

REGULATION NO. Reg-1-17

ADOPTION OF AMENDMENTS TO THE PERSONNEL RULES AND REGULATIONS AND THE PROCESS FOR FUTURE AMENDMENTS AS PROVIDED BY CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION"

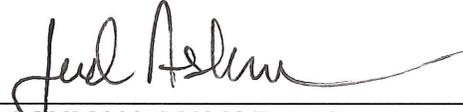
WHEREAS, Chapter 2 of the City Code of the City of Gaithersburg, entitled "Administration" provides for the establishment of rules and regulations; and

WHEREAS, Chapter 2, Article II, Section 2-10 of the said rules and regulations require approval by the Gaithersburg City Council; and

WHEREAS, the Mayor and City Council have determined that modifications to the existing Regulation are in the public interest:

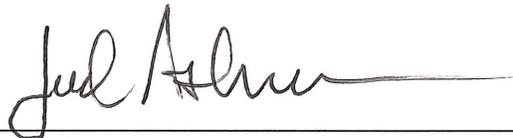
NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Gaithersburg, that the Personnel Rules and Regulations of the City of Gaithersburg, as amended and attached hereto, are hereby adopted by the Mayor and City Council.

ADOPTED by the City Council this 21st day of August, 2017.



JUD ASHMAN, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 21st day of August, 2017. APPROVED by the Mayor of the City of Gaithersburg this 21st day of August, 2017.



JUD ASHMAN, MAYOR

THIS IS TO CERTIFY, that the foregoing Regulation was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 21st day of August, 2017; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 21st day of August, 2017. This Regulation will become effective on the 21st day of August, 2017.



Tony Tomasello, City Manager

Personnel Rules and Regulations



Gaithersburg
A CHARACTER COUNTS! CITY

For the City of Gaithersburg, Maryland

As of August 21, 2017
Adopted by Mayor and City Council



City of Gaithersburg – Personnel Regulations

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City of Gaithersburg – Personnel Regulations

Overview

The Personnel Regulations (“Regulations”) of the City of Gaithersburg are authorized under Sec. 59 of the City of Gaithersburg City Charter.

These Regulations are adopted under the provisions of City Code §2-10 and contain personnel and related policies for the City of Gaithersburg. Further administrative regulations and procedures, as authorized by Sec. 17-2 of the City Code, are contained within City Manager Administrative Policies and the Employee Handbook, issued by the City Manager and maintained by the Department of Human Resources.

These Regulations do not constitute an employment contract, express or implied, or modify the employment at will doctrine, in whole or in part, between the City and its employees, individually or collectively.

All provisions of these Regulations, City Manager Administrative Policies, and the Employee Handbook shall be consistent with the City Charter and Code and all applicable and pertaining federal, state, and local laws, such as (but not limited to):

- Federal and Maryland Fair Labor Standards Act
- Family and Medical Leave Act
- Uniformed Services Employment and Reemployment Rights Act
- Diversity, inclusion, and non-discrimination laws

For the purposes of these Regulations, the term “City Manager” means the City Manager or designee.

Responsibilities and Authorization

The City Manager shall implement the provisions of these Regulations through the Administrative Policies and administer the provisions of this document.

As such, the City Manager may establish various operating and program policies and procedures, and may authorize each Department Head to establish additional policies and procedures necessary for the effective and efficient operations of that department which are consistent with these Regulations and the Administrative Policies.

The Department of Human Resources will have overall responsibility for establishing, maintaining, and coordinating personnel transactions and records management systems and procedures for all City employees consistent with local, state and federal laws. The Department of Human Resources will advise and assist supervisors/management on all City personnel transactions and records management systems and procedures related to personnel. The Department of Human Resources will also provide specific guidance and outline specific processes within internal documents, including the Employee Handbook.



City of Gaithersburg – Personnel Regulations

Classification and Applicability

These Regulations apply to all City employees except where otherwise specified herein. Employees in classified service (as defined in Section 60 of the City Charter and Chapter 17 of the City Code) are subject to adopted merit system rules and regulations, as authorized by Section 59 of the City Charter. Employees in unclassified service (as defined in Section 60 of the City Charter and Chapter 17 of the City Code) are not subject to adopted merit system rules and regulations; except that the City Manager, City Attorney, Deputy City Manager, Assistant City Manager(s), and the Heads of all Departments established by the City Manager, referred to as "unclassified management employees," are eligible for certain benefits and employment rights as established in Chapter 17 of the City Code and set forth herein.

Employment

The City is an Equal Opportunity Employer, and any employment changes, such as (but not limited to) recruitment, selection, and separation actions and activities will be in accordance with applicable federal, state, and local laws.

Diversity, Inclusion, and Non-Discrimination in All Employment Matters

The City of Gaithersburg values diversity in its workforce. As an Equal Opportunity Employer, the City of Gaithersburg will:

- Not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, sex, sexual orientation, national origin, affection preference, gender preference, genetic testing, disability, age, marital status or status with regard to public assistance, or as a disabled veteran or veteran of the Vietnam era.
- Take affirmative action to ensure that applicants and employees are treated without regard to their race, color, creed, religion, ancestry, sex, sexual orientation, national origin, affection preference, gender preference, genetic testing, disability, age, marital status or status with regard to public assistance, or as a disabled veteran or veteran of the Vietnam era. Such action shall include but not be limited to the following: employment, upgrade, demotion, or transfer; recruitment or recruitment advertising; reduction in force or termination; rates of pay or other forms of compensation; benefits; and selection for training.
- In all solicitations for employees and solicited personnel changes, state that all qualified applicants will receive consideration for employment without regard to race, color, creed, religion, ancestry, sex, sexual orientation, national origin, affection preference, gender preference, genetic testing, disability, age, marital status or status with regard to public assistance, or as a disabled veteran or veteran of the Vietnam era.



City of Gaithersburg – Personnel Regulations

Alcohol-, Smoke-, and Drug-Free Workplace

The City of Gaithersburg is committed to protecting the safety, health, and well-being of all employees and individuals in the workplace. The City recognizes that alcohol abuse and drug use pose a significant threat to the City's goals. The City has established an alcohol-free, drug-free, and smoke-free workplace that balances the respect for individuals with the need to maintain an alcohol-, smoke-, and drug-free environment.

Any individual who is employed by the City, conducts business for the City, or is applying for a position with the City is covered by this workplace policy. The policy applies during all working hours, whenever conducting business or representing City, and when driving a City vehicle. In addition, the alcohol and drug-free workplace policies apply while in an on call or on standby status. It is illegal to smoke or vape on City property, as outlined and described in Chapter 15 and 15A of the City Code or as otherwise amended.

It is a violation of this policy to use, possess, sell, or trade, illegal drugs, or use, sell or trade alcohol, smoke products or e-cigarettes on City property, except as required by an individual's job duties.

Drug and Alcohol Testing

Each employee, as a condition of their employment, will be required to participate in pre-employment and reasonable suspicion testing. Employees who are classified as safety sensitive also will be subject to immediate post-accident and random testing. Management also may require return-to-duty and follow-up drug and/or alcohol testing.

To maintain a commercial driver's license (CDL) for employment purposes, employees may also be subject to random testing as regulated by federal law.



City of Gaithersburg – Personnel Regulations

Ethics and Political Activity

The Gaithersburg “Ethics Code” (Chapter 7A of the City Code, as otherwise amended) applies to all City employees, regardless of position. Employees, officials, and representatives of the City as specified in Chapter 7A of the City Code must maintain the highest standards of political and professional responsibility and the highest respect for the interests of the citizens and the City. The City Ethics Commission processes and makes determinations concerning advisory opinion requests and complaints filed by anyone alleging violations of the City's Ethics Code.

No employee of the City may participate in political activity during working hours or while representing the City in any official capacity. An employee who is elected or appointed as Mayor or a member of the City Council of the City of Gaithersburg must resign their position with the City prior to taking office.

Reporting of Improper or Illegal Actions in City Government (Whistleblower Reports)

Allegations of any improper or illegal actions by any person involved in City government may be reported by any person under the Whistleblower program, as set forth in Section 17.2.1 of the City Code or as otherwise amended in the future.

The City of Gaithersburg recognizes that it has a responsibility to its citizens for stewardship of its resources and therefore requires its officials and employees to observe high standards of business, professional, and personal ethics in the conduct of their duties and responsibilities. Misconduct by a single individual can discredit all City employees or officials. , Honesty and integrity must be practiced by employees in conducting business and fulfilling responsibilities on behalf of the City, complying with all applicable laws and regulations, and maintaining the public trust.

Compensation, Salary Administration, and Performance Evaluations

As part of the annual budget process, the City Manager shall present for approval of the Mayor and City Council a proposed compensation plan for employees for the next succeeding fiscal year. Such plan will establish minimum and maximum rates of pay for each classification.

The Mayor and City Council will administer the compensation, salary and performance evaluations of the City Manager and the City Attorney. The City Manager will manage the compensation policy, salary administration and performance evaluations of all other employees, as designated and guided by the City Manager’s Administrative Policies.



City of Gaithersburg – Personnel Regulations

City Benefits

As provided in Section 62 and 63 of the City Charter, the City may establish and/or offer benefits for some or all classifications of employees, to be administered under the direction and management of the City Manager, which may include (but are not limited to):

- Group medical plans, which may also be secured for dependents of eligible employees on a family plan basis;
- Life insurance;
- Disability insurance, accidental death, and/or occupational death and/or dismemberment insurance; and
- Defined retirement plans and other benefits.

Holidays

The City of Gaithersburg observes the following ten (10):

Holiday	Day/Date Observed
New Year’s Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran’s Day	November 11
Thanksgiving Day	Fourth Tuesday in November
Thanksgiving Friday	Fourth Friday in November
Christmas Day	December 25

The standard observance of a holiday shall be on the day on which it occurs, as shown above. If New Year's Day, Independence Day, Veterans Day, or Christmas Day (the “actual” holiday for the purposes of this section) falls on a Saturday or Sunday, the substitute holiday will be observed. If the actual holiday falls on a Saturday, the preceding Friday is the substitute holiday and observed as a holiday for that year for each eligible employee. If the holiday falls on a Sunday, the following Monday is the substitute holiday and observed as a holiday for that year for each eligible employee.

Each year the Department of Human Resources will publish the dates of the official City holidays for that year. The holiday period is from 12:00 a.m. to 11:59 p.m. on the published date.

The City Manager is authorized to designate additional days as observed City holidays, provided it is in the best interest of the City and after notifying the Mayor and City Council.



City of Gaithersburg – Personnel Regulations

Employee Leave

The City may for some or all classifications of employees provide paid or unpaid leave, such as (but not limited to) annual or vacation, sick, personal, compensatory, bereavement, military, official, severe weather, emergency, and/or personal leave. The amount, schedules, accumulation, crediting, and/or payment for unused leave shall be administered by the City Manager as outlined in the City Manager's Administrative Policies.

Employee Training & Development

The City of Gaithersburg recognizes that training and development are integral components of work performance and are inherently tied to the City's mission, goals, workforce planning, and the provision of services to the public. The City Manager will provide employee training and development opportunities as outlined in the City Manager's Administrative Policies.

Nepotism

An employee cannot be in a relationship with or related to an employee they directly supervise, such that no employee who is in a relationship with or so related to another employee may make recommendations or decisions or initiate or participate in personnel actions directly affecting said employee's hiring, salary, job classification, timekeeping, work assignments, performance evaluations, awards or special recognition, promotion, transfer, or disciplinary actions such as (but not limited to) suspension, demotion, or dismissal. Nepotism policies will be administered by the City Manager, as established in the City Manager's Administrative Policies.

Workweek/Work Schedules

The City Manager will establish the number of hours of work constituting the minimum workweek for classified employees and unclassified management employees and the maximum average workweek for all other employees in accordance with the Fair Labor Standards Act. With the approval of the City Manager, Department Heads will implement work schedules to meet the general requirements of the City, the specific requirements of the Department, and the needs of residents and other customers.

Personnel Records

The City will keep personnel records for its employees as required by pertinent federal, state and local laws, and as the City Manager shall determine necessary. The City Manager holds responsibility for all required records, and the Department of Human Resources shall be the direct custodian of all such records.



City of Gaithersburg – Personnel Regulations

Work Related Injuries or Illness

All employees are covered by Workers' Compensation Insurance in the event they sustain a work related injury, illness, or death that arises out of the course of employment with the City, as administered by the City Manager. In the event of an employee's death, spouse and dependents are entitled to survivor benefits pursuant to the Maryland's Workers' Compensation Act.

Disciplinary Action

The City of Gaithersburg recognizes that the success of City government in providing quality and efficient public services directly correlates with appropriate employee conduct and performance. Employee behavior which is positive and supportive of the goals of effective municipal government is fully encouraged. When the work behavior, production, or personal conduct of an employee may fail to meet acceptable standards of performance or is inconsistent with the goals and needs of the City, supervisors are responsible to bring such situations to the attention of the employee in a timely manner with the goal of correcting the unacceptable behavior, and disciplinary action may be issued, as determined by the City Manager through Administrative Policies.

Grievances and Appeals

It is the policy of the City of Gaithersburg to provide a fair process whereby employees may voice complaints concerning specific issues related to their employment with the City. The objective is to improve employee/management relations through a prompt and impartial method of resolving problems and settling conflicts in a fair, equitable, and timely manner.

Employees are encouraged to informally discuss employment concerns and complaints with their immediate supervisor, the department chain of command, or with the Department of Human Resources, in the event the concern or complaint involves someone in their chain of command. Every effort should be made to resolve issues at the lowest supervisory level possible in a manner that is acceptable to all individuals involved.

The process for grievances and appeals will be established in the City Manager's Administrative Policies, consistent with Chapter 17 of the City Code, or as otherwise amended.

Work Rules

All other work rules, such as (but not limited to) work attire, uniforms, meal breaks, cell phones, vehicle use, travel, etc., will be established and administered by the City Manager in the Administrative Policies.