

PERSONNEL RULES & REGULATIONS MANUAL

APPENDIX A DEFINITIONS

The following definitions apply throughout these rules and regulations unless the content **clearly indicates another meaning**.

Acting Appointee: An employee appointed to temporarily assume the duties, obligations, responsibilities, and authority of another employee who will be absent from work for a specified length of time, or of a position that is vacant as a result of the resignation, retirement, dismissal, death, or other permanent absence of the employee previously appointed to the position.

Active Duty: (Pursuant to Section 713.) The term "active duty" means duty under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code.

Actual Holiday: New Year's Day (January 1), Independence Day (July 4), Veterans Day (November 11), and Christmas Day (December 25) when the holiday falls on a Saturday or Sunday and a substitute holiday on the preceding Friday or following Monday is designated by the City.

Administrative Leave: Leave authorized by the City Manager during investigations of misconduct or performance violations. Unless other specified, administrative leave shall be with full pay and benefits.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alternate Duty: Temporary work which can be accomplished by an injured or ill employee within the stipulated medical or physical limitations, and without exposing others to the risk of being harmed, and which when accomplished, will contribute to the fulfillment of the mission of the department as distinguished from "make work" assignments created solely to accommodate ill or injured employees.

Alternative Work Schedule (AWS): A prescheduled, fixed, continuous schedule of hours that deviates from the City's established business hours.

Annual Leave: Leave with pay granted to an employee at a specific rate to be used by an employee with prior approval from management.

Appeal: A formal request to the Personnel Review Board for reconsideration of a decision made by the City Manager regarding an employee's suspension, demotion, or dismissal.

Applicant: An individual who has filed an application for a vacant position and desires to be considered for appointment to a position in the City service.

As Soon As Possible and Practicable: (As pursuant to Section 713) As soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as 30 days notice of the need for family or medical qualifying leave and its anticipated start and duration, "as soon as practicable" would mean verbal notice within one or two business days of when the need for leave became known to the employee.

Authorized Purchases: Purchases that further the business of the City for legitimate business purposes. Each purchase must be allowed by law and policy, and be within budget authority.

Business Day: Period of time during which the City's main administration office (City Hall) is open and operating under its regular operating hours.

Business Relationship: A relationship that may include, but is not limited to, (1) the commitment or securing of \$1,500 or more of City funds, with the exception of funds expended on charitable organizations and trade associations; (2) prospective employment with the City in any capacity; or (3) approval of a zoning entitlement or building permit application until such time construction as received all final approvals.

Calendar Year: Generally, the time period from January 1 through December 31. However, where specifically indicated in this Manual, calendar year is the time period beginning at 12:00 midnight on the first day of the new pay period following December 31 of one year and ending at 11:59 on the last day of the pay period including December 31 of the subsequent year (for example, calendar year 2013 begins at 12:00 midnight on 01/06/2013 and ends at 11:59 p.m. on 01/04/2014).

Cardholder: The Mayor and City Council or an employee authorized by the City Manager to be the single user of a City credit card. The credit card bears the individual's name and/or that of the City of Gaithersburg and may be used to pay for official purchases in compliance with this policy and the City's internal procedures.

CDL: Commercial Driver's License.

Chain of Command: Vertical employment relationship in which an employee is accountable to a direct supervisor and that supervisor is accountable to another supervisor, and so on. Any person in this relationship is in the chain of command. For example, a laborer is accountable to a lead, who is accountable to a supervisor, who is accountable to a Department Head, who is accountable to the City Manager. All persons in this example are in the chain of command, or in the direct line of managerial oversight.

Child: (Pursuant to Section 713) Biological, adopted or foster children, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is less than 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.

City: The Gaithersburg municipal government, composed of the Mayor, City Council, the City Manager, and all departments and employees which comprise the organization designed to provide services to the citizens of the municipality.

City Attorney: An individual appointed by the Mayor, with the approval of the City Council, to act as legal advisor and counsel for the City and to represent the City in litigation, or his/her designee.

City Credit Card: Plastic payment device or a specific account number issued by a bank in the name of the City of Gaithersburg facilitating travel reservations, business meals, and small dollar value purchases on behalf of the City.

City Council: The duly elected or appointed officials who comprise the legislative body of the Gaithersburg municipal government with powers defined by Maryland law and the City Charter.

City Manager: An administrator appointed by a City Council to manage the affairs of the municipality; for the purposes of this Manual, City Manager means the City Manager or his/her designee.

CityNet: The City's in-house web site that serves employees only. Intranet pages on this site may link to the Internet, but the intranet is not able to be accessed by the general public. It provides a standard

way to publish information to employees such as City policy, news, schedules, medical and insurance forms and training manuals, etc.

City Vehicle: Any vehicle owned, rented, or leased by the City of Gaithersburg.

Class: One or more positions which are sufficiently alike to warrant using the same (or similar) title, qualification requirements, examination, and pay grade.

Class Specification: A written description of a class, which includes the position title, a general statement of duties and responsibilities, a summary of the most important features of a job class in terms of the general nature of the work involved, and the types of workers required to perform it efficiently. It describes the job, not the individual who fills it.

Classification: The assignment of a job to a particular job title in an associated pay grade.

Classification Plan: The sum total of all class specifications in the municipal service.

Classified employee: Classified employees comprise all positions not specifically designated in the Personnel Ordinance as in the unclassified service. All positions included in the classified service shall be subject to the adopted merit system rules and regulations.

COBRA: Consolidated Omnibus Budget Reconciliation Act; provides covered employees and covered family members the opportunity for a temporary extension of health coverage at group rates when coverage under the health plan (a medical and/or dental plan) would otherwise end due to certain qualifying events.

Compensation Plans: A complete inventory of all positions within the organization and the class to which they are allocated.

Compensatory Time: Time granted to employees covered by the Fair Labor Standards Act in lieu of pay for overtime hours worked.

Complaint: A complaint is an employee's informal expression of disagreement or dissatisfaction with issues that have affected his/her status or conditions of employment or concerning specific issues related to his/her employment with the City.

Compressed Workweek: Any schedule which allows a full-time employee to work the equivalent of a complete workweek in less than five days.

Contingency Operation: (Pursuant to Section 713) The term "contingency operation" has the same meaning given such term in Section 101(a)(13) of Title 10, United States Code.

Continuing Regimen of Treatment: (Pursuant to Section 713) Treatment which usually includes: two or more visits to a health care provider; two or more treatments by a health care practitioner on referral from, or under the direction of a health care provider; a single visit to a health care provider that results in a regimen of continuing treatment under the supervision of a health care provider (for example, a course of medication or therapy to resolve the health condition or pregnancy or prenatal care).

Continuity of Operations Plan (COOP): A plan which predetermines, to the extent possible, actions and interactions to be taken by the City government and cooperating agencies to prevent and minimize disasters or emergencies, such as reduction of the vulnerability of citizens to emergencies, protection of life and property of citizens, quick and effective response, and the implementation of timely recovery actions.

Core Work Hours: A designated period of time during an employee's workweek when he/she is expected to be working and available in person unless in a leave status.

Covered Service Member: (Pursuant to Section 713) A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Daughter: (Pursuant to Section 713) A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*.

De minimis: A minimal amount, as defined by Internal Revenue Service (IRS) regulations.

Demotion: Movement of an employee from a position in one job classification to a position in another job classification of decreased responsibility or complexity of duties and in a lower pay grade.

Department Head: An employee designated with the responsibility for operation and management of a department of the City government established by the City Manager. For the purposes of this Manual, Department Head means the Department Head or his/her designee.

Disability: A physical or mental impairment that substantially limits one or more major life activities of an individual.

Discipline: Action taken against an employee ranging from an oral reprimand/counseling to dismissal depending on the severity and/or frequency of the employee's infractions.

Discrimination: Any act or failure to act (whether by itself or as a part of a practice), the effect of which is to adversely affect or adversely differentiate against an individual or group of individuals in any employment or personnel action on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities unless based upon a bona fide occupational qualification. An employment or personnel action shall include all phases of the employment relationship including, but not limited to, recruitment, testing, hiring, reclassification, promotion, demotion, transfer, layoff, suspension, dismissal, rates of pay, benefits, and selection for training.

Dismissal: The involuntary permanent separation of an individual's employment with the City of Gaithersburg.

Documentation: Documents or supporting references or records.

Domestic Partner: An individual of the same or opposite gender in an exclusive, committed, personal relationship similar to that of marriage with a City employee.

Eligible Family Member: An individual who may be enrolled in a benefit plan offered to a City employee, as established by law and/or in the plan documents.

Emergency Operations Plan (EOP): A plan which provides a basis for preparing for and executing emergency operations to prevent, minimize, prepare for, respond to, and recover from injury or damage that may be caused by natural or technological disasters or emergencies.

Employee: A compensated person who holds a position with and performs services for the City.

Essential Personnel: Exempt and non-exempt employees who are required to work during a declared period of emergency because their positions are designated as essential to providing and/or continuing essential City operations and/or services when specific emergency conditions exist.

Established Business Hours: The hours when customers may reasonably expect to transact business at a City facility. Established business hours for the City of Gaithersburg are 8 a.m. to 5 p.m.

Established Work Schedule: A designated period of time during an employee's workweek when he/she is expected to be working and available in person unless in a leave status.

Exempt Employee: An employee in a bona fide executive, administrative, or professional capacity as outlined by the Fair Labor Standards Act (FLSA) who is paid a salary (not an hourly wage) to perform the duties and responsibilities of a job regardless of hours worked in a workweek. In accordance with the FLSA, this category of employee is exempt from the overtime pay provisions of the Act.

Fair Labor Standards Act (FLSA): The Federal law which sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act.

Family Leave: (Pursuant to the Section 713) Leave used in connection with the birth or placement of a child for adoption, legal guardianship, or foster care.

Family Medical Leave: Leave granted under the Family and Medical Leave Act of 1993.

Family Member:

- a. Employee's spouse or domestic partner and his/her parents.
- b. Employee's children (including biological, adopted, foster, or stepchildren, or legal wards or children for which the employee stands *in loco parentis*) and their spouses/domestic partners.
- c. Employee's parents, step-parents, or *in loco parentis*.
- d. Employee's siblings, half-siblings, or step-siblings and their spouses/domestic partners.
- e. Employee's grandparents or grandchildren.
- f. Any other individual related to the employee by blood whose mailing address is the same as the employee's.

Fiscal Year: For the purposes of this Manual, Fiscal Year is the time period which begins on July 1 in one year and ends on June 30 in the subsequent year.

Flex-time: Fixed work days and fixed work day arrival and departure times for individual employees which may fall outside the City's established business hours of operation.

Fraud: A dishonest and intentional deception, misappropriation of resources, manipulation of data, or other course of action to gain financial or other benefits to which the person committing the action would not normally be entitled.

Further the Business of the City: A purchase is made to further the business of the City only when the purchase: (a) is authorized by law, City regulation, and/or by organizational policy and procedures; (b) will promote or support the lawful operation of the City on whose behalf the purchase is made; (c) may be paid by public funds that are currently available to the Department by appropriation, or other legislative authority for the purpose of the purchase.

General Wage Adjustment: An adjustment made in wages that corresponds with a change in the cost of living.

Gift: Unless otherwise provided in the Ethics Ordinance, the transfer of anything of economic value valued at \$50 or more or a combination of transfers from any person or entity within a one calendar year period valued at \$100 or more. A gift does not include campaign contributions or contributions or donations to the City or sponsorships of City events or programs.

Good Faith: Good faith is evident when a report of an improper or illegal act is made without malice or consideration of personal benefit and the employee has a reasonable basis to believe that the report is true; provided, however, a report does not have to be proven to be true to be made in good faith. Good faith is lacking when the disclosure is known to be malicious or false.

Grievance: An employee's formal expression of disagreement or dissatisfaction with issues that have affected his/her status or conditions of employment or concerning specific issues related to his/her employment with the City.

Harassment: Any act directed toward another, when such act includes verbal or physical conduct that defames or shows hostility toward the employee on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, disability, marital or parental status, political opinions or affiliations, or lawful employee organization activities. Harassment also includes any prohibited act directed toward the individual's family, friends, or associates, intended or perceived by the alleged victim to be intended to create an intimidating, hostile, or offensive working environment or interfering with or apparently intending to interfere with the alleged victim's work performance.

Harassment of a Sexual Nature: Any act or behavior of a sexual nature which is not welcomed, is personally offensive to the alleged victim, and/or interferes with the ability of the alleged victim and/or his/her coworkers to effectively carry out the duties of their positions, including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct. Conduct of a sexual nature constitutes sexual harassment when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; or (b) submission to, or rejection of, such conduct by an employee is used as the basis for employment decisions affecting the employee; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Differences in individual values and culturally diverse customs may make it difficult for employees to recognize their own behavior or that of their peers, subordinates, or non-employees as sexual harassment. An investigation and decision based on all the available facts must be made to determine whether a particular action or incident constitutes sexual harassment. Negative consequences to the offender place a responsibility on supervisors and employees to report factual and truthful information in filing and investigating complaints of sexual harassment.

Health Care Provider: (Pursuant to Section 713) A doctor of medicine or osteopathy, podiatrist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife, clinical social worker.

Health Maintenance Organization (HMO): An organization that arranges for a network of physicians, health care practitioners, and facilities to provide a wide spectrum of health care services to members covered under contracts issued by the HMO.

Hearing: A formal review of the facts and circumstances surrounding a personnel action.

Hire Date: The date on which an employee begins employment with the City.

Holiday Leave: Paid leave granted to an eligible employee on a day observed by the City as a holiday (when City offices are closed).

Honoraria: Payments of money or anything of value given to an individual for services for which fees are not legally or traditionally required, such as speeches and attending a meeting or event.

Improper or Illegal Action: Any action by a City employee or official that is undertaken in the performance of such person's duties with the City, whether or not the action is within the scope of the individual's official duties or employment, that is in violation of a federal, state, or local government law or rule, an abuse of authority, gross mismanagement, gross misconduct, a gross waste of public funds, an act of fraud or other financial impropriety, or a substantial danger to public health or safety.

Incapable of Self-Care: (Pursuant to Section 713) Individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADL). ADL include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Incumbent: The current occupant of a position in the classified or unclassified service.

In loco parentis: (Pursuant to Section 713) Those parents with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Insubordination: Failure to obey a direct lawful order of a supervisor or someone higher in the chain of command.

Intermittent Leave: (Pursuant to Section 713) Leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time. Intermittent leave is required based on medical necessity for all eligible uses of family or medical leave except for childbirth and child placement. For these exceptions, the Department Head, at his/her discretion and the employee may agree to provisions of intermittent leave.

Internship: An opportunity created to provide hands-on municipal government experience and/or professional/career development for a high school student or college undergraduate or graduate student. The internship must be created for a specific purpose or program and must terminate at the expiration of a specified period of time.

Job: The name given to a group of positions that are alike enough in duties and responsibilities to be assigned the same pay grade and to require substantially the same qualifications.

Job Applicant: A person who applies to become an employee of the City.

Job Title: The label for a job which reflects the content of all positions assigned to the same job class.

Key Employee: (Pursuant to Section 713) A salaried employee who is among the highest paid 10 percent of all the employees employed by the City and residing within 75 miles of their worksite.

Leave: An authorized absence from regularly scheduled work hours for reasons specified in the Manual (e.g., holiday, annual, sick, bereavement, jury, etc.).

Leave With Pay: Authorized absence from work with pay.

Leave Without Pay: Authorized absence from work without pay.

Liberal Leave: A period declared by the City Manager during which the policies governing the established time frames for requesting and granting of annual, compensatory, or personal leave, or leave without pay, are relaxed to accommodate individuals who cannot report to work on time, or at all, or remain at work due to existing conditions.

Manual: The City of Gaithersburg Personnel Rules & Regulations Manual.

Maximum: The highest salary the City would pay to have the job performed.

Medical Documentation: Original supporting records/certifications from a medical provider that state an employee is unable to perform his/her normal work duties based on the employee's job description, the projected length of inability to return to work, or the ability to return to work in a modified work status (alternate duty).

Medical Leave: (Pursuant to Section 713) Leave used for recuperation from a serious health condition that renders the employee unable to perform the functions of the position, or leave used to care for an ill or disabled child, spouse, sibling, parent, parent-in-law, or in loco parentis.

Merit system: A system of personnel rules and regulations for classified employees which may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by classified employees from termination, suspension, or demotion and fringe benefits.

Midpoint: The midpoint of the pay grade represents the salary level paid for a competent employee with considerable experience who performs all duties of the job at a satisfactory level.

Military Leave: Paid leave granted to an employee who is a member of any United States Military Reserve or National Guard Unit and is required to engage in training exercises not to exceed two weeks in any one year.

Minimum: The lowest salary the City would expect to pay to have the job performed.

Nepotism: The showing of favoritism to a relative.

New Hire: A person not previously employed by the City.

Next of Kin: (Pursuant to Section 713) The nearest blood relative of that individual.

Non-Essential Personnel: Exempt or non-exempt employees who are not required to work during a declared period of emergency because their positions are not designated as essential to providing and/or continuing essential City operations and/or services when specific emergency conditions exist.

Non-Exempt Employee: An employee who is not employed in a bona fide executive, administrative, or professional capacity as outlined by the Fair Labor Standards Act (FLSA), is paid an hourly wage, and is eligible under the FLSA to receive overtime pay or compensatory leave for hours worked in excess of 40 in a workweek.

Official Leave with Pay: Leave granted by the City Manager under special or unusual circumstances (e.g., to attend to official duties, during an essential operations emergency, for reward or recognition, etc.) and not deducted from any other leave earned by the employee.

On-Call: A non-exempt employee specifically designated and required to be available and ready to work when needed to handle unanticipated situations occurring outside of standard working hours.

Outpatient Status: (Pursuant to Section 713) With respect to a covered service member, means the status of a member of the Armed Forces assigned to: a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Overtime: Hours that an employee is directed and authorized to work in excess of 40 hours per week.

Parent: (Pursuant to Section 713) A biological parent of an employee or an individual who stands or stood *in loco parentis* to an employee when the employee was a child.

Parent-in-law: (Pursuant to Section 713) A biological parent of an employee's spouse.

Part-time Employee: An employee whose position meets at least one of the following criteria: (1) is of a short-term duration; (2) is for a specific purpose or program; (3) is seasonal in nature; or (4) whose work hours are expected to be below 25 hours per work week.

Period of Emergency: The time between the starting and ending time of a declared state of emergency, as established by the City Manager.

Pay for Performance Adjustment: Pay advancement based on an employee's work performance as assessed through the performance evaluation process.

Pay Day: Friday of the week following the pay period.

Pay Grade: A component of the Classification and Compensation Plan which stipulates the salary range to be paid for all job titles assigned to that grade. Jobs are assigned to pay grades based on a combination of internal and external considerations.

Pay Period: The two-week period by which all City employees are paid. The City's standard pay period begins at 12:00 a.m. (midnight) on Sunday and ends at 11:59 p.m. on Saturday two weeks later.

Pay Range: A component of the Classification and Compensation Plan which stipulates the minimum, midpoint, and maximum pay rates established for each salary grade.

Pay Rate: The rate of pay of an employee.

Pay Step: A component of the Classification and Compensation Plan which stipulates the salary range to be paid based on years of service.

Performance Evaluation: An assessment of an employee's work.

Personal Leave: Leave granted to a classified employee or unclassified management employee which may be taken at the employee's discretion, subject to pre-approval of the supervisor.

Personal Purchases: Purchases that do not further the business of the City and purchases that do benefit an employee or other person individually, rather than facilitate the discharge of the official functions or duties of the City of Gaithersburg. Any non-business use of a City credit card that personally benefit the employee or third party rather than the City. All personal purchases using a City credit card are expressly prohibited.

Personal Vehicle: A vehicle owned, rented, or leased by a City employee which may be used to conduct official City business.

Personnel Action Form: The form used to report appointments, terminations, or a change in status or compensation of an individual employee. The Personal Action Form should be used each time there is an action that should be recorded in the individual's personnel file or that requires payroll action. Use it as a transmittal form for approval of the personnel action.

Physical or Mental Disability: (Pursuant to Section 713) Physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Position: An opening or a job occupied by a single employee.

Positive Test: A drug or alcohol test result that shows the presence of alcohol or controlled substances in excess of the following levels:

	<u>All Employees</u>	<u>Sworn Officers</u>
Alcohol	0.02	0.02
Amphetamines	500 ng/mL	500 ng/mL
Barbiturates	200 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Cocaine Metabolite	150 ng/mL	150 ng/mL
Opiates	2000 ng/mL	300 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL
Marijuana (THC)	15 ng/mL	15 ng/mL

Posting: A written announcement of a job vacancy.

Preferred Provider Option (PPO): A network-based plan that encourages members to receive covered services from preferred physicians, health care practitioners, or facilities. Members may elect to use non-preferred physicians, health care practitioners, or facilities but generally will have higher out-of-pocket costs and more administrative tasks if they do.

Probation: A formal period of employment (of 12 or 24 months) during which an employee has an opportunity to learn more about the City and demonstrate that he/she has the necessary skills and abilities to perform the duties of his/her position in a satisfactory manner.

Probationary Employee: An employee who is serving his/her probationary period of employment during which time the employee may be terminated at will.

Progression Promotion: The automatic movement of an employee to the next higher level (title/grade) in an identified classification series based on the employee's satisfactory fulfillment of a specified length of time in a position and/or attainment of required education, certification, or skills.

Progressive Discipline: Discipline issued that is progressive in nature (i.e., verbal, written, etc.) and clearly displays corrective attempts to remedy the employee's performance through training and/or counseling.

Promotion: Movement of an employee from a position in one job classification to a vacant position in another job classification of increased responsibility or complexity of duties and in a higher pay grade.

Pyramiding Pay: Compensation paid more than once for the same hours.

Qualifying Exigency: (Pursuant to Section 713) (a) Short-notice deployment; (b) Military events and related activities; (c) Childcare and school activities; (d) Financial and legal arrangements; (e) Counseling; (f) Rest and recuperation; (g) Post-deployment activities; and (h) Additional activities not encompassed in the other categories; but agreed to by the employer and employee.

Random Testing: A system of drug and alcohol testing imposed without individualized suspicion that a particular individual is using illegal drugs, and may be either a uniform announced testing of designated employees; or a statistically random sample of employees based on a neutral criterion.

Reasonable Accommodation: Any modification or adjustment to a job, the work environment, or the way in which the work is customarily done that makes it possible for a qualified individual with a disability to perform the essential functions of the job and ensure equal employment opportunity.

Reasonable Suspicion: A belief based on specific objective facts and reasonable inferences drawn from those facts.

Reclassification: Movement of a position's title and/or pay grade assignment to a higher or lower classification.

Redlined: Freezing of an employee's salary because it exceeds the maximum for the assigned pay grade/pay step due to reclassification of the employee's position.

Reduced Leave Schedule: (Pursuant to Section 713) A leave schedule that reduces an employee's usual number of working hours per work week or hours per work day. A reduced leave schedule is required based on medical necessity for all eligible uses of family or medical leave except for childbirth or child placement. For these exceptions, the Department Head, at his/her discretion, and the employee may agree to provisions for a reduced leave schedule.

Reduction in Force: The separation of employment of an employee which occurs when a regular position has been abolished because of material changes in duties, or shortage or stoppage of work or funds, or other reasons in the best interest of the City, as determined by the City Manager.

Rehire: Re-employment of a former employee who left the municipal service in good standing.

Relative: (Pursuant to Section 309 and Section 1110) Immediate family by blood, marriage, previous marriage, or adoption including the following: spouse, child/stepchild, parent/stepparent, sibling, half-sibling, grandparent, aunt, uncle, niece, nephew, cousin, or any other person residing in the employee's residence or financially dependent upon the employee.

Resignation: Voluntary separation from City employment prior to retirement.

Retaliation: Any action taken by a City employee or official, directly or indirectly, because an employee or other person (1) disclosed information or filed a report of improper or illegal actions in City government; or (2) testified or assisted, or is scheduled to testify or assist, in any investigation, action, or proceeding relating to the disclosure of information or the filing of a report of improper or illegal actions by another individual.

Retaliatory Personnel Action: Any act or omission by a supervisor which has a significant adverse impact on the employee, or a change in the employee's duties or responsibilities which is inconsistent with the employee's grade, salary, job description, or performance.

Retaliatory Public Action: Any act or omission by a City employee, an appointed member of a board, commission, or committee, or an elected official which has a significant adverse impact on an individual's

ability to obtain City services or approvals that are available to other members of the public similarly situated.

Retiree: An classified employee or unclassified management employee who leaves City employment under the City's General Retirement Plan or Early Retirement Plan.

Retirement: Separation from City employment under the City's General Retirement Plan or Early Retirement Plan.

Retirement Date: The date on which a City employee retires.

Safety Sensitive Position: Employees in positions which meet one or more of the following criteria: (1) employee who is required to operate City vehicles or heavy machinery and/or whose class specification indicates that they are required to maintain a valid driver's license; (1) employee who is a sworn police officers; (3) employee to whom a City vehicle has been assigned; (4) employee who receives, processes, prepares, and/or distributes cash or checks or handles credit card transactions as an essential part of his/her position; (5) employee who works with children or youth; (6) unclassified management employees (the City Manager, City Attorney, Assistant City Managers, and Heads of all Departments established by the City Manager).

Salary: Payment for work performed that is pre-determined and uniform from one payday to the next and does not depend on the number of hours worked.

Salary Schedules: Matrices that list the applicable salary rates or ranges approved for employees in the municipal service.

Separation: The cessation of employment with the City of Gaithersburg, either voluntarily or involuntarily.

Serious Health Condition: (Pursuant to Section 713) An illness, injury, impairment, or physical or mental condition that requires either inpatient care, or a continuing regimen of treatment by a health care provider.

Serious Injury or Illness: (Pursuant to Section 713) In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Service: A period of paid City employment by an employee.

Sick Leave: Leave with pay granted to an employee at a specific rate to be used by an employee under specific conditions with approval from management.

Son: (Pursuant to Section 713) A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*.

Spouse: (Pursuant to Section 713) A husband or wife of an employee as defined or recognized under Maryland law for the purposes of marriage.

Standby Duty: A non-exempt employee required to remain ready and available to work during a specified period of time beyond the employee's standard working hours and expected to return to the worksite within a 30-minute timeframe.

State of Emergency: A period declared by the City Manager or designee where extremely hazardous or disastrous conditions exist and the life, health, or safety of Gaithersburg residents and/or employees may be at risk; during such time, only essential required City operations and services will be performed.

Supervise, Supervision, and Supervisor: An employment relationship in which an employee's relative is in the employee's "chain of command" or in the direct line of managerial oversight.

Suspension: A disciplinary action resulting in temporary removal from job duties and responsibilities with loss of pay.

Take-Home Vehicle: Any City vehicle which is assigned to a particular employee to take home for business-related purposes as identified in this policy.

Termination: See "Separation."

Titer: A test that measures the presence and amount of antibodies in the blood. These antibodies may be against a particular type of tissue, cell, bacteria, virus, or other external substance.

Transfer: Movement of an employee to a position in the same classification or to a position in a different classification in the same grade level. A transfer is not considered a promotion or demotion.

Unauthorized Absence: Absence from duty without supervisory approval.

Unclassified Employee: An employee in the unclassified service as set forth in the Personnel Ordinance. Unclassified employees are (a) the City Manager, Assistant City Manager(s), City Attorney, and the heads of all departments established by the City Manager; and (b) part-time, temporary, unpaid offices and positions, and employees by contract or agreement. Except as provided in the Charter, all unclassified employees hired or appointed after June 30, 2009, shall serve at the pleasure of the City Manager.

Unclassified Management Employee: The City Manager, City Attorney, Assistant City Manager(s), and the Heads of all Departments established by the City Manager

Unclassified Official: A public official in the unclassified service as set forth in the Personnel Ordinance. Unclassified officials are (a) the Mayor, Council Members, either elected or appointed; and (b) members of City boards, commissions, and committees.

Unclassified Service: Comprised of public officials and employees as set forth in the Personnel Ordinance who are not included within the merit system.

Vacancy: An authorized position not presently occupied, or soon to be vacated, by an incumbent.

Vehicle: Any automobile, truck, van, trailer, or other self-propelled equipment (including golf carts), or trailer-mounted equipment which is towed by a self-propelled piece of equipment, which may be marked or unmarked with City identification, and/or licensed for use on public roadways.

Wage: Payment that is calculated according to the number of hours worked and which may fluctuate from one pay day to the next as the number of hours worked varies.

Workday: The standard hours an employee works in one day of his/her workweek.

Workweek: Forty hours worked or on paid leave within a seven day period (beginning Sunday and ending on Saturday) as determined by the City Manager (for classified employees and unclassified management employees).

Year of Service: Employment service credited to a classified employee or unclassified management employee of the City based on the anniversary of the employee's hire date; a classified employee or unclassified management employee's years of credited service are used to determine eligibility for some City benefits.