy. An employee shall use all his/her accumulated sick leave and vacation leave for pay during this period, and shall not forfeit seniority. Health, dental and life insurance benefits may be continued by the employee when on unpaid leave by making application to pay the total cost of such benefits on a monthly basis, for the duration of the approved leave.

(4) *Other employment and overtime.* Because the purpose of FMLA is to allow employees to balance their work and family life by taking reasonable leave to meet their personal and family obligations, the acceptance or continuance of other employment during a consecutive FMLA leave period is inconsistent with the purpose of FMLA. For this reason, the acceptance or continuation of other employment, including overtime and outside details, during any consecutive FMLA leave period is prohibited. Employees who violate this provision will be subject to disciplinary action. Employees taking intermittent leave or a reduced-leave schedule may continue other employment during the FMLA leave periods; however, the employee will give priority to the efficient operations of the city and his department, as opposed to those of the second employer, when scheduling the FMLA leave.

(5) *Military family leave.* Eligible employees may take military family leave and qualifying exigency leave pursuant to state and federal law and regulation. Qualifying exigencies may include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, post-deployment activities, and any other event or activity that the city and employee agree is a qualifying exigency.

(6) *Notice.* An employee will provide his or her supervisor and the Human Resources Coordinator at least 30 days' advance written notice before FMLA leave begins if the need for the leave is foreseeable, based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or the employee's spouse, son, daughter, or parent. If 30 days' notice is not

practicable, such as because of a lack of knowledge of when the leave will be required to begin, a change in circumstances, or a medical emergency, notice will be given by the employee as soon as practicable. The term "as soon as practicable" means as soon as possible and practical, taking into account all of the facts and circumstances in the individual case. For FMLA leave that is foreseeable, but where it is not possible to give 30 days' advance written notice, "as soon as practicable" means written notification to the employee's supervisor and to the Human Resources Coordinator at least one or two business days of learning of the need for leave, except in extraordinary circumstances when such notice is not feasible, in which case the employee will give at least verbal notice to his supervisor and to the Human Resources Coordinator.

(7) *Certification/Medical certification.* An employee taking FMLA leave for a serious health condition or for the care of a spouse, son, daughter, or parent with a serious health condition will provide medical certification of such condition by the treating healthcare provider. If FMLA leave is foreseeable and at least 30 days' notice of the leave is provided by the employee, the employee will provide medical certification before the leave begins. When FMLA leave is not foreseeable, the employee will provide medical certification within 15 calendar days after the city's request for said certification, unless it is not practicable under the particular circumstances to do so despite the employee's good faith efforts. The city may require new medical certification each leave year for medical conditions that last longer than one year. The city may require, at its own expense, that the employee obtain a second opinion. If the opinions of the employee's and the cities designated healthcare providers differ, the city may require the employee to obtain medical certification from a third healthcare provider mutually acceptable to the city and employee at the city's expense. The third opinion will be final and binding. *Military certification.* An employee taking service member family leave will provide certification related to the family member's active duty or call to active duty.

(8) *Fitness for duty.* If an employee takes FMLA leave for the treatment of his or her own serious health condition, he or she must provide the city with certification from his or her healthcare provider prior to returning to work that he or she is able to resume work. The certification should address specifically the employee's ability to perform the essential functions of his or her job. Where reasonable safety concerns exist, the city may require a fitness-for-duty certification before the employee may return to work when he or she takes intermittent leave.

(9) *Rights to reinstatement.* Unless otherwise permitted by federal law, an employee returning from FMLA will be returned to his or her previous job or to a position with equivalent pay, benefits, duties, responsibilities, and other terms and conditions of employment. An employee has no right to reinstatement under FMLA if the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition. The Americans with Disabilities Act (ADA) or New Hampshire Workers' Compensation laws then may govern the city's obligation to the employee. Unpaid FMLA leave will not count towards seniority and benefit calculations as determined by existing policies. An employee whose position is eliminated while on FMLA leave is not entitled to reinstatement upon completion of FMLA leave.

- B. In the event of death of an active employee, the City shall pay the employee's estate, following current state and federal guidelines, 100 percent of the accumulated sick leave, as defined in section XV. A.
- C. All regular full-time employees having taken no sick days during the calendar year shall be entitled to an additional two (2) vacation days to be added to the accrued vacation during the following year. Employees taking two (2) sick days or less during the calendar year shall be entitled to one (1) additional vacation day.
- D. All regular full-time employees shall be entitled to two (2) non-cumulative Personal Days each year. These days may not be carried over into the following year and, if unused, are forfeited. Personal days off must be approved by the Department Head.
- E. Injury leave, as distinguished from sick leave, shall mean paid leave given to an employee due to absence from duty caused by an accident or injury that occurred while the employee was on duty. Employees of the City are covered by Workers' Compensation Insurance and paid certain stated amounts due to injuries

received on the job. The City, in the case of injury leave, will supplement the payments of the insurance company so that the employee will be paid their regular gross straight time pay, less all required and elected deductions during the absence, for an on-the-job accident, for a period not to exceed six (6) months. In the case of injury causing temporary total disability of less than seven (7) days, the City will pay the employee's regular gross straight time pay for such period since payments are not made under Workers' Compensation Insurance for such accidents. Employees who receive Workers' Compensation benefit payments that duplicate payments received from the City are required to sign-over or repay to the City any such amounts. In the event of permanent total disability or death resulting from an accident received on-the-job, any payments will be determined by the City's Workers' Compensation Insurance Company.

- F. Military leave will be granted to an employee on regular duty who voluntarily or involuntarily enters into the military service of the United States during a time of war or national emergency. Military leave will be granted to any person on active duty with the National Guard or organized Military Reserve. Such leave shall be without pay and shall be for the duration of the war or national emergency. Employees upon entering military leave shall file a request with the Human Resources Coordinator/City Manager who shall note the same on the employee's record. Following the completion of military service, the employee shall be entitled to be reinstated in the position they vacated or an equivalent position provided that they file a request to do so with the Human Resources Coordinator/City Manager within a period of thirty (30) days following such completion of military duty or by law. Uniformed Services Employment and Reemployment Rights Act (USERRA) paid leave shall not accrue during the period of activation (leave of absence).
- G. Military Reserve and National Guard Leave Pay, for a regular full-time employee called to serve not more than seventeen (17) days of annual training tour of duty with the National Guard or Armed Forces Reserves, shall be the employee's regular gross straight time pay less any pay and allowance the employee receives for such military service. Such payments shall be made following the showing of satisfactory evidence of the amount of pay received for such military service to the Human Resources Coordinator/City Manager.
- H. Jury Duty pay for a regular full-time employee called as a juror shall be the difference between the fee received for such service and the amount of straight time earnings lost by reasons of such service. Satisfactory evidence of jury service must be submitted to the Department Head and payroll office. Payment of meals and/or mileage shall not be considered as part of the fee for purposes of this section.
- I. The City Manager may permit directors and directors may permit other employees to attend professional development events with pay in the interest of the City.
- J. Leave without pay may be granted by the City Manager when requested by an employee when such leave is deemed to be justified and all personal days and accrued vacation have been exhausted. Such leave may be used for an extension of vacation time where circumstances will permit or for other similar purposes.
- K. Bereavement Leave, for all permanent full-time employees, will be granted by Department Heads based on the following:
 - (1) Bereavement leave of five (5) working days with pay will be granted an employee in the event of death of their: Spouse, Child, Father, Mother, Sister, Brother, Father-in-law, Mother-in-law, Brother-in-law, or Sister-in-law.
 - (2) Bereavement leave of two (2) working day with pay will be granted an employee for the purpose of attending the funeral in the event of death of their: Grandchild, Grandmother, Grandfather, Aunt, or Uncle.
 - (3) Under extenuating circumstances, for bereavement, two (2) additional days with pay may be granted for Sections (1) and (2) above, with the written approval of the Department Head.
 - (4) In the event of death connected to other members of an employee's family, not so listed in the above categories, approval for time off may be granted with pay by the Department Head, with approval of the City Manager.

- L. Official City holidays will be paid at the regular rate of pay to all regular full-time employees on regular duty, except those whose regular shifts or hours of duty may require them to work holidays. In the event that, due to an emergency, a nonexempt employee is required to work on a holiday, the employee shall receive holiday pay plus time and one-half for any hours worked.

The holidays observed by the City shall be as follows:

- New Year's Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day
- 1 Floating Holiday

The City Manager may designate certain offices to remain open with reduced staffing for Presidents' Day and Veterans' Day. Those employees working that day will receive another day off with the approval of their Department Head. This day must be taken within 30 calendar days.

Employees will not be paid for holiday leave unless they work the last work day prior to the holiday and the first work day after the holiday. This provision shall not apply to employees on approved leave.

- M. Holidays falling on a Saturday shall be celebrated on the preceding Friday, while those falling on a Sunday shall be celebrated on the following Monday. All employees will be allowed one (1) Floating Holiday. This day may be used at any time during the year, subject to sufficient notice and approval from the appropriate Department Head. Sufficient notice will normally be 1 week or more.
- N. Holiday Leave for the Deputy Fire Chiefs/Captains and Police Lieutenants shall be paid at their regular hourly rate (in addition to their regular weekly pay) for each of these holidays whether or not the employee is on vacation or sick.
- O. Pay for each holiday shall be included in the employee's regular paycheck for the week in which the holiday occurs.
- P. As part of a hiring agreement, a new employee of the City with considerable service and experience may be granted paid time off to be used in addition to vacation time earned. This special benefit will be based on the new employee's previous work service, experience and the importance and level of his/her position with the City. The purpose of this is to assist the City in hiring seasoned personnel who have been earning higher amounts of vacation time. The amount of paid time off to be granted will be part of the official job offer and will decrease as additional vacation time is earned. Once the employee is earning vacation time totaling the combined paid time off and vacation earning level at the time of hire the paid time off will be eliminated completely. This paid time off must be taken each calendar year or it will be forfeited. A record of this paid time off is to be recorded on the time records for the period in which the time is taken. This special benefit requires the approval of the City Manager.

Section XVI - OVERTIME

- A. Overtime for non-union, nonexempt employees will be paid for scheduled overtime at time and one-half the regular hourly pay for those hours worked in excess of 40 hours in any week.

Hours considered as hours worked for overtime pay computation include:

1. Scheduled hours worked and paid for
2. Holiday hours - see overtime computation as noted in Section XV.L.

3. Bereavement Pay
4. Jury Duty Pay
5. Military Pay
6. Vacation hours earned and paid for
7. Occupational Injury Pay and time, first day of injury only.

Hours not considered as hours worked for overtime pay computation include:

1. Paid sick leave
2. Paid personal leave
3. Pay in lieu of notice at time of layoff
4. Approved medical disability pay and time
5. Approved occupational injury pay and time

Overtime is requested on a voluntary basis; however the City's expectations are that employees will work their fair share of overtime as the need arises. Incidental overtime is not permitted. All overtime must be approved in advance by the supervisor.

- B. Overtime for non-union, nonexempt personnel shall be authorized by the respective Department Head or the City Manager and shall be confined to emergencies or instances where work cannot be undertaken or completed during the regular work hours. Overtime compensation may be in the form of compensating time off computed at the overtime rate with the employee's permission. Compensated time off must be taken during the same week in which the overtime hours are worked or in the immediately following week if the overtime hours occur on a Friday or Saturday.
- C. The City is required to maintain many services to the public day and night, and for this reason, its employees are expected to respond to emergencies, when called upon to do so. Failure of an employee to report to emergency work when called upon to do so may result in their suspension or discharge in accordance with section XI of this Plan unless there are extenuating circumstances which would make impractical their ability to so report.

Section XVII - LONGEVITY

- A. Longevity pay will be paid to all eligible regular full-time employees in one lump sum payment in November (anniversary date by November 1) based on the following table:
 - (a) Five (5) to nine (9) years service - \$300.00/year
 - (b) Ten (10) to fourteen (14) years service - \$400.00/year
 - (c) Fifteen (15) to nineteen (19) years service - \$500.00/year
 - (d) Twenty (20) to twenty-four (24) years service - \$600.00/year
 - (e) Twenty-Five (25) years of service and over - \$700.00/year
- B. Employees must be employed by the City at the time longevity is paid (as of November 1 of any year) to be eligible for the longevity payout. Retiring employees who meet all the retirement eligibility requirements set forth by NHRS shall receive their longevity payment at the time of their retirement as long as that money has been allocated in the current year's budget.

Section XVIII - RETIREMENT

- A. The City has elected to participate in the New Hampshire State Employees' Retirement System. Henceforth, all regular full-time employees are required to become members of this retirement system, except the City Manager.
- B. The provisions of the retirement system are those enacted by the General Laws of the State of New Hampshire and are from time to time revised. Reference is made to these laws for all provisions as to time and methods of retirement, contributions, transfers, and all other matters relating to the State Retirement System.

- C. After twenty (20) years satisfactory service, upon retirement or state approved disability retirement, New Hampshire Retirement System (NHRS) Group 1 employees who have reached the age of sixty (60) or greater and New Hampshire Retirement System (NHRS) Group 2 employees who have reached the age for retirement as authorized by the NHRS for the applicable class of employee shall be paid one hundred percent (100%) of their individual accumulated sick leave as a retirement severance adjustment. After ten (10) years satisfactory service, upon retirement or state approved disability retirement, New Hampshire Retirement System (NHRS) Group 1 employees who have reached the age of sixty (60) or greater and New Hampshire Retirement System (NHRS) Group 2 employees who have reached the age for retirement as authorized by the NHRS for the applicable class of employee shall be paid fifty percent (50%) of their individual accumulated sick leave or one thousand dollars (\$1,000.00), whichever is greater, as a retirement severance adjustment. Only employment by the City of Claremont shall be counted in computing service time for this benefit.
- D. In the event of a death of an active employee, the City shall pay the employee's estate, following current state and federal guidelines, 100 percent of the accumulated sick leave, as defined in Section XV- A.
- E. Employees must provide, thirty (30) day notice, in writing, to the City of their intention to retire except for exceptional, documented circumstances.

Section XIX - PERSONNEL ADVISORY BOARD

The Personnel Advisory Board provided for by Section 53 of the City Charter consists of three members, none of whom holds any other political office. In addition to other provisions of this Plan, any employee shall have the right to appeal to this Board any decisions or ruling made under the provisions hereof. In considering such appeals, the Board shall have the right to summon any employee or officer of the City to appear before them and offer evidence or testimony relating thereto. Failure of an employee to so appear when requested shall make them subject to disciplinary action under the provisions of Section XI, unless due cause is shown as to why the employee did not appear. The Board shall have the right at all times to examine the personnel records and any other books or records of the City as they relate to a case under consideration.

Section XX - STANDARDS OF CONDUCT RELATIVE TO MUNICIPAL CONTRACTS

Pursuant to the, City's Code of Conduct, no municipal officer, employee or agent, for the City, shall solicit or accept any gratuity, favor or anything of monetary value from any contractor or potential contractor with the municipality relative to the procurement of any contract, supplies, equipment, construction, and/or services. The offering and/or giving of any such matter or monetary value by such a contractor or their agents to any municipal officer, employee or agent shall be subject to appropriate disciplinary action.

Section XXI - INSURANCE

- A. All regular non-union, full-time Merit Plan employees shall be eligible to receive the same health, dental and life insurance coverage as the highest coverage of the four (4) Claremont municipal union contract settlements. The Merit Plan employees shall pay no more than the least amount paid by these above mentioned contracts. The City shall make health insurance available to each permanent, regular full time employee. The City will provide the following plans: Blue Choice 2 Tier RX10/20/30, which shall only be available to employees who are active employees as of _April 1, 2014; and MTB20 RX 0/20/30 in accordance with the benefit summary available from the Human Resources Coordinator, on the following basis:
 - a. The City shall pay 92.5% of the cost of a Blue Choice 2 Tier policy for the employee and his/her qualified family members effective January 1, 2014 and 88.5% effective January 1, 2015 and thereafter.
 - b. The City shall pay 97.5% of the cost of the MTB20 RX 0/20/30 policy for the employee and his/her qualified family members effective January 1, 2014 and 95% effective January 1, 2015 and thereafter.

c. Current employees who transition to the MTB20 RX 0/20/30 coverage will receive a \$300.00 payment in calendar year 2014, and a \$400.00 payment effective in the 2015 calendar year.

d. New employees hired after April 1, 2014 shall only be eligible to enroll in the Matthew Thornton Plan MTB 20 RX 0/20/30 and the City shall pay 90% of the cost of such coverage.

Employees opting for another health plan, if another health plan is offered by the City, shall be responsible for the additional cost of such a policy to be deducted on a weekly basis through payroll deductions. Employees may only change enrollment during the open enrollment period unless circumstances allowed by the insurance company dictate otherwise.

Any employee who does not enroll in a health care plan offered by the City shall receive a lump sum payment equal to one-half (1/2) the cost of the BC2 Tier RX 10/20/30 for a single person allotment (prorated if the employee has not completed a full calendar year) that the City is required to pay under this paragraph. Payment shall be made in November of each year. Any employee taking advantage of this provision shall provide proof of other health insurance by January 1 of each year, to the Human Resources Coordinator.

B. All regular full-time City employees are entitled to short term disability income insurance on the following terms:

- (1) Two-thirds of the employee's gross straight time income, paid by the insurance carrier up to a maximum allowable benefit (cap) of \$750.00 per week and the remaining one-third of the employee's gross straight time income to be paid by the City,
- (2) Twenty-six (26) weeks of coverage,
- (3) Forty five (45) calendar day waiting period,
- (4) The employee must have two (2) years continuous employment with the City to be eligible for this benefit, and
- (5) Disability payments are solely the responsibility of the insurance carrier.
- (6) Approved disability leave is also counted as FMLA leave.

All disabilities shall be verified by a medical doctor's statement as to the length of time and severity of the disability. The City may request a second opinion at its expense. Disability coverage shall not apply to injuries covered by Workers' Compensation Insurance. Insurance coverage may remain in force providing the employee continues to pay his/her contribution for such coverage. Employees who receive short term disability benefit payments that duplicate payments received from the City are required to sign-over or repay to the City any such amounts.

Life & Accidental Disability and Dismemberment Insurance. The City shall provide each regular permanent full time, non-probationary employee, a life insurance policy equal to one year's salary, not to exceed \$95,000, to the next highest one thousand dollars of the employee's base pay. Coverage will become effective the 1st of the month following the employee's first year anniversary from date of hire.

C. The City reserves the right to change, at its discretion, from time to time, insurance carriers; provided any insurance carrier selected shall be licensed to do business in the State of New Hampshire and shall provide insurance coverage as near as possible to the current benefit level.

Section XXII - EDUCATION

A. In addition to job-related educational seminars and conferences, the City agrees to provide reimbursement to employees who complete approved courses relative to their current responsibilities as part of an approved career development program. The City of Claremont shall reimburse employees for the cost of course tuition and books but not to exceed \$1,500.00 per employee in any calendar year and, in any event, the total amount paid shall not exceed the total departmental amount budgeted for this program. In the event the amount of reimbursement sought exceeds the total amount budgeted for this purpose, reimbursement shall be made on a pro-rata basis.

- B. Courses must be approved in advance, by the appropriate Department Head. In order to be eligible for reimbursement, the proposed courses must be directly related to the employee's job, or as part of an approved career development plan. Up to 50% of the cost of tuition may be received in advance, subject to repayment, if applicable, as set forth herein.
- C. Once a course has been approved as meeting the requirements, the employee will be paid the approved amount in accordance with the following criteria: Employees receiving a grade of "B-" or better will receive 100% reimbursement. Employees receiving a grade of "C+" or "C" shall receive 75% reimbursement. Any employee receiving a grade of less than a "C" ("C-" or less) will receive no reimbursement. Any employee failing to satisfactorily complete the course, as noted above, shall have any advance payment deducted from their paycheck in ten (10) equal weekly payments.
- D. Not more than \$1,500.00 will be paid to any employee in any calendar year for course reimbursements.
- E. Approval for courses shall be considered on the basis of relevancy of the course, number of employees applying, and funds available.
- F. If an employee is eligible for Veteran's benefits or other scholarship(s) the City will reimburse only for expenses not paid by these benefits.

Section XXIII - UNIFORMS

Personnel required to wear uniforms will receive either uniform/clothing or an allowance as prescribed by their respective department and are expected to wear their required uniforms while performing their job.

Section XXIV - MANAGEMENT RIGHTS

The City Manager as the Chief Executive and Administrative Officer of the City, in accordance with the terms of the Charter of the City of Claremont, shall have the exclusive right to hire, promote, demote, terminate, and/or transfer employees; make regulations for the safety of employees; increase or decrease the work force, and/or modify duties as necessary, not inconsistent with said Charter ordinance or regulations of the City of Claremont.

Section XXV - NON-UNION STAFF BENEFITS

Notwithstanding, and in lieu of receiving either the Agility, Sick Time, or Certification Bonuses as set forth in various Collective Bargaining Agreements with the City of Claremont, Merit Plan employees shall have \$600.00 added to their base wages as a Merit Plan Bonus. Beginning in the 2003 calendar year, the bonus will no longer be added to the base and shall be paid in one lump sum in November.

Ongoing eligibility will be reviewed by the City Manager on a yearly basis to determine if bonuses should be continued. Employees of the Fire Department hired prior to April 1, 2002, shall receive either the Merit Plan Bonus or the Certification Bonus as set forth in the Collective Bargaining Agreement with the International Association of Firefighters, Local 1571, whichever is greater.

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Revised by the Claremont City Council March 12, 2014