

# CITY OF MIDDLETOWN



# PERSONNEL RULES

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## **POLICY STATEMENT**

In every organization it is necessary to establish a framework within which the efforts of employees can be directed in a manner which will advance both the objectives of the organization and the interests of the individual. Simply stated, every employee needs to know the rules and regulations of the organization and what is expected of him/her.

With the growth of the City of Middletown, it has become necessary to provide an outline administering personnel policies. This has been necessitated by the number of people employed, by the number of employee benefits provided by the City, and by the increasing role of government in regulating the personnel function. This manual has been prepared as a guide and reference for all employees at all levels within the City of Middletown public services.

All employees of the City of Middletown shall receive a copy of this manual upon their employment with the City. The Human Resources Division will be responsible for delivering a manual to each new employee.

The City of Middletown attempts to achieve the following goals through publication of this manual:

- A. To provide equal employment opportunity and treatment regardless of race, color, religious creed, sex, age, sexual orientation, transgender status, marital status, ancestry, gender identity or expression, national origin, disability (learning, physical, intellectual), genetic information, political affiliation or belief, criminal record, and military or veteran status;
- B. To provide competitive salaries and employee benefits;
- C. To establish reasonable hours of work based on the City's service needs;
- D. To monitor and comply with applicable Federal and State laws and regulations concerning employee safety;
- E. To provide training consistent with the City's requirements for those whose needs, capabilities, and desires warrant such training;
- F. To accept constructive suggestions which relate to methods, procedures, working conditions and the nature of the work performed; and
- G. To establish appropriate procedures for employees to discuss matters of interests or concern with their immediate supervisors or department heads.

The City of Middletown expects from all employees:

- A. To give a productive day's work;
- B. To arrive at their departments and begin work on time;
- C. To demonstrate a considerate, friendly and constructive attitude toward fellow employees; and
- D. To adhere to the policies adopted by the City of Middletown.

The City of Middletown retains the sole right to exercise all managerial functions including, but not limited to, the rights:

- A. To assign, supervise, discipline and dismiss employees;
- B. To determine and change starting time, quitting times, and shifts;
- C. To transfer employees within departments or into other departments and other classifications;
- D. To determine and change the size of and qualifications of the workforce;
- E. To establish, change, and abolish policies, practices, rules, and regulations at will as it sees fit;
- F. To determine and change methods by which its operations are to be carried out; and
- G. To assign duties to employees in accordance with the City's needs and requirements, and to carry out all ordinary administrative and management functions.

This manual, when in direct conflict with a collective bargaining agreement in place between the City of Middletown and a duly recognized union, will be superseded by such contract. To the extent this manual is in conflict with Municipal Code of Ordinances, State statutes or Federal statutes it will be superseded by such law.

No City representative is authorized to modify this manual for any employee or to enter into any agreement, oral or written, contrary to this manual. Supervisory and management personnel are not to make any representations to employees or applicants concerning the terms or conditions of employment with the City which are not consistent with City policies.

This manual will be reviewed periodically at the discretion of the Mayor and/or his/her designee committee, for possible revisions and/or changes.

If any section of the personnel policies shall be held to be invalid for any reason, the remaining sections of this manual shall not be held to be invalid but shall remain in full force and effect.

## APPOINTMENT APPROVAL

### POLICY

It is the Policy of the City of Middletown that the Mayor of the City of Middletown makes the final approval into and within the City service including, but not limited to, promotions, transfers, and new hires.

#### Sec. 1 Non-Competitive Positions

- A. Unskilled labor positions/entry level positions do not require formal testing.
- B. Each eligible applicant must complete an application for employment.
- C. Prior to final selection the candidate must be given an oral interview to ensure the applicant has the necessary knowledge to perform the described duties to the satisfaction of the department.
- D. Recommendation will be forwarded to the Mayor for his/her final approval.

#### Sec. 2 Competitive Positions

- A. Professional and semi-skilled positions require an oral and/or written test to be administered by the Human Resources Division.
- B. Clerical positions require a written skills test administered by the Human Resources Division.

#### Sec. 3 Eligibility

Before consideration for competitive testing an applicant must complete an employment application and submit it to the Human Resources Division. The Director of Human Resources or his/her designee will determine whether or not the applicant meets the minimum requirements for the vacant position.

#### Sec. 4 Testing

- A. A professional panel selected by the Human Resources Division will conduct oral interviews with eligible applicants.
- B. The testing procedures in use by the Human Resources Division to select applicants for City employment shall include the following:
  - 1. In the event that a selection panel is utilized to screen new job applicants, each applicant who obtains a passing score and

who is a resident of the City of Middletown, will have an additional five (5) points added to his final score. This does not include promotional testing for current employees.

2. In the event that a written test and a selection panel is used to screen new job applicants, each applicant who receives a passing score from both the written test and the selection panel, and who is a resident of Middletown will have an additional five (5) points added to his composite final score. This does not include promotional testing for current employees.
- C. All applicants that earn a passing score on the oral test will have their applications forwarded to the affected Department for a second oral interview.
- D. Upon completion of the second interview the department head will provide in writing the results of the oral interviews to the Human Resources Division in ranking order.
1. The names of all successful candidates will be placed on an eligibility list.
  2. The duration of the list shall be for one (1) calendar year.
  3. Prior to the expiration and within the limits of Sec. 4 (D) (2) an employment list may be continued by order of the Mayor. A new expiration date may be established and lists may be extended more than once within the limitations provided in Sec 4 (D)(2).
  4. Cancellation of lists may be ordered by the Mayor; provided it has been determined that fraud or illegality of action has taken place in connection with the examination upon which the test was based, or in the interest of implementing affirmative action hiring guidelines.
  5. The Mayor may remove from an eligibility list the name of any person who has requested in writing that his or her name be removed from such list.

## Sec. 5      Starting Date

Upon the Mayor's approval, the Human Resources Division will determine the date of hire and shall notify the hiring department, the Finance Department and the Risk Manager's Office in order to coordinate in processing actions.

Sec. 6 Formal Appointment

Before any appointment is made by the Mayor, no statement is to be made during recruiting, testing or orientation promising permanent or guaranteed employment, and no document or conversation is considered a contract for employment. Employment is only valid and legal upon the Mayor's official, written appointment of the eligible employees.

- A. Any indication of approval to the prospective employee made by any employee prior to approval by the Mayor will result in disciplinary action against such employee.

Sec. 7 Working Test Period

All new employees to the City of Middletown, beginning with their first day of work, will serve a working test period of four (4) calendar months. Upon consultation with the department head and Human Resources Division, the Mayor may terminate such employee during the working test period for reasons deemed appropriate. Upon the recommendation of the Department Head and the Director of Human Resources, the Mayor may extend the working test period for a period of up to four (4) additional calendar months.

Sec. 8 Equal Employment Opportunity

The City of Middletown will provide equal opportunity employment to all employees and applicants for employment. No person working for the City of Middletown is to be discriminated against in employment because of race, color, religious creed, sex, age, sexual orientation, marital status, ancestry, transgender status, gender identity or expression, national origin, disability (learning, physical, intellectual), genetic information, political belief, criminal record, and military or veteran status. The City will strive to achieve prompt and full utilization of minorities, people with disabilities, veterans and women at all levels and segments of the work force.

Sec. 9 Veterans Preference

Veterans who served in time of war as defined in the General Statutes Sec. 27-103 (2), or their wives or their widows until remarriage, who earn a passing grade shall have, if claimed, preference in open competitive examinations as follows:

- A. A credit of five (5) points shall be added to the final earned rating of any such veteran or until remarriage, the widow of any such deceased veteran or the wife of any such veteran who is unable to pursue gainful employment because of disability.
- B. A credit of ten (10) points shall be added to the final earned rating of any such veteran who is eligible for disability compensation or pension from the United

States through the Veterans Administration or, until remarriage, the widow of any such deceased veteran who at the time of his death was eligible for such compensation or pension or the wife of such veteran who is eligible for such compensation or pension and whose husband is unable to pursue gainful employment because of disability.

- C. Credits as provided in this subsection shall be allowed only if proof of status claimed is filed with the Human Resources Division prior to the promulgation date of the employment list and is found to be valid and acceptable.
- D. To establish eligibility due to disability, proof of status claimed must be dated within six (6) months prior to date of submission or the death of the veteran.

Sec. 10      Protest

- A. If an applicant questions the validity of the basis for the rejection of his or her application or the accuracy of his or her score on any phase of an examination he/she may, in writing, request a review by the Deputy General Counsel or designee.
- B. Such request shall be specific in nature listing in detail the area and character of disagreement or disagreements and setting forth the reasons or authority for his contentions. Applicants must submit their written request for review no later than five (5) business days after the date of City notice.
- C. The Deputy General Counsel or his/her designee, shall make such review as may be necessary to determine the validity of the rejection or scoring and shall within five (5) business days report its findings to the applicant. The decision of the Deputy General Counsel or his/her designee shall be final.

**CLASSIFIED SERVICE – NEW POSITIONS**

POLICY

It is the Policy of the City of Middletown to be an equal opportunity employer and to hire all individuals solely on the basis of their qualifications of the job to be filled.

Sec. 1      Creation of New Position

In order to create a new position in the classified service and before any appointments are made, the Mayor or his/her designee must submit the following to the Human Resources Division to be presented before the General Counsel Commission:

- A. Job Title;
- B. Department where position will be located;
- C. Salary Grade;



- D. Position Definition;
- E. General Duties;
- F. Additional Duties considered necessary for successful employment;
- G. Supervised by;
- H. Qualifications including minimum experience, training, knowledge, skills and abilities;
- I. Licenses or certificates required;
- J. Career possibilities.

Sec. 2      Assignment of Class

The Director of Human Resources will recommend to the General Counsel Commission upon consultation with the appropriate collective bargaining units which union the position will be assigned to, if any.

Sec. 3      Funds Available

The Department Head, in consultation with the Finance Department, will determine whether or not funds are available to cover adequately the expense of the newly created position.

Sec. 4      Final Approval

The complete review and findings of the General Counsel Commission must be submitted to the Common Council for final approval.

**RECLASSIFICATION OF POSITION**

POLICY

In order to reflect changes in the duties and responsibilities of positions within the classified service the Common Council may enact, either at the request of the Mayor or upon its own initiative, changes in the duties, responsibilities, and qualification requirements for such positions, and in so doing may change the title and description of such positions, and relocate such positions to a new pay grade. Such actions by the Common Council shall be referred to as "reclassification".

Sec. 1      Definitions

- A. "Class", "class of positions: or position classification" means a position or group of positions in the classified service established by the Common

Council that share general characteristics and are categorized under a single title for administrative purposes.<sup>1</sup>

- B. "Position" means a group of duties and responsibilities currently assigned or designated by competent authority to require the services of one employee.<sup>2</sup>

Sec. 2            Review by the Human Resources Division and General Counsel Commission

- A. Upon request the Human Resources Division will analyze a position in the Classified Service and make recommendations to the General Counsel Commission concerning whether changes in duties and responsibilities associated with said position warrant reclassification of the position. The General Counsel Commission shall hear the recommendations of the Director of Human Resources, or his/her designee, as well as provide the opportunity for comments by affected employees and/or their bargaining unit representative, and make recommendations to the Common Council.
- B. The complete review and findings of the General Counsel Commission must be submitted to the Common Council for final approval.

Sec. 3            Method of Filling Reclassified Positions

- A. No competitive posting or examination for any reclassified position shall be required if:
  - 1. An incumbent employee meets the minimum qualifications established by the Common Council for the reclassified position;
  - 2. The employee has worked at his/her existing level in his/her current position and has maintained an adequate performance record for a minimum period of six months.
- B. The Human Resources Director shall determine if the foregoing criteria are met. If the requirements are met, the incumbent employee shall be assigned to the reclassified position. If the requirements cannot be met, a vacant reclassified position shall be filled through the competitive posting and selection process set forth in these Personnel Rules.
- C. Any incumbent employee affected by the Human Resources Director's determination that the criteria are not met, shall have recourse through the grievance procedure of any applicable collective bargaining agreement for unionized employees.

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<sup>1</sup> This definition is modeled upon the State Personnel Act 5-196, Connecticut General Statutes

<sup>2</sup> This definition is modeled upon the State Personnel Act 5-196, Connecticut General Statutes

## TRANSFERS/PROMOTIONS

### POLICY

A regular (non-temporary) employee may request a transfer or promotion to a vacant position which has been posted.

#### Sec. 1 Transfer/Promotion Process

Employee request for transfer/promotions will be handled as follows:

- A. The employee must submit a completed application to the Human Resources Division during the posting period.

#### Sec. 2 Eligibility

Eligible employees who request a transfer/promotion will be considered in the following order:

- A. Employees in the same department as the job opening. (requesting a transfer or promotion);
- B. All other regular full time employees. (transfer within City first priority and second priority to be promotion within City);
- C. All other regular part-time employees.

#### Sec. 3 Qualifications

Transfer/promotion applicants must meet the same requirements of knowledge, skills and ability, experience and training as that required for the vacant position.

#### Sec. 4 Compensation

Employees transferred/promoted from one position to another position will be compensated at the rate of the new position. Department Heads will not prohibit employees from interviewing for transfers/promotions during the working day.

#### Sec. 5 Working Test Period

All transfer/promotional employees, beginning with the first day of work, will serve a working test period of 45 working days.

- A. Immediate Supervisors will prepare, at the end of the first thirty (30) working days of the test period, a preliminary performance appraisal and forward it immediately to the Human Resources Division.

- B. If the preliminary performance appraisal indicates unsatisfactory performance, a meeting between the Immediate Supervisor, Department Head and Director of Human Resources, as appropriate, and transferee/promotee will take place to discuss such performance appraisal.
- C. A performance appraisal completed pursuant to this section will state whether the supervisor believes the transferee/promotee satisfactorily or unsatisfactorily is completing the working test period.
- D. Subsequent to the performance appraisal and prior to the completion of the 45 day working test period, the Department Head or Immediate Supervisor and the Director of Human Resources shall meet to make a final determination as to the suitability of the candidate for the new position. The results of such meeting will be reduced to writing and available to the employee.
- E. If as a result of the meeting between the Department Head and the Director of Human Resources a decision is made to retain the employee in the new position, such employee will be notified immediately. In the alternative, the employee will be returned to his/her former position and will be notified as such immediately on a form prescribed by the Human Resources Division.

## **HOURS OF WORK**

### **POLICY**

It is the policy of the City of Middletown to establish the time and duration of working hours as a required by workload, public service needs, and the efficient management of personnel resources.

#### **Sec. 1      Basic Work Week**

- A. The normal work week will consist of a forty-hour workweek with a paid or unpaid lunch period.
- B. Deviations from normal work week may be allowed, but must be approved in advance by the Department Head.
- C. Employee attendance at lectures, meetings, and training programs will be considered hours of work if such attendance is requested by management and approved.

## OVERTIME

### POLICY

It is the policy of the City of Middletown to offer the opportunity for employees to work overtime in limited circumstances.

#### Sec. 1 Eligibility

No overtime shall be available to any Department Head, Deputy Department Head, professional employee or elected official.

#### Sec. 2 Classification "A"

Those employees whose job descriptions states an "A" classification are expected to work up to 40 hours (excluding lunch) per week.

Employees in the category who are not employed in a bonafide professional, executive or administrative capacity as defined in the regulations of the Labor Commissioner will be compensated at time and one-half for work performed in excess of 40 hours per week.

#### Sec. 3 Classification "B"

Those employees whose job description states a "B" classification are expected to work 35 hours (excluding lunch) per week. If required beyond 35 hours per week the employee will be compensated at straight time for work performed up to 40 hours and at time and one-half for work performed in excess of 40 hours per week.

## VACATION

### POLICY

It is the policy of the City of Middletown to provide eligible employees with time off with pay for vacation.

#### Sec. 1 Eligibility

Each regular full time employee in the classified service shall be granted vacation with pay.

Sec. 2        Amount

Vacation allowances shall be accrued monthly in accordance with appropriate collective bargaining agreements or, in the case of exempt non-bargaining positions, the Personnel Rules.

Sec. 3        Part Time Employees

Any regular part time employee in the classified service shall accrue vacation time in accordance with the appropriate collective bargaining agreements, or, in the case of exempt non-bargaining positions, the Personnel Rules.

Sec. 4        Records

All vacation leave shall be recorded in the time and leave records of the department which shall be maintained in the Department of Finance in accordance with the Charter.

Sec. 5        Established Work Week

When the term established work week is used in this rule it shall mean the regularly established hours of work for the class in which the employee is assigned.

Vacation accrued under the provisions of this rule shall be taken in the fiscal year following the fiscal year in which it is earned and shall be taken with the approval of the department head. Any conflict of dates will be resolved on the basis of seniority of City service.

**SPECIAL CONDITIONS OF LEAVE WITH PAY**

POLICY

It is the policy of the City of Middletown to permit employees to be absent from work on a short term basis under certain circumstances, including sickness or injury. Eligible employees will receive compensation for authorized short term absences which will be charged to the employee's sick time.

Sec. 1        Eligibility

The Department Head or the Mayor may grant a regular eligible employee special leave of absence with pay, and it shall be chargeable to accrued sick leave, for any of the following reasons:

- A. For medical, dental, eye examination or treatment for which arrangements cannot be made outside of working hours.

- B. When employee's presence at duty will expose others to contagious diseases.
- C. For a critical illness or injury to a member of the immediate family, creating an extreme emergency requiring the aid of the employee.

Sec. 2        Medical Certificate

All City of Middletown employees will be required to provide their department head and the Human Resources Division with a medical certificate signed by a licensed physician, if an employee is absent from work on sick leave for more than three (3) consecutive working days. All Medical Certificates shall be housed in designated secured files located in the Human Resources Division. NO medical certificates or notes of any kind shall be kept in the department files. Department Heads and Supervisors are required to send all medical documentation to the Human Resources Division once they are in receipt of said documentation.

- A. Medical certificates or signed statements from employees may be required when an abuse of sick leave is suspected by the employee's Department Head or Director of Human Resources. Factors to be considered by the Department Head are as follows:
  - 1. Frequent or habitual absences.
  - 2. When, as a result of the employee's use of sick time, the Director of Human Resources or the Department Head identifies a significant change in job performance.
- B. In cases where an employee is absent for a period of 20 consecutive working days or more, the City may require, in addition to the medical certificates required above, a second opinion from another licensed physician designated by the City.

Sec. 3        Advance Notice

Employees should give their supervisors in writing, when possible, as much advance notice of a request for a short term absence.

Sec. 4        Eligibility/Status

Those individual employees of the City of Middletown who are classified as regular full time and permanent are eligible to be compensated for regular base wages lost during periods of authorized absence to the extent that they have accumulated days of sick leave.

Sec. 5        Unauthorized Absence

Employees will not be compensated during periods of unauthorized absence. Such absences will be considered grounds for disciplinary action up to and including termination.

Sec. 6        Holidays

If, while out of work and while on special leave w/pay an authorized holiday occurs, such employee will not have said day charged against the individual's sick leave. Such day will be recorded on the individual's records as a holiday.

Sec. 7        Sick Leave

Any regular employee in the classified service shall accrue sick leave as follows:

A. Accrual

1. Sick leave shall accrue at the rate of one and one quarter (1 ¼) days scheduled working days for each completed month of continuous full time service including authorized leave with pay provided.
2. Leave starts to accrue only on the first working day of the month and is credited to the employee upon completion of the month.
3. Any new employee in provisional status or serving a working test period shall be eligible to use sick leave only upon permanent appointment into City service.
4. An eligible employee employed on less than a full time basis shall be granted sick leave in proportion to the amount of time worked in his scheduled work day or work week as is recorded in his time and leave records.
5. Rules related to sick time accumulations are set forth in the relevant collective bargaining agreements or in these rules as appropriate.
6. Sick leave shall not accrue for any month the employee is on leave of absence without pay for more than five (5) working days, exclusive of FMLA.
7. Sick leave shall accrue for the first twelve (12) months in which the employee is on Worker's Compensation or other disability compensation and this shall be entered upon the employee's time and leave records.

B. Granting Time

1. An employee shall be granted earned sick leave if he is incapacitated for duty, and during such leave he shall receive his full pay and shall retain his employment benefits; except no sick or special leave shall be



granted any eligible employee for any illness or injury directly traceable to employment by an employer other than the City of Middletown.

2. No sick or special leave shall be granted any eligible employee for any period of time in which the employee is receiving compensation under the provisions of the state Workman's Compensation Act, except as provided in Section 8A(6) of these rules.

### C. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. While the Act is an unpaid medical leave, the City of Middletown exercises its right under the Act to require eligible employees to substitute accrued paid leave for unpaid leave during this period. Employees of the City of Middletown must use all sick time, vacation time and personal leave before going on unpaid status, with the exception of employees who are on approved FMLA for the birth, adoption or foster care placement of their child. Those employees may reserve up to five days for their use upon the return to work prior to going on unpaid status.

#### PROCEDURE:

1. Any employee who is expected to be out of work for more than three (3) consecutive work days due to a serious illness, as defined by federal regulations of the Family and Medical Leave Act of 1993, must notify the Human Resources Division.
2. The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12 workweeks of leave during a 12-month period for certain family and medical reasons; and, up to 26 workweeks of leave during a single 12-month period for military caregiver leave. It is the policy of the City of Middletown to begin the 12-week period on the first day of leave.
3. Only eligible employees are entitled to take FMLA leave. To be eligible for FMLA an employee must have worked for the City of Middletown for at least 12 months, and must have worked at least 1,250 hours of service during the 12-month period immediately preceding the leave (The 12 months of employment does not have to be consecutive).
4. Employees generally must request leave 30 days in advance or if unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances. Employees shall notify the Human Resources Division of the need for leave under FMLA. Employees will be given the prescribed medical certification form that must be completed by the appropriate medical provider and returned directly to the Human Resources Division within the prescribed amount of time. Once Human Resources has made the determination that the leave meets all requirements under the Act, the final approval form

shall be completed and signed by the required parties, including the employee. No leave shall be considered granted under these provisions unless and until approved by the Mayor of Middletown.

5. Qualifying Reasons for Leave under the Family and Medical Leave Act:
  - The birth of a child or placement of a child with the employee for adoption or foster care;
  - To care for a spouse, son, daughter, or parent who has a serious health condition;
  - For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
  - For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status; and
  - Any other reason allowable under the Family Medical Leave Act, which may be amended from time to time.
6. Employees, who are on approved leave under this section, shall have all employment rights and benefits, including the continuation of group health insurance coverage, retained as if there was no absence from duty; and, provided the employee has met all criteria governing FMLA.

#### D. Retention of Sick Leave

1. An eligible employee shall retain the accrued sick leave to his credit provided he has been laid off and shall return to City service on a permanent basis within twelve (12) consecutive months from date of the layoff.

#### Sec. 8 Lack of Accrued Sick Leave

In such cases where an employee experiences a circumstance enumerated in Sec. 1 of this rule, an individual may request an advance of sick leave when all sick, vacation and personal leave has been exhausted. Such requests must be made in writing, through his/her department head. The Department Head shall forward such request with his/her recommendation to the Director of Human Resources. The Mayor shall have final approval for granting such requests up to thirty (30) sick days. A second extension, up to thirty (30) days, may be approved by the Common Council in accordance with the Code of Ordinance, Chapter 74, §74-3, Advance Sick Leave, paragraph C.

#### Sec. 9 Advance Sick Leave

No advance of such leave may be taken by the employee unless approved by the Mayor. Circumstances to be considered by both the Director of Human Resources and the Mayor upon receiving such a request include, but are not limited to, the following:

- A. Serious illness of the employee, a member of the employee's immediate family, or the employee's household.
- B. The sick leave history of the individual employee requesting the extension, for the prior calendar year.
- C. Whether the employee has exhausted all of his/her accrued sick, vacation and personal leave.
- D. When employee's presence at duty will expose others to a contagious disease.

Sec. 10      Repayment of Advance Sick Leave

The advance of sick leave, once granted and approved, will be repaid by the employee in accordance with the Middletown Code of Ordinance, Chapter 74, §74-3, Advance Sick Leave. Upon return to work after the use of the advance sick leave is granted, an employee may earn five days of accrued sick leave and, thereafter, shall begin to repay the excess sick leave, using either sick leave or vacation time. If, after 12 months following the return to work, the employee has not fully repaid the advance sick leave, the city may in each fiscal year deducted up to 10 days of accrued but unused vacation time due to the employee until the advance sick leave has been recouped. If any advance sick leave remains unrecouped at the time that the employee terminates employment with the City, the Director of Finance shall recover the monetary value of this time from any non-wage monetary benefits due to the employee. A waiver of this requirement may only be approved by a resolution of the Common Council.

Sec. 11      Time Worked Calculation

Authorized days off for short term absences will not be considered as working time for calculating weekly overtime compensation.

Sec. 12      Jury Duty

The Mayor, upon receipt of proof that any employee was required to serve on jury duty or to attend court pursuant to subpoena or other court order, shall grant to the employee a leave of absence with pay for the required period of time, in accordance with State Statute.

- A. The employee, if granted such leave of absence with pay, shall remit to the City any fee received for such service exclusive of meals and lodging.
- B. If the employee fails to remit as provided in Sec. A of this subsection, an equivalent amount shall be deducted from the employee's pay for the period involved.

## LEAVE OF ABSENCE

### POLICY

It is the policy of the City of Middletown to grant employees extended leaves of absence from the City under certain circumstances. Employees will not receive compensation during an approved leave of absence.

#### Sec. 1 Eligibility

Employees are eligible for leaves of absence under this rule if they have completed at least one year of service with the City of Middletown, or a lesser amount if specifically allowed by law. The duration of each leave of absence shall be determined by the City of Middletown. The following types of leaves will be considered:

##### A. Sick Leave of Absence

Employees who are unable to work because of an illness or disability and whose illness or disability continues beyond the coverage afforded in the City's policies and in accordance with the Family and Medical Leave Act (FMLA), may be granted a sick leave of absence. The City of Middletown may require certification, on a periodic basis, of an employee's continuing illness or disability by the employee's physician.

##### B. Personal Leave of Absence

Employees may be granted a personal leave of absence to attend to personal matters in cases in which the City of Middletown determines that an extended period of time away from the job will be in the best interest of the employee and the City.

##### C. Military Leave of Absence

A Military Leave of Absence will be granted if an employee enlists in time of war, is inducted or is recalled to active duty in the Armed Forces of the United States for a period of not more than four years, plus any involuntary extension for not more than one year. Employees who perform extended active duty and return from military service in the armed forces, the military reserves, or the National Guard shall have and retain such rights with respect to reinstatement, seniority, vacation, compensation, and length of service pay increases as made from time to time be provided by applicable Federal or State law. Upon satisfactory completion of military service and timely notice of intent to return to work, an employee will be reinstated to a job comparable to the one the employee left, provided the employee is qualified and the City's

circumstances have not changed to the extent that it would be impossible or unreasonable to provide reemployment.

All employees who are granted military leaves of absences will continue to receive the health and life insurance benefits currently available as if he/she were not on leave of absence.

#### D. Educational Leave of Absence

Employees who desire to continue their education in preparation for added responsibilities with the City of Middletown may be granted an Educational Leave of Absence.

#### E. Public Service Leave of Absence

Employees who desire to accept temporary employment in Federal or State government or with an organization devoted to community betterment may be granted a public service leave of absence.

### Sec. 2 Approval

Any employee making a request for a Leave of Absence, or an extension of a Leave of Absence, should deliver such request in writing to the employee's department head at least thirty (30) days prior to commencement of the leave period or extension requested. The department head will then forward such request to the Director of Human Resources either recommending approval or disapproval. The Director of Human Resources will then recommend either approval or disapproval to the Mayor of the City of Middletown. The final decision concerning such a request will be made by the Mayor.

### Sec. 3 Return to Work

Employees returning from a Leave of Absence will be reinstated to their same job or one of similar status and pay provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar status or pay is not available, reinstatement may be deferred until the position is available and the employee will be granted a preference in recall.

### Sec. 4 Failure to Return

If an employee granted a Leave of Absence fails to return to work at the conclusion of an approved Leave of Absence, the employee may be terminated from the City of Middletown.

Sec. 5        Benefits

No sick time, vacation, personal time or seniority will accrue while an employee has been granted a Leave of Absence under this rule. For purposes of medical benefits, employees granted leave under this rule may purchase medical benefits at the employee's expense for the period of the approved leave.

**HOLIDAYS**

POLICY

It is the policy of the City of Middletown to offer individuals compensation without requiring work to be performed on certain recognized holidays.

Sec. 1        Recognized Holidays

The holidays listed below shall be granted to all full time permanent employees:

- A. New Year's Day;
- B. Martin Luther King Jr.'s Birthday;
- C. President's Day;
- D. Good Friday;
- E. Memorial Day;
- F. Independence Day;
- G. Labor Day;
- H. Columbus Day;
- I. Veteran's Day;
- J. Thanksgiving Day;
- K. Day after Thanksgiving Day;
- L. Christmas Day; and
- M. Any other Holiday so declared as a Holiday by the Mayor.

Sec. 2        Holiday Pay

To receive Holiday pay an eligible employee must be at work or on authorized absence on the work days immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days because of an illness or injury the City of Middletown reserves the right to verify the reason for the absence before approving Holiday pay.

Sec. 3        Saturday, Sunday

A Holiday that occurs on a Saturday or Sunday may be observed on either the preceding Friday or the following Monday.

Sec. 4      Eligibility

Any regular full time employee in the classified service, except for employees of the Police department and the Fire department shall be granted time off with pay for any Holiday listed in Sec 1 of this rule. No emergency or temporary worker shall be granted time off with pay for a Holiday.

Sec. 5      Part-Time Workers

Any regular part time worker who has been appointed from an eligible list shall be granted time off with pay:

- A. Provided the Holiday falls on a day when he/she would normally have been scheduled to work.
- B. The pay received shall be for the number of hours he/she would have been scheduled to work.
- C. If the employee is on Worker's Compensation or other disability compensation no credit for the Holiday shall be allowed.

**DEMOTION**

POLICY

It is the policy of the City of Middletown that demotions of permanent employees to a position of lower grade classification or salary range may occur.

Sec. 1      Cause

Demotion may occur for any one of the following reasons.

- A. Disciplinary purposes
- B. In lieu of layoffs
- C. At the request of the employee
- D. Lack of qualifications or inability to perform work
- E. Any other reason deemed appropriate by the Mayor.

Demotion may not occur in cases where an employee becomes unqualified to perform his/her job (i.e. loss of license or certification, etc.) In such cases where the license, certification, etc. is a condition of employment, the employee may be terminated.

Sec. 2      Procedure

Any demotion to take place under this rule will be by the Mayor after consultation with the Department Head and the Director of Human Resources.

- A. The Mayor will state in writing the cause for the demotion and cause such writing to be delivered to the employee no less than two weeks prior to the effective date of the demotion.
- B. The employee will be afforded the opportunity to appear before the Mayor together with the Director of Human Resources or his/her designee, in order that the employee present his/her position regarding the demotion.

Sec. 3        Rate of Pay

Any employee who is demoted under this Rule shall be compensated at the salary grade of the new position.

**MUNICIPAL VEHICLES**

**POLICY**

It is the policy of the City of Middletown that municipal owned vehicles, including passenger automobiles, will be available for certain employees to use for official purposes, and in very limited circumstances for commutation, and such employees must follow City procedures to ensure fairness, economy and safety. Assignment of City vehicles under this policy will be at the discretion of the applicable Department Head.

Sec. 1        Use of Vehicle

Employees may use the municipal vehicle assigned to him/her for the following purposes:

- A. Transportation of the employee from his/her residence to and from City Hall (or other City work location).
- B. During the normal work day, exclusively on municipal related business.
- C. During the lunch hour for personal use within the City of Middletown.
- D. Times other than during the normal work day for emergencies.

Sec. 2        Accounting for Personal Use

Whenever an employee uses his/her municipal vehicle to drive to their employment and home from their employment, and when it is used for personal use during the lunch hour, the employee will be responsible to so note to the Finance Department that the vehicle was used for personal use, so that it can be calculated, as per IRS requirements, as compensation to the employee.



Sec. 3        Reimbursements

Persons who use personal automobiles for City business may continue to claim reimbursement according to established procedures.

Sec. 4        Violations

A violation of this policy or of the City of Middletown safety manual, as it pertains to use of automobiles, may be considered misconduct, dereliction of duty or neglect of duty and subject the employee to discipline, up to and including discharge.

Sec. 5        At Fault Accidents

Municipal employees who have one or multiple at fault accidents may be subject to progressive discipline, in accordance with the respective Collective Bargaining Agreement, up to and including termination of employment. The above guidelines can be amended should loss of life occur or if damages are at fault and over \$5,000.00 for a total claim. Weather conditions may be given weighted consideration in modifying discipline. The Mayor or his/her designee may set forth the discipline to include a consultation up to a termination of employment. An employee may grieve any discipline imposed in accordance with a grievance procedure as applicable. A quarterly report will be submitted to the General Counsel Commission showing claims.

Middletown Police may be expected to cite municipal employees in accordance with the laws of the State of Connecticut as set forth in the Connecticut General Statutes. Municipal Commercial Driver's License (CDL) employees who receive a written warning are subject to mandatory drug and alcohol testing per U. S. Department of Transportation (DOT) regulations.

Employees will be required to attend re-training at any point during the at fault accident cycle.

All new employees, who as a condition of employment operate a City of Middletown motor vehicle, will be mandated to attend a safe driving class upon hire and availability of class.

Sec. 6        Exemptions

The Chiefs and Deputy Chiefs of the Police and Fire Departments are exempt from this policy, but must comply with all applicable IRS requirements.

**PERFORMANCE EVALUATIONS**

Annually, on a form prescribed by the Mayor's office, each employee of the City of Middletown shall be subject to a job performance evaluation. These evaluations shall be used to enhance performance and goal expectations.

## BEHAVIOR OF EMPLOYEES POLICY

### POLICY

It is the policy of the City of Middletown that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the City and for the benefit and safety of all its employees.

#### Sec. 1        Expected Behavior

All employees are expected to conduct themselves in a manner which reflects positively upon the City of Middletown, and which is conducive to the efficient operation of the City. Such conduct includes:

- A. Report to work punctually, as scheduled, and being at the employee's specific place of work, ready for work at the assigned starting time;
- B. Notifying the supervisor in advance when an employee will be absent from work or is unable to report for work on time;
- C. Treating all visitors, fellow employees and all others in a courteous manner;
- D. Performing all assigned tasks and job responsibilities efficiently and in accord with individual job descriptions and established quality standards;
- E. Reporting to proper City authorities' unethical or illegal conduct by fellow employees.

#### Sec. 2        Prohibited Behavior

The following conduct is prohibited and will subject the individual involved to disciplinary action up to and including termination;

- A. the reporting to work under the influence of alcoholic beverages and/or illegal drugs and narcotics or the use, sale, dispensing or possession of alcoholic beverages and /or illegal drugs and narcotics on City of Middletown premises;
- B. the possession of firearms or other weapons on City of Middletown property, excluding those individuals who are required to carry such firearms as a result of direct job responsibilities;
- C. insubordination, or the refusal by an employee to follow a supervisor's instruction concerning a job related matter;
- D. fighting with either a fellow employee or visitor to the City of Middletown while on work time;
- E. theft, destruction, defacement or misuse of City of Middletown property; or of another employee's property;
- F. gambling on City of Middletown property;

- G. falsifying or altering any City of Middletown record or report, including, but not limited to, an application for employment, medical report, production record, time record, expense account, an absentee report;
- H. threatening or intimidating supervisors or fellow workers, or members of the general public;
- I. smoking where prohibited by local ordinance, state statute or City of Middletown rules, or policies;
- J. unauthorized sleeping on the job;
- K. failure to wear assigned safety equipment or failure to abide by safety rules and policies;
- L. engaging in any form of harassment that violates the Zero Tolerance Policy Statement;
- M. any behavior found to be a violation of the City of Middletown Code of Ethics.

### Sec. 3      General

The examples set forth in Sec. 2 above are illustrative of the type of behavior that will not be permitted, but are not intended to be all-inclusive. Individual employees may be subject to disciplinary action, up to and including termination, for conduct not listed above but which conduct endangers other individuals' safety, compromises an individual's official position, subjects the City of Middletown to legal liability, violates local ordinance or state statutes or fails to conform to other rules or policies.

### **DRESS CODE POLICY**

All employees are expected to conduct themselves in a manner which reflects positively upon the City of Middletown. This includes the way we present ourselves to the public in the manner of how we are dressed for work. Employees are expected to report to work clean, well groomed, and dressed appropriately for the office.

Excluding Uniformed Public Safety Employees, all employees are expected to comply with the following guidelines:

- The wearing of flip flops or any sandal without back straps is prohibited;
- The wearing of shorts or culottes in any office setting is prohibited;
- The wearing of any graphic tee shirts or open back shirts is prohibited;
- The wearing of yoga pants or sweat pants of any kind is prohibited;
- Skirts or dresses should be no shorter than four (4) inches above the knee;
- No underwear of any kind is to be showing – male or female;
- At no time should anyone be wearing ripped clothes;
- No jeans are to be worn in the office unless it is the Friday, dress-down jean day for a charitable cause. If you choose not to contribute to the weekly fundraising cause you should not be wearing jeans to work on Friday. Business casual clothing is expected;

- Spandex leggings worn with a short top is inappropriate office attire. Worn under a tunic length blouse or dress is acceptable;
- Employees who are provided a clothing allotment, are expected to wear their safety shoes while working and employees should wear the appropriate clothing for the work you perform, based on the guidelines stated above. The wearing of jeans and shorts (in summer months) for field maintenance and trade staff is allowed, provided no clothing that is worn interferes with the operation of any equipment.

Please note that this list is not intended to be all-inclusive.

## **DISCIPLINARY PROCEDURE**

### **POLICY**

It is the policy of the City of Middletown that all employees are expected to comply with the City's standards of behavior and performance and that in circumstances involving employee's noncompliance remedial action by way of discipline will be the result. Further, it is also the policy of the City of Middletown that employees be subjected to progressive discipline and that those employees who are disciplined, shall be afforded the opportunity to rebut any charges given rise to such discipline.

#### **Sec. 1      Initial Need for Consultation**

If an employee is not meeting standards of behavior set forth by the City, or if the employee has not performed his/her duties incumbent upon him/her pursuant to his/her job description, requests, or orders from his/her superiors, or other officially mandated duties, the employee will be subject, by his/her supervisor, to the following action:

- A. The supervisor will meet with the employee to discuss the matter;
- B. The supervisor will inform the employee of the nature of the problem and the action which the supervisor deems necessary to correct it;
- C. The supervisor will prepare a memorandum for his/her own records which indicates that the meeting did take place, which will be in the employee's personnel file in the Human Resources Division.

The employee, at his/her request, shall be granted union representation at any meeting where the employee believes that anything he/she says may be used for disciplinary action.

#### **Sec. 2      Action**

If the behavior by the employee continues, or, in cases where inaction or nonperformance gives rise to the need for discipline, or such inaction or nonperformance continues, the employee's supervisor will hold another meeting with the employee and take the following action:

- A. The supervisor will issue a verbal reprimand which shall be documented by memorandum and placed in the employee's personnel file.
- B. If subsequent to the verbal reprimand, the action or inaction continues by the employee, the supervisor will issue a written reprimand to the employee.
- C. At that point, the supervisor will warn the employee that another occurrence, or, in the event of inaction or nonperformance, such inaction or nonperformance continues, will result in more severe disciplinary action being taken, up to and including termination;
- D. The Supervisor will prepare and forward to the Human Resources Division a memorandum describing the initial incident along with the present incident with a summary of the action taken during the meeting with the employee.
- E. All documents regarding disciplinary action will be kept in the employee's personnel file in the Human Resources Division.

### Sec. 3      Additional Occurrences

If there are additional occurrences of the behavior mentioned above, or if nonperformance or inaction continues, the employee's Department Head, in consultation with the Director of Human Resources, may take the following action:

- A. Suspension without pay for not more than two days.
  - 1. Notice of Suspension will include the reason for suspension and dates of suspension.
  - 2. Copies will be forwarded to the Human Resources Division, Finance Department and the Mayor.
- B. Request in writing to the Mayor, through the Director of Human Resources, his/her recommendation for additional days of suspension.
  - 1. If final decision by the Mayor is to suspend the employee for more than 2 days, the Mayor will furnish the action in writing to the Employee, copied to the Department Head, Human Resources Division and Finance Department.
- C. Recommend to the Mayor, through the Director of Human Resources, that such employee be demoted. The Mayor will respond to the Department Head and Employee, in writing, to the recommendation, a copy of which will be furnished to the Human Resources Division.
- D. Recommend to the Mayor that such employee be terminated. The Mayor will respond to the Department Head and the employee, in writing, to the recommendation and a copy of the response will be furnished to the Human Resources Division.

Sec. 4        Reason in Writing

Upon taking any action pursuant to Sec. 3 of this rule, the Department Head will prepare and forward to the Director of Human Resources a written report describing the occurrences, or inaction or nonperformance, and summarize any action taken by the Department Head and its justification. Copies will be placed in the personnel file.

Sec. 5        Application

The progressive disciplinary procedures described in the above rules may be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or behavior. There need not be a repetition of previous violations for an employee to be disciplined progressively.

Sec. 6        Guidelines May Be Avoided

In situations where serious misconduct has occurred, or in the alternative, serious neglect of duty, the progressive disciplinary procedures set forth above may be waived and more severe disciplinary actions, as described in Section 3, may be imposed immediately.

Sec. 7        Notice

If discipline is ordered by a Department Head, or in situations whereby a suspension of longer than 2 days is involved and therefore ordered by the Mayor, the employee so disciplined will be afforded an opportunity to, upon full knowledge of the charges against him/her, contend such charges and present his/her position. In cases where a suspension or termination is ordered, the affected employee will be afforded such opportunity prior to the imposition of the discipline when possible.

Sec. 8        Benefits During Suspension

Employees suspended from work from the City of Middletown will not receive or accrue any employee benefits during the suspension period.

Sec. 9        Consultation

Department Heads and the Mayor will consult with the Human Resources Division and the Office of the General Counsel in all areas of disciplinary matters.

## **SEXUAL AND OTHER HARRASSMENT COMPLAINT PROCEDURE**

### **POLICY**

It is the policy of the City of Middletown to ensure Equal Employment Opportunity and to prevent discrimination in all of its employment practices. In addition, no employee shall commit any conduct, either verbal or physical, that is abusive, threatening, intimidating or demeaning.

### **PROCEDURE**

If an employee believes that he or she is being harassed or bullied, he or she should report the conduct immediately or within forty-eight (48) hours to his or her immediate supervisor or the next level of management above his or her immediate supervisor, and notify the Director of Human Relations at 860-638-4830. Complaints may be made in person or in writing. Reported incidents are to be investigated within ninety days of filing, except that an extension beyond the 90 days may be extended by the Mayor as needed. Any reported incidents will be kept as confidential as possible, except where there is a legitimate matter of public concern. The City of Middletown will not tolerate any retaliation against any employee who files a complaint or participates as a witness.

### **NO PENALTY FOR PROPER USE OF PROCEDURE**

Time spent by employees in complaint resolutions with management during their normal working hours will be considered hours worked for pay purposes.

## **TERMINATION OF EMPLOYMENT**

### **POLICY**

It is the policy of the City of Middletown to terminate the employment relationship because of an employee's resignation. Employees are free to resign at any time. This shall include retirement.

#### Sec. 1      **Notice**

Employees are expected to give written notice of their intent to resign. Such written notice shall be provided at least two (2) weeks prior to the intended state of such resignation; or, in accordance with the collective bargaining agreement or personnel rules, whatever document governs the employee's position. Such notice must be given simultaneously to the employee's Department Head and the Director of Human Resources. Department Heads will submit their own resignations to the Director of Human Resources and the Mayor.

Sec. 2        Notice Requirements

A written notice of resignation by an employee shall state the following:

- A. the employee's last date of actual work;
- B. the employee's intent to use personal or vacation time between the date of the notice and the date of the last day of work;
- C. the employee is requested to include in his/her notice a reason or reasons for such resignation; and
- D. The employee will be required to undergo out-processing action at the Human Resources Division prior to his/her last day of work.

Sec. 3        Release

The Office of the General Counsel, as part of the resignation process, may attempt to obtain a general release of any and all legal claims from resigning employees.

Sec. 4        Final Pay

The Finance Department will have the final pay for resigning employees available on the next pay period after the last working day.

Sec. 5        Office of the General Counsel

All information regarding the continuation or conversion of benefits due and available to an employee is available from the Human Resources Division and the Risk Manager's Office

Sec. 6        Return of City Property

It is the employee's responsibility to return all City of Middletown property by the last date of work. Noncompliance may result in the delay of final payment of due compensation and legal action by the City.

Sec. 7        Resignation Not In Good Standing

Any City of Middletown employee who shall absent himself, and not be available for work without any sick, personal or vacation time for a period of three (3) working days or more will be deemed to have resigned from City service, not in good standing. Employees deemed to have resigned under this subsection include:

- A. Those employees who, without leave time available to them, request a special leave without pay and either have such request formally denied or in the alternative, have not received formal written approval of such request;
- B. Employees who suffer from a family or medical emergency (including substance abuse related disability) but have failed to contact the City of



Middletown Human Resources Division and their immediate Supervisor within a three (3) working day period.

Sec. 8 Appeal

Anyone terminated under this provision shall have the opportunity to appeal the decision through the grievance procedure; or, as outlined in the Personnel Rules.

Sec. 9 No Contract

The procedure outlined in this rule are only guidelines and do not constitute a legal contract between the City of Middletown and its employees.

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

POLICY

It is the policy of the City of Middletown to assist employees and their immediate family members who experience personal difficulties from time to time. Such difficulties can be emotionally, physically and mentally disruptive to an employee's otherwise well-balanced and fulfilling life. In recognition of these circumstances, and as a means of minimizing any potential adverse effect on the employee's job performance, the City of Middletown has established an employee assistance program whereby employees can acquire a limited amount of confidential assistance in dealing with such matters as family or marital conflicts, divorce, death, serious financial difficulties, chemical dependency and other concerns. The EAP must have the commitment and support of both management and employees.

Sec. 1 Purpose

The Employee Assistance Program (EAP) is a program designed to help employees, in a work setting, cope with personal problems that may be impacting their job performance. Employees are expected to maintain job performance and attendance at an acceptable level.

Sec. 2 Confidentiality

The EAP is a voluntary program and confidentiality will be maintained for all employees that avail themselves of the services of this program.

Sec. 3 Procedure for Referral

- A. The employee may call the EAP directly for self-referral.
- B. The Supervisor may make a referral via a referral form when an employee's performance is affected.

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CITY OF MIDDLETOWN  
PERSONNEL RULES  
FOR DEFINED, EXECUTIVE NON-BARGAINING POSITIONS

The policies and benefits set forth are for all defined, executive non-bargaining positions as defined below:

General Counsel, Deputy General Counsel, Assistant General Counsel, Director of Human Resources, Director of Finance, Assistant Director(s) of Finance, Chief of Police, Deputy Police Chief, Fire Chief, Deputy Fire Chief, Director of Central Communications, Director of Public Works, Director of Water & Sewer, Director of Health/Vital Statistics, Director of Human Relations, Chief Management Analyst, Risk Manager, Claims Administrator, Executive Assistant to the Mayor, the Administrative Assistant to the Superintendent of Schools, and those positions which may be added.

In addition to any benefits provided herein and by City Ordinance or Charter, or specifically excluded, the above employees, hired into these positions prior or after the adoption of this policy shall enjoy the following benefits.

**1. Compensation**

The following represents the wage increases over the next five years:

Effective and retroactive to July 1, 2015, the wage rate at each step and salary grade of the salary schedule in effect on June 30, 2015 shall increase by 2.5%, except that those employees who transferred from UPSEU to the non-bargaining group in February 2016 shall not receive said rate increase.

Effective July 1, 2016, the wage rate at each step and at each salary grade of the salary schedule in effect on June 30, 2016 shall increase by 3.35%.

Effective July 1, 2017, the wage rate at each step and at each salary grade of the salary schedule in effect on June 30, 2017 shall increase by 3.35%.

Effective July 1, 2018, the wage rate at each step and at each salary grade of the salary schedule in effect on June 30, 2018 shall increase by 3.35%.

Effective July 1, 2019, the wage rate at each step and at each salary grade of the salary schedule in effect on June 30, 2019 shall increase by 3.35%

Effective July 1, 2020, the wage rate at each step and at each salary grade of the salary schedule in effect on June 30, 2020 shall increase by 3.35%

Thereafter, commencing on the 1<sup>st</sup> of July of 2021 and for each July after, employees covered within these rules shall receive annually CPI (Consumer Price Index), as released in November of the last year. Such increase shall never be lower than 0% nor higher than 5% unless negotiation in other Union contracts. At no time shall a covered employee's salary be lower than a subordinate's base wage. Should that occur a compensation review shall be conducted and acted upon within thirty (30) days by the General Counsel Commission for submission to the Common Council. Should severe economic conditions warrant or changes in negotiated contracts, the Common Council may vote as outlined in Section 21 to revisit the language of this section. Changes would then be reviewed by the General Counsel Commission and any changes in compensation as outlined in this section shall be in accordance with Section 21 of this document.

In light of the foregoing, the executive, non-bargaining employees give up all rights to any benefits suggested under the Segal Waters Study issued in 2015.

## **2. Work Week**

The workweek is a minimum of 40 hours; however, executive employees are expected to work in excess of 40 hours as necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, budget workshops, etc., or as deemed necessary by the Mayor.

## **3. Flex Time**

Directors and/or Management employees may be entitled to flex time as authorized by the Mayor and/or Director.

## **4. Sick Days**

It is acknowledged that from time to time, sickness, family emergency, or medical treatment will cause the employee to miss time from work. When such a situation exists, the employee shall promptly notify the Office of the Mayor of such absence and subsequently, communicate the absence to the Director of Human Resources for attendance tracking purposes. Any employee covered under this policy shall accrue sick time at the rate of 1-1/4 working days for each complete calendar month of service until the end of the fiscal year and each fiscal year thereafter. Employees who have accrued sick time with the City shall be cashed out at retirement at 50% of accrued time with a maximum of 960 hours or 120 days.

## **5. Sick Time Review**

On an annual basis, the Mayor, or if applicable, the appropriate Department Head, shall review the absences taken by each employee as provided by the Finance Department's payroll records and in the event of abuse, the Mayor shall take the necessary

administrative action, up to and including termination. Any noted abuse which occurs during the fiscal year should be communicated to the employee with the expectation that doctor's certifications may be required should abuse or patterns of abuse develop.

- A. For employees who are grandfathered on the accrual system they shall have the option to be paid annually for thirty percent (30%) of the sick leave earned but not taken in the previous fiscal year. Said thirty percent (30%) of sick leave for which an employee receives compensation under this subsection will be removed from the employee's sick leave account. If the employee wishes to keep all of his/her accumulated sick leave from the previous fiscal year and not receive the monetary option, the full one hundred percent (100%) of unused sick leave shall be added to the leave account.
- B. Absences longer than three (3) days shall require doctor's certification. Absences longer than one (1) week require action in accordance with the Family Medical Leave Act. All absences must be reported to the Mayor and/or appropriate Department head prior to the workday.

## **6. Retirement**

The defined, executive non-bargaining position employees shall be entitled to the pension benefits that are provided in the Pension Ordinance of the City of Middletown in place on January 1, 1983 as amended and as set forth more fully herein.

- A. Employees shall be entitled to the pension benefits that are provided in the Pension Ordinance of the City of Middletown in place on January 1, 1983, as amended.
- B. In addition to the pension benefits outlined in the Pension Ordinance of the City of Middletown, it is agreed that the minimum number of years required for vesting shall be 10 years. Anyone who shall receive a vested benefit based on the minimum of ten (10) years but less than 20 years of service shall be eligible to collect such benefits at age 65.
- C. Notwithstanding the Middletown Pension Ordinance, the basis for computation of pension benefits shall be the 3 consecutive highest years of service (total compensation not including sick time cash out).
- D. Employees shall receive a pension based upon two and one-half percent (2-1/2%) per year of service to a maximum of eighty percent (80%) and shall be eligible for retirement after twenty (20) years of credited service or at age 65 as set forth in Section 6B above.
- E. Payment of the pension contribution in the amount of 6 percent (6%) per week shall be in accordance with a pre-tax payment plan and the pension shall be calculated on total salary including deferred payments, if any.

- F. When an employee covered by this Section, who is currently employed upon ratification of this document, is credited with the maximum number of City service years but continues as an active employee, the six percent (6%) weekly pension contribution will cease. For those employees hired after the adoption of this document this Section shall not apply.
- G. Employees who served in the military or worked for the City in temporary emergency employment positions may purchase credit service for pension purposes for that time provided they pay one hundred percent (100%) of the cost as determined by the City's actuaries.
- H. The City agrees to participate in the IRS program section 414 h(2) to provide tax savings on employee retirement contributions
- I. Irrespective of any other provision of the Middletown Pension Ordinance, State or Federal Law and for the purposes of this Section, child or children shall be defined as the employee's dependent under the age of twenty-three (23).
- J. In the event an employee is terminated for Just Cause, he/she will forfeit the pension benefits outlined in this Section if it is decided by an Arbitrator, pursuant to Section 11 that the just cause for which the employee was terminated was sufficient to deprive the employee of these benefits.

**7. Disability – Public Safety**

For the Chief of Police, Deputy Chief of Police, Fire Chief, and Deputy Fire Chief, in case of total and permanent disability while performing the essential duties pertaining to employment and not through willful misconduct, where total disability is defined as you are unable to perform the material and substantial duties of your occupation, or any occupation, within the City's Classified System, for which you are deemed reasonably qualified by education, training, or experience, pension may be authorized at not less than sixty-six and two thirds (66-2/3%) percent of the annual pay. The maximum pension for a member on account of being totally and permanently disabled during the performance of essential duties shall not exceed seventy percent (70%) of the average annual pay received during the four consecutive highest years of service. Said disability pension shall be reduced by the amount of wages earned from subsequent new employment. Section 74-37 Qualifications for retirement, Section B of the Middletown Code of Ordinances shall be in force.

## **8. Uniform and Equipment**

Uniform/equipment payments shall be provided in the following categories annually:

Police Chief	\$1,000
Deputy Police Chief	\$1,000
Fire Chief	\$1,000
Deputy Fire Chief	\$1,000

## **9. Vacation**

A minimum of three weeks of vacation shall be granted upon initial date of appointment. An additional ten days of vacation shall be granted after five years of service. One additional day will be granted after 21 years of service for each year over 21 years. Employees hired prior to the execution of this policy who accrue more time than stipulated above shall be grandfathered on their current accrual schedule. Annually each July 1<sup>st</sup>, the employees shall receive the full vacation time due to them based upon years of service. No more than eight weeks shall be allowed to accumulate. Any employee who has over eight weeks of accumulated vacation by March 1<sup>st</sup> of each fiscal year must, in writing, notify the Director of Finance of their wish to cash out the overage amounts. Failure to notify the director of Finance by March 1<sup>st</sup> shall result in the loss of accrued time. In the event of the death of an employee, said employee's estate shall receive any vacation pay due in a check made payable to the estate. Said payment shall be in a lump sum separate from all other payments.

## **10. Separation of Service**

Employees covered under this policy are not considered "at will" employees. Separation of service must meet standards as set forth under "Just Cause." For definition purposes, Just Cause shall mean the following:

1. Is there substantial evidence that the employee committed the offense charged?
2. Did the employer give the employee forewarning that this conduct was unacceptable and could lead to discipline?

OR

3. Is the offense so serious that any employee may properly be expected to know that such conduct is improper and punishable?
4. If the employee has been disciplined for breaking a rule, is that rule reasonably related to orderly, efficient and safe operation of the employer's organization?
5. Has the employer applied the rules, orders and penalties evenhandedly and without discrimination to all employees?

6. Was the degree of discipline administered appropriate considering (a) the seriousness of the offense, (b) any extenuating circumstances and (c) the employee's work record and seniority?

Separation of service of any defined, non-bargaining position employee will be for cause, but in no case may anyone be removed for political reasons. In the event of dismissal of any director, the Mayor shall notify said director in writing of such action and the reasons therefore not more than one month prior to the effective date of such dismissal.

Any employee separated for "Just Cause" is entitled to appeal their separation through the American Arbitration Association (AAA) or Superior court. The cost for Arbitration shall be equally shared between the City and the employee. In the event the employee is successful in defending a separation action, the City shall reimburse the employee for any out of pocket costs assumed including but not limited to legal fees. The Police Chief, pursuant to Connecticut General Statute 7-278 shall not be terminated without cause as defined by the Statute.

In the event that the employee agrees to proceed in such manner, an employee separated for "Just Cause" may request a hearing before the Common Council on the separation. The exercise of this option shall not bar the employee's right to further appeal the matter to AAA or Superior Court.

Intent to resign – Defined, non-bargaining positions are to give at least 3 weeks' notice and if less notice is given, the defined, non-bargaining position personnel will lose 25% of unused sick time.

#### **11. Loss of Benefits**

Termination cases for removal due to Just Cause must be submitted to the American Arbitration Association:

- A. Where the employee has been terminated but has vested in the City's pension system, pursuant to the regulations set forth under Pension benefits of this policy but now faces forfeiture of the pension as the result of his/her termination from employment.
- B. Where the employee is eligible for health insurance benefits upon retirement as outlined within this policy, the Arbitrator, in these specific instances, will have the authority pursuant to the terms to decide not only if there was just cause for the termination but if the just cause was sufficient to deprive the employee of the pension or health benefits for which the employee was eligible. The cost of arbitration shall be paid for by the City.



**12. Discipline**

The City expects that all employees are to comply with their standards of behavior and performance and that in circumstances involving employee's noncompliance, remedial action by way of discipline will be the result. The City shall have the right to exercise progressive disciplinary procedures for just cause. Such progressive disciplinary procedures shall be fairly applied. The City specifically reserves the right to issue more severe discipline, up to and including immediate termination, when in its view such action is warranted. The type of misconduct which might result in more severe discipline shall include but not be limited to theft, embezzlement, etc. Further, it is also the policy of the City of Middletown that employees are subject to progressive discipline and that those employees who are disciplined be afforded the opportunity to rebut any charges given rise to such discipline. Supervisory guidelines for the conduct of disciplinary procedures and guidelines to employee behavior may be found in the City of Middletown Personnel Rules.

**13. Indemnification**

All employees covered under this policy shall be immune from civil liability in any action brought against such individual by the City for any act or omission which may constitute ordinary negligence on the part of such officer or employee while acting in the discharge of his/her duties or within the scope of his/her employment. The immunity provided in this section shall not apply to acts or omissions constituting gross negligence and/or willful or wanton misconduct.

**14. Performance Evaluations**

Annually, at the request of the Mayor and on a form prescribed by the Mayor, each defined, non-bargaining position employee shall provide to the Mayor a self-performance evaluation. These evaluations shall be used to enhance performance and goal expectations of the executive level branch of City government. These evaluations may not be used for disciplinary purposes.

**15. Health Insurance**

- A. Effective on the first day of the month following ratification of these benefits, the premium cost share for employees participating in the City's health plan shall be 14 percent.
- B. The City of Middletown shall provide for all full-time and permanent part-time employees the health benefits plan as summarized in Appendix A attached hereto. A condensed summary of those benefits is below:
- C. Employee Health Plan - to access care you have the option of receiving care in-network by the carrier's participating provider with most services covered at one hundred percent (100%) subject to fixed co-pay amounts

of twenty dollars (\$20.00) per office visit, one hundred dollars (\$100.00) per emergency room visit (waived if admitted) and a two hundred and fifty dollars (\$250.00) per admission inpatient hospital co-pay is required. Or, you can choose to receive services out-of-network by a licensed physician of your choice, subject to four hundred dollars (\$400.00) per person/eight hundred dollars (\$800.00) per family calendar year deductibles with out-of-pocket maximums of eighteen hundred dollars (\$1,800.00) per person/three thousand dollars (\$3,000.00) family (Including deductibles). Lifetime maximum benefit per individual is unlimited.

- D. This health plan shall go into effect on the first of the month following ratification of this contract by the Council.
- E. Prescription Drug Benefit: The prescription drug benefit will require a co-pay for a thirty (30) day supply ten dollars (\$10.00) for a brand name prescription; a five dollar (\$5.00) co-pay for a generic prescription; and a five dollar (\$5.00) co-pay for a ninety (90) day supply through the mail order prescription program.
- F. Appendix A, attached hereinto, is a summary of the individual benefit options available to the employee. Summary Plan Description (SPD), available from the City's Risk Manager shall prevail in the event of a benefit dispute
- G. The City may elect to change insurance carrier(s)/administrator(s) for any of the benefits specified in this Section, provided that the coverage is the same in terms of plan design and benefit level as the coverage in effect immediately prior to the change or, in the alternative, better than said coverage. The City agrees to give the employees reasonable notice prior to any change in carrier(s)/administrator(s).
- H. The City shall implement a Section 125 pre-tax wage deduction plan, in accordance with applicable provisions of Section 125 of the Internal Revenue Code and in accordance with any amendments to said provisions, so long as said provisions allow for such a plan. Said plan will include a medical spending account which may be utilized by bargaining unit employees in connection with their deductible and co-payment amounts listed in Section and also will be designed to permit exclusion from taxable income of the employees' share of health insurance premiums under the appropriate Section for those employees who complete and sign the appropriate wage deduction form. The City shall incur no obligation to engage in any form of impact bargaining in the event that a change in law reduces or eliminates the tax-exempt status of the employee insurance premium contributions. No employee covered by these rules shall make any claim or demand nor maintain any action against the City or any of its members or agents for taxes, penalties,

interest or other costs or loss arising from the use of the wage deduction form or from a change in law that may reduce or eliminate the employee tax benefits to be derived from this plan.

I. Employees hired before January 1, 2016 and who retire after the ratification of these benefits, shall have the same health insurance coverage in retirement and pay the same percentage premium cost share that applied on his or her last day of active employment with the City for life. All retirees, age sixty-five (65) and older, who are eligible for Medicare Parts A & B the City's plan shall be supplemental to Medicare. Employees must have at least fifteen (15) years of City service to be eligible for health insurance benefits upon retirement.

J. Employees hired after January 1, 2016 shall be provided the same health insurance coverage as active employees, subject to the same limitations and payments as active employees upon their retirement. All retirees, age sixty-five (65) and older, who are eligible for Medicare Parts A & B the City's plan shall be supplemental to Medicare. Employees must have at least fifteen (15) years of City service to be eligible for health insurance benefits upon retirement. The premium cost-sharing obligation for retirees hired after January 1, 2016, shall be based upon age on date of retirement:

Less than age 45	100%
45-47	75%
48-49	50%
50-51	35%
Age 52 and up	Retiree pays same as actives with a cap of 25% applied for life.

K. Upon the death of the pensioner, the spouse may pick up the above health insurance coverage for life so long as he/she does not remarry subject to all the same terms, payments and conditions applicable to active employees, as said terms, payments and conditions may be amended from time to time.

L. Any active or retired employee may elect to waive their right to insurance (e.g. medical, dental or life) coverage at any time during the year; however, any enrollment or reenrollment into the health plan, including life insurance, can only be done during the City's annual open enrollment period, generally held in June of each year with coverage effective on July 1<sup>st</sup> of that year. In the event that reenrollment is necessary due to the member's loss of coverage that would be considered a qualifying event in accordance with the federal COBRA law, then the City shall allow the member to enroll or reenroll for coverage within the thirty (30) days of the qualifying event.

- M. Life Insurance for the defined, non-bargaining position employees shall be basic term life coverage of twice his/her annual rate of basic earnings rounded to the nearest thousand dollars and will be for life. The City will provide life insurance of five thousand dollars (\$5,000.00) on the employee's spouse and up to two thousand dollars (\$2,000.00) on each eligible dependent while the member is still actively employed by the City. The employee's contribution shall be six dollars (\$6.00) per month.
- N. Supplemental life insurance coverage of up to twenty thousand dollars (\$20,000.00) shall be made available to each employee at his/her own expense. This benefit shall not be available to any employee hired by the City after July 1, 2001.

**16. Training, Education, Dues and Conferences**

- A. Employees in defined, non-bargaining positions shall have funds for training, education, dues and conferences as determined by the Common Council.
- B. College Incentive Program. Any employee covered under this policy shall be eligible to receive \$800 per semester upon receiving a grade of "B" or better for tuition, books and fees associated with the completion of courses necessary to complete or achieve a degree in a field relevant to their position within the City. Relevance of course work shall be approved in advance by the Mayor. Evidence of successful completion is required and must be supplied to the Mayor within one (1) month after receipt of grades.

**17. Motor Vehicle**

The Police Chief, Deputy Police Chief, Fire Chief, Deputy Fire Chief, and Director of Central Communications shall have use of a City motor vehicle provided that they comply with the City's policies and Ordinance for its use. City Motor Vehicles may be provided to other defined, non-bargaining position employees listed in this policy at the direction of the Mayor upon Common Council approval. The Mayor, with the approval of the Common Council, retains the right to change this policy and the vehicle ordinance when in the best interests of the City.

**18. Holidays**

- A. The following are paid holidays:
  - i. New Year's Day
  - ii. Dr. Martin Luther King Jr.'s Birthday

- iii. President's Day
- iv. Good Friday
- v. Memorial Day
- vi. Independence Day
- vii. Labor Day
- viii. Columbus Day
- ix. Veterans' Day
- x. Thanksgiving Day
- xi. Day after Thanksgiving Day
- xii. Christmas Day
- xiii. Any other holiday so decided as a holiday by the Mayor

- B. To receive holiday pay, an eligible employee must be at work or on authorized absence on the work days immediately preceding and immediately following the day in which the holiday is observed.
- C. A holiday that occurs on a Saturday will be observed on the preceding Friday; a holiday that falls on Sunday will be observed on the following Monday.

**19. Personal Leave**

- A. Employees shall receive 4 days Personal Leave annually, each July 1<sup>st</sup>. Any personal leave day unused prior to the end of the fiscal year shall be forfeited.

**20. Additional Benefits**

- A. Employees covered by this policy shall enjoy the benefits set forth in the Personnel Rules, Charter and Ordinances of the City of Middletown as they may be amended from time to time. Benefits as defined by UPSEU, Local 6457 shall apply when not specifically addressed by these rules.
- B. In the event that this policy is silent on an issue for defined, non-bargaining position employees, the issue shall be addressed immediately by the General Counsel Commission who will recommend action for approval by the Common Council.

**21. Modification of Policy**

The policies stated are for defined, executive non-bargaining position employees and are part of the Personnel Rules of the City of Middletown. The Rules may be amended at the request of the Mayor and/or Common Council and any such amendments become effective upon a super majority vote of nine (9) members of the Common Council.

When amendments occur, the defined, non-bargaining position employees shall be notified upon approval.

**22. Severability Clause**

In the event that any of the provisions of this policy shall be held to be invalid, the remaining provisions shall be unaffected and shall continue in full force and effect.

## Appendix B

### Classification Executive, Non-Bargaining Employees

<u>Salary Grade</u>	<u>Job Title</u>
9	Assistant to the Superintendent of Schools
10	Executive Assistant to the Mayor
12	Claims Administrator
14	Risk Manager
16	Chief Management Analyst Director of Human Relations Director of Central Communications
17	Deputy Fire Chief Director of Human Resources Director of Health/Vital Statistics
18	Assistant General Counsel
20	Fire Chief Assistant Director(s) of Finance
21	Director of Public Works Deputy General Counsel Deputy Chief of Police Director of Water & Sewer
23	General Counsel Director of Finance Chief of Police

CITY OF MIDDLETOWN  
PERSONNEL RULES  
FOR DEFINED, NON-BARGAINING POSITIONS

The policies set forth are for all defined, non-bargaining position employees including employees defined by the following positions:

Administrative Secretary III to the Mayor; Administrative Assistant to the Mayor; Administrative Secretary III - BOE; Administrative Secretary III – Office of the General Counsel; Human Resources Generalist; and Personnel Aide.

In addition to any benefits provided herein and by City Ordinance or Charter, or specifically excluded, the above employees, hired into these positions prior or after the adoption of this policy shall enjoy the following benefits.

All benefits as set forth in the Collective Bargaining Agreement between the City of Middletown and Local 466, AFSCME Council #4, AFL-CIO as may be amended from time to time. The following exception shall be incorporated in this section of the Personnel Rules:

**Separation of Service**

Employees covered under this policy are not considered “at will” employees. Separation of service must meet standards as set forth under “Just Cause.” For definition purposes, Just Cause shall mean the following:

1. Is there substantial evidence that the employee committed the offense charged?
2. Did the employer give the employee forewarning that this conduct was unacceptable and could lead to discipline?

OR

3. Is the offense so serious that any employee may properly be expected to know that such conduct is improper and punishable?
4. If the employee has been disciplined for breaking a rule, is that rule reasonably related to orderly, efficient and safe operation of the employer’s organization?
5. Has the employer applied the rules, orders and penalties evenhandedly and without discrimination to all employees?
6. Was the degree of discipline administered appropriate considering (a) the seriousness of the offense, (b) any



extenuating circumstances and (c) the employee's work record and seniority?

Separation of service of any defined, non-bargaining position employee will be for cause, but in no case may anyone be removed for political reasons. In the event of dismissal of any director, the Mayor shall notify said director in writing of such action and the reasons therefore not more than one month prior to the effective date of such dismissal.

Any employee separated for "Just Cause" is entitled to appeal their separation through the American Arbitration Association (AAA) or Superior court. The cost for Arbitration shall be equally shared between the City and the employee. In the event the employee is successful in defending a separation action, the City shall reimburse the employee for any out of pocket costs assumed including but not limited to legal fees. The Police Chief, pursuant to Connecticut General Statute 7-278 shall not be terminated without cause as defined by the Statute.

In the event that the employee agrees to proceed in such manner, an employee separated for "Just Cause" may request a hearing before the Common Council on the separation. The exercise of this option shall not bar the employee's right to further appeal the matter to AAA or Superior Court.

Intent to resign – Defined, non-bargaining positions are to give at least 3 weeks' notice and if less notice is given, the defined, non-bargaining position personnel will lose of 25% of unused sick time.

### **Loss of Benefits**

Termination cases for removal due to Just Cause must be submitted to the American Arbitration Association:

- A. Where the employee has been terminated but has vested in the City's pension system, pursuant to the regulations set forth under Pension benefits of this policy but now faces forfeiture of the pension as the result of his/her termination from employment.
- B. Where the employee is eligible for health insurance benefits upon retirement as outlined within this policy, the Arbitrator, in these specific instances, will have the authority pursuant to the terms to decide not only if there was just cause for the termination but if the just cause was sufficient to deprive the employee of the pension or health benefits for which the employee was eligible. The cost of arbitration shall be paid for by the City.

## **Discipline**

The City expects that all employees are expected to comply with their standards of behavior and performance and that in circumstances involving employee's noncompliance, remedial action by way of discipline will be the result. The City shall have the right to exercise progressive disciplinary procedures for just cause. Such progressive disciplinary procedures shall be fairly applied. The City specifically reserves the right to issue more severe discipline, up to and including immediate termination, when in its view such action is warranted. The type of misconduct which might result in more severe discipline shall include but not be limited to theft, embezzlement, etc. Further, it is also the policy of the City of Middletown that employees are subjected to progressive discipline and that those employees who are disciplined be afforded the opportunity to rebut any charges given rise to such discipline. Supervisory guidelines for the conduct of disciplinary procedures and guidelines to employee behavior may be found in the City of Middletown Personnel Rules.

CITY OF MIDDLETOWN  
PERSONNEL RULES  
FOR DEFINED, NON-BARGAINING POSITIONS

The policies set forth are for all defined, non-bargaining position employees including executive employees defined by the following positions:

**Executive: Administrative Assistant to the Mayor (Chief of Staff)**

The position of Administrative Assistant to the Mayor (Chief of Staff) is an appointed and at will position that serves at the pleasure of the elected Mayor

In addition to any benefits provided herein and by City Ordinance or Charter, or specifically excluded, the above employee, hired into this position prior or after the adoption of this policy shall enjoy the benefits of the executive, non-bargaining employees as set forth in these Personnel Rules, except that said employee shall NOT enjoy any just cause rights, protections, or benefits. More specifically, the Sections entitled "Separation of Service," "Loss of Benefits," and "Discipline" on pages 38-40 herein shall not apply to the Administrative Assistant to the Mayor (Chief of Staff).