

# PERSONNEL MANUAL

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## **SUBJECT: Employee Work Practices**

### A. Policy

Each employee of the City is expected to comply with established work practices. These practices are necessary to assure the safe, efficient and effective delivery of municipal services and to protect the rights of all City employees.

Many of these practices will be readily understood and observed by all City employees since they are similar to those that guide our behavior in all business or social relationships. Other practices are more applicable to the work we do as public employees of a municipality.

### B. General Practices

The general practices listed below are not all inclusive. They are intended to illustrate the type of behavior which is required of City employees. Such practices are intended to promote a positive work environment where the effective delivery of services is not disturbed or obstructed by disruptive behavior of City employees or other individuals.

1. Each employee is expected to be at the employee's assigned work station ready to begin work at the beginning of the work day.
2. Except for authorized breaks and reasonable absences required to attend to personal needs, each employee is expected to remain at the assigned work station performing his/her assigned duties.
3. Each employee is expected to perform assigned duties and to report to his/her supervisor any conditions or circumstances which will prevent or inhibit the employee from the effective performance of these duties.
4. Each employee is expected to follow the instructions and procedures specified for their work assignment and to report any inadequacies in the instructions or procedures to his/her supervisor so that they may be remedied.
5. Each employee is required to adhere strictly to safety rules, including the use of safety equipment when specified, and to report unsafe conditions or practices to his/her supervisor immediately.

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## Employee Work Practices

6. Each employee is expected to exercise reasonable care and caution in the operation of any City equipment or property so as not to cause excessive deterioration or unnecessary damage.
7. Each employee is expected to obey and comply with all city, state and federal ordinances, laws and statutes.
8. Each supervisor may establish additional work rules and procedures as necessary.
9. Each employee is expected to obey and comply with all written and verbal city, departmental and/or miscellaneous policies, procedures and work rules.

### C. Nepotism

No employee or applicant may be hired, transferred, promoted or otherwise be assigned to any position which either supervises or is supervised by a relative of the employee. This policy shall apply only to personnel changes which take effect after the effective date of this policy.

For the purpose of this policy, a relative shall be defined as any person who has any of the following relationships with the employee:

1. Spouse
2. Parent
3. Child
4. Grandparent
5. Aunt or Uncle
6. Nephew or Niece
7. First Cousin
8. Brother or Sister
9. Grandchild
10. In-laws

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## Employee Work Practices

### D. Outside Employment

No City employee is allowed to perform any private work for pay within the City where the performance of such work has the potential for creating a conflict of interest or the appearance of impropriety.

1. Notification to City Manager's Office Required – Each employee who is performing or is contemplating the performance of private work for pay within the City shall notify the City Manager's Office immediately.
2. City Manager's Determination – The City Manager will review the private work performed by the employee to determine if the performance of such work is prohibited by this policy.
3. Factors Considered by City Manager – The City Manager's review will consider the following factors:
  - a. Is the performance of such work regulated by the City, either directly or indirectly?
  - b. Will the employee's official position confer any economic advantage upon the employee over others?
  - c. Will the employee represent any other interests before any City body?
  - d. Will the work be incompatible with the proper discharge of the employee's official duties or will it tend to impair the employee's independence of judgment or action in the performance of the employee's official duties.

The employee's private work will be considered a violation of this policy if any of the above questions are answered affirmatively.

4. Violations
  - a. Each employee determined to be in violation of this policy as a result of the City Manager's review shall be required to cease the performance of such work immediately or resign from employment.
  - b. Each employee who fails to notify the City Manager's Office as required herein may be subject to termination from employment.
5. Exceptions – Private work performed in uniform by sworn police personnel and sanctioned by the Chief of Police is exempt from this policy.

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## Employee Work Practices

### E. Guidelines for Appropriate Conduct

Each employee is expected to accept certain responsibilities, adhere to acceptable business principles and exhibit a high degree of professional integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that employees refrain from any behavior that might be harmful to other employees or to the general public. Participation in any such behavior may result in disciplinary action, up to and including termination from employment. These behaviors include, but are not limited to the following:

1. Conduct which is in violation of the law or acceptable standards of decency.
2. Sexual or any other kind of harassment of other employees.
3. Discrimination against other employees.
4. Unauthorized possession, selling, using or being under the influence of drugs or the unauthorized possession or consumption of alcohol while on duty or in City vehicles.
5. Refusal to perform assigned duties, insubordination toward supervision or management, or refusal to leave City property when directed to do so by a supervisor or management employee.
6. Theft of services or property from the City, fellow employees or citizens.
7. Deliberate damage to City property.
8. Unauthorized possession or use of firearms, explosives, ammunition, fireworks, or any type of weapon or dangerous material while on duty. An employee is considered to be authorized to possess or use a firearm or other weapon if, and only if, the employee has been trained in the use of and issued a firearm or other weapon by the City, for use in the performance of his or her job duties. Sworn officers of the Police Department shall be exempt from this policy so long as the employee complies with the Newark Police Department Weapons Policy. All other employees are expressly prohibited from carrying a firearm, concealed or unconcealed, while on duty. This prohibition extends to all City property, including but not limited to City office buildings or fleet vehicles.
9. Fighting or any other inappropriate physical contact while on duty.
10. Falsifying time sheets or other documents.
11. Frequent tardiness or absence from work, unauthorized absences or giving false reasons for absence.

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## Employee Work Practices

12. Gross negligence or willful disregard for safety, fire or security regulations.
13. Carelessness in the performance of work or in the operation of City vehicles and equipment.
14. Failure to perform assigned duties in a satisfactory manner.
15. The use of abusive language.
16. The showing or displaying of explicit images which might be objectionable to other employees.
17. Leaving the worksite during working hours without proper authorization.
18. Failure to properly report a vehicle collision or job-related injury to supervisors.
19. Excessive wasting of time, materials or supplies.
20. Illegal gambling, horseplay, sleeping, smoking in prohibited areas, or unauthorized use of City property, materials, supplies or equipment.
21. Excessive personal use of the telephone.
22. Violation of any of the policies, practices or procedures contained in this Manual.
23. Discarding, dumping, placing, or causing any litter, garbage, rubbish, refuse or other abandoned material to be placed on City property or inside any City equipment without the expressed permission of the employee's department director.
24. Accepting any personal gift, favor, gratuity, loan or promise as a City employee or for work performed by a City employee. The consumption of food or drink at a meal or meeting where City business is conducted or the acceptance of advertising novelties of nominal value are not a violation of this policy.



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(TO BE PRINTED ON LETTERHEAD STATIONERY)

To Our Friends and Associates:

We recognize that in the course of normal business affairs companies and their clients and associates often exchange gifts during this time of year. It is understood that this traditional practice is not realistically expected to influence judgments, but is simply an expression of greetings during the holiday season and appreciation of a good relationship during the past year.

In municipal government, however, we have the obligation to assure impartiality in all matters related to our business dealings. Therefore, our Municipal Code strictly prohibits the acceptance of any type of gift by our employees. Any gifts received will be returned. We sincerely ask your understanding and acceptance of this policy to save us the expense and trouble of returning gifts.

Nevertheless, we do appreciate your kind thoughts and wishes over the holiday season, and please accept our warmest wishes for a joyous, healthy and prosperous new year.

Best regards,

The Employees of the  
City of Newark

City Manager

CFL/mp

# PERSONNEL MANUAL

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## **SUBJECT: Discipline**

### A. Policy

Within any organization, it is absolutely essential to coordinate the use of human resources, materials and equipment toward the most efficient and effective achievement of organizational goals and objectives. Activities or behavior by City employees which inhibit the achievement of these goals and objectives must be effectively discouraged. Unfortunately, the City must occasionally employ disciplinary measures to achieve this end.

It is the City's policy to establish disciplinary policies and procedures which are effective, fair and consistently applied to all employees. The severity of the disciplinary measure applied will be related to the seriousness of the offense committed and may take a variety of forms ranging from a verbal warning to termination from employment.

### B. Responsibility of Department Directors and Supervisors

Each department director and supervisor shall be responsible for enforcing the policies and procedures contained in this Manual, any departmental policies or procedures, or any other City policies, procedures or practices whether they be written or otherwise. They shall also be responsible for initiating appropriate disciplinary action against any employee or employees who violate any of these policies, procedures or practices.

The disciplinary process for sworn police personnel shall be established by the Chief of Police through a general order.

### C. Disciplinary Procedure

The disciplinary process commences when an employee's supervisor(s) or department director becomes aware that an employee has violated any of the aforementioned policies, procedures or practices of the City or any of its departments.

1. Employee Notification - Each employee who is alleged to have committed a violation of any of these policies, procedures or practices shall be so notified by the employee's supervisor or department director. Such notification shall be issued in writing and shall describe the nature of the violation and the policy, procedure or practice violated. If field conditions or severity warrant more immediate action, such notification may be issued orally and confirmed later in writing. It shall also include a date and time for the employee to meet with the appropriate department director for a review of the alleged violation. A suggested format for this notification may be found on page 3.2-4. A copy of this notification shall be forwarded to the City Manager's Office.

Amended 8/26/03

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## Discipline

2. Department Review – The appropriate department director shall review the facts of the alleged violation as presented by the employee, the employee’s supervisor or any other pertinent individuals.
3. Department Director Disciplinary Actions – Based on the facts presented, the seriousness of the violations committed, the occurrence of any related behavior, or the occurrence of any previous disciplinary action, the department director may institute any of the following actions against the employee:
  - a. Dismissal of charge against the employee.
  - b. Verbal or written reprimand.
  - c. Recommendation to the City Manager to suspend or demote the employee.
  - d. Recommendation to the City Manager to terminate the employee.

Any disciplinary action recommended by a department director shall be recorded in writing, presented to the employee, and placed in the employee’s personnel file. For a suggested format, see page 3.2-5.

4. Employee Appeal – The employee shall have the option of requesting a hearing to appeal the disciplinary action instituted by the employee’s department director. The request shall be in writing and be submitted to the City Manager’s Office no later than the end of the next regular business day following the employee’s receipt of the department director’s recommendation. If the employee does not exercise his/her right to appeal, the City Manager will render a decision on the department director’s recommendation within three (3) days following the City Manager’s receipt of the department director’s recommendation.
5. City Manager Hearing – The City Manager or his designated representative will review requests from employees to appeal recommendations from department directors to reprimand, suspend, demote or terminate employees. The City Manager shall consider all relevant information and allow both the employee and the department director to present arguments supporting their actions.
6. City Manager Disciplinary Actions – The City Manager may dismiss the charge, affirm the disciplinary action of the department director, or adjust the measure of discipline. Unless the charge is dismissed, disciplinary actions by the City Manager may include a written reprimand, suspension, demotion, or termination.

Any disciplinary action instituted by the City Manager shall be recorded in writing, presented to the employee, and placed in the employee’s personnel file. The action of the City Manager shall be final and the employee shall have no right to further appeal.



# PERSONNEL MANUAL

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## Discipline

TO: Employee Name  
FROM: Department Director  
SUBJ: Notice of Intent to Initiate Disciplinary Action

It has been alleged that you committed the following act(s):

- 1.
- 2.
- 3.
- 4.

The commission of this act(s) is a violation of \_\_\_\_\_

You are hereby required to report to my office at \_\_\_\_\_ (time and date) \_\_\_\_\_

\_\_\_\_\_ to answer questions regarding this allegation. If you wish, you may be accompanied by a union representative.

cc: City Manager  
Personnel File



# PERSONNEL MANUAL

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## Discipline

TO: Employee Name  
FROM: Department Director  
SUBJ: Notice of Recommended Disciplinary Action

Based on the information presented to me at your disciplinary hearing held in my office on, I have determined that the charges against you have been proved and that you violated \_\_\_\_\_

\_\_\_\_\_.

As a result, you shall be disciplined as follows:

You have the right to appeal this disciplinary action to the City Manager. Your appeal must be in writing and submitted to the City Manager no later than the end of the next regular business day following your receipt of this notice.

cc: City Manager  
Personnel File

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## **SUBJECT: Training and Development**

### A. Policy

It is the policy of the City of Newark to provide training and professional development opportunities for its employees. The purpose of the City's training and development program is to promote an efficient and adequately trained workforce, to expand and improve skills of employees, to ensure training in new work techniques, and to improve the performance of employees.

### B. Types of Training and Development

1. Professional association memberships, licenses and certification; conference attendance; and professional newsletter and magazine subscriptions.

Department directors are encouraged to maintain an active role in professional associations related to their field of expertise. The City may pay membership dues for professional associations for department directors and key management employees. Requests for the payment of professional dues must be accompanied by a Check Request and submitted to the City Manager for approval.

Attendance at professional conferences requiring out-of-town travel shall generally be reserved for department directors and key management employees whose attendance will either benefit the City or enhance the professional development of the employee. Conference attendance shall be limited to one per year per employee unless additional conferences are authorized by the City Manager. Requests for conference attendance shall be submitted to the City Manager and accompanied by a Travel Request and Expense Report, and Check Request(s). See pages 3.3-3, 3.3-4 and 3.3-5.

2. Required Seminars and Courses

Employees may be required to attend seminars or courses designed to promote an efficient and adequately trained workforce, expand and improve skills, learn new work techniques, and improve work performance. This training may be conducted either on-site in City-owned facilities or on other sites. Whenever possible, training sessions shall be scheduled for as many employees as possible to take advantage of group discounts.

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## Training and Development

### 3. On the Job Training

On-the-Job Training will be provided to introduce, reinforce or improve essential job skills for employees. Supervisors should provide on-the-job training to familiarize employees with new work assignments, demonstrate the use of new equipment or technology, instruct employees on correct work procedures, explain performance standards, and expand skills for advancement opportunities. This training should be provided on an ongoing basis.

### 4. Voluntary Coursework

Employees may be eligible to receive financial assistance to pursue voluntary job-related, educational coursework. More information may be found on page 5.10-1 under Voluntary Educational Assistance.

## C. Annual Training Guidelines

Each department director should attempt to enroll departmental employees in seminars, courses or on-the-job training programs at least once annually. Such training should be closely related to the employee's duties and may be in any one of the following areas:

1. Public safety
2. Technical skill building
3. Safety
4. Customer service
5. Personal development
6. Supervisory skill building

## D. Reporting

All written requests, Check Requests, Travel Requests and Expense Reports for professional dues, subscriptions, seminars courses, or instructors shall be submitted to the Assistant to the City Manager. Such requests shall briefly summarize the training topic and include a list of all employees being trained.

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## **SUBJECT: VEHICLES**

### A. Policy

This policy regulates the use of City-owned vehicles and the use of personal vehicles in the conduct of City business. Each employee who may be required to operate a vehicle to conduct city business shall sign a "Vehicle Use Statement of Understanding" (see p. 3.4-7).

### B. Driver's License/Insurance Requirement

Each employee who is required to operate a City-owned vehicle shall possess the appropriate, valid driver's license.

1. Verification – Each employee who is required to operate a City-owned vehicle shall be required to verify the status of their driving privileges upon request by a supervisory employee and annually upon a Driver's License Verification Form (see p. 3.4-8) provided by the City.
2. Loss of Driving Privileges – Each employee whose driving privileges are suspended or revoked shall notify his/her department director immediately and shall cease operating any City-owned vehicle which requires a valid driver's license. Such employee shall continue performing all other required duties.
3. Insurable Status – Each employee who has been informed that they have been placed on an uninsurable status by the City's insurance carrier shall cease operating any insured City-owned vehicle. Such employee shall continue performing all other required duties.
4. Disciplinary Action –
  - a. Non-Sworn Employees
    1. First Offense – Each employee whose driving privileges have been suspended or revoked shall be suspended without pay for two (2) work weeks.
    2. Second Offense – Each employee whose driving privileges have been suspended or revoked two (2) or more times within a five (5) year period shall be terminated from employment.
  - b. Police Officers

Each police officer whose driving privileges have been suspended or revoked shall be terminated from employment.

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## VEHICLES

5. Operating a City-Owned Vehicle Without a Valid License – Each employee who operates a City-owned vehicle without a valid driver's license or while in an uninsurable status shall be terminated from employment.

### C. Registration of City-Owned Vehicles

The Chief Mechanic shall coordinate all vehicle license registrations, inspections and renewals.

### D. Acquisition of Vehicles

No vehicle may be purchased, rented, leased, replaced or otherwise acquired for use by the City or its employees without the authorization of the City Manager or his designee.

### E. Operation and Use of City-Owned Vehicles

1. Routine Care and Maintenance – Each department director is ultimately responsible for the legitimate use, maintenance, cleanliness and storage of vehicles assigned to the director's department. Each department director shall ensure that vehicles are routinely washed, cleaned, and maintained in accordance with the preventative maintenance schedule.
2. Operating Guidelines – Each employee shall adhere to the following minimum operational guidelines for the use of City-owned vehicles:
  - a. City-owned vehicles are to be used exclusively for the conduct of City business and shall not be used for personal tasks.
  - b. City-owned vehicles are not to be used to transport any individual(s) who is not directly related to City business purposes. Family members of City employees are not to be transported in City-owned vehicles.
  - c. All traffic laws shall be strictly adhered to, with the exception of vehicles responding to an emergency.
  - d. Seat belts, shoulder harnesses, and other restraint devices should be worn at all times, by the driver and all passengers, when a vehicle is in motion.
  - e. Each employee is expected to operate the vehicle with the utmost caution and to drive defensively.
  - f. Smoking is absolutely prohibited by any persons in all City-owned vehicles.

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## VEHICLES

- g. Each employee is prohibited from consuming alcohol or any illegal drugs within any City-owned vehicles. Each employee is expected to exercise good judgment and follow physician instructions in the operating of City-owned vehicles while using prescription medication.
- h. City vehicles should contain only those items for which the vehicle is designed. The City shall not be liable for the loss or damage of any personal property transported in the vehicle.
- i. Each employee must immediately report to their supervisor any vehicle malfunction or damage.
- j. Each employee who is cited for violating any traffic law while operating a City vehicle must immediately report such violation to their supervisor. The City is not responsible for the payment of any fine incurred by a City employee while operating a City vehicle.
- k. Each employee is prohibited from transporting a City vehicle out of Delaware without prior authorization of the employee's supervisor.
- l. The use of a cell phone while operating a moving, City vehicle is prohibited, except when done for law enforcement purposes.

### F. Anti-Idling

Each employee must comply with the City's anti-idling ordinance. Absent a legitimate operational need, no City vehicle shall be allowed to idle for an excessive period of time.

### G. Parking and Storage

Each City vehicle except "Take Home Vehicles" shall be parked in an appropriate space on City property at the end of the work day. Non-police City vehicles parked over night at the City Municipal Center shall use the parking area farthest from the building. Each vehicle shall be secured with doors locked, windows in the up position and items of value removed or stored out of plain view. Vehicle keys are to be kept in a secure location within a nearby City facility.

### H. Take Home Vehicle – Personal Use of City Vehicle

Certain designated City employees will be permitted to use City vehicles for the purpose of commuting to and from their residence to their worksite. Such use may only be permitted with the expressed authorization of the City Manager or his designee. The City Manager may rescind such authorization at any time. Such authorization may be granted based on the following criteria:

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## VEHICLES

1. The employee's duties are of an emergency nature and the need to minimize response time is matter of public health and safety.
2. The vehicle is used to transport emergency equipment.
3. The employee's residence is within fifteen (15) miles of the City Municipal Building.
4. The employee can accommodate vehicle at residence with off-street parking.
5. Each employee must complete a Vehicle Trip Report (see p. 3.4-10) documenting mileage driven for personal use. Each employee must reimburse the City on a monthly basis for such use. The amount of reimbursement shall be an amount equal to the number of miles driven multiplied by the current allowable IRS mileage rate. The employee shall submit the mileage documentation and reimbursement to the City Manager's Office on the first regular business day of the month following such use. Police officers are exempt from this provision.
6. Prior to commencing to operate a City vehicle for personal use, each employee must sign a Take Home Privilege Statement of Understanding (see p. 3.4-9).
7. The employee must travel over the most direct commuting route possible taking into account road and traffic conditions.

### I. Personal Vehicles – Business Use of a Personal Vehicle

The City will occasionally require an employee to use their personal vehicle to conduct City business. Each employee who is required to use a personal vehicle must record such use on a Vehicle Trip Report (see p. 3.4-10) and submit it along with a check request for reimbursement. The City will reimburse the employee for each mile of such business use at the current allowable IRS rate. For other reimbursable business-related travel expenses, see Travel Expense Reimbursement (see p. 5.8-1 to 5.8-3). The employee must maintain the following minimum levels of personal automobile insurance coverage:

Bodily Injury	\$100,000/\$300,000
Property Damage	\$25,000

### J. Collisions

Each employee who operates any City-owned vehicle or equipment is expected to exercise reasonable care and caution so as not to cause excessive deterioration or unnecessary damage.

1. Reporting

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## VEHICLES

- a. Collisions – Each employee who is operating a vehicle that makes contact with another vehicle or object shall immediately report such contact to the police. This report must be made regardless of the severity of the contact or the extent of any property damage. The employee shall also notify the employee’s supervisor and department director. The Police Department shall forward copies of the police report to the Assistant Director of Finance and the City Manager’s Office.
- b. Damage – Each employee who is responsible for a City-owned vehicle shall notify his/her supervisor of any damage to the vehicle. The employee’s supervisor and department director shall investigate the damage and submit a full report to the Assistant Director of Finance.

### 2. Departmental Review

If there is any damage to a City vehicle or to other property as a direct result of the collision, the department director of the employee involved in the collision shall conduct a review of the collision and shall submit a written report of the findings of his review to the City Manager. Such report shall include all relevant information including the following:

- a. The estimated value of any property damaged as a result of the collision.
- b. A determination of whether or not the collision could have been avoided by the employee. Such determination shall be subject to the approval of the Assistant City Manager.
- c. Recommended measures to prevent a reoccurrence of similar collisions.

### 3. Disciplinary Action

- a. Each employee who was responsible for a City-owned vehicle while it was involved in a collision that the employee could have avoided shall be subject to disciplinary action.
- b. No disciplinary action is required if it is determined that the employee operator could not have avoided the collision.
- c. Any collision which is determined to be avoidable shall result in disciplinary action as follows:



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## VEHICLES

VALUE OF ALL PROPERTY DAMAGED	NUMBER OF AVOIDABLE COLLISIONS DURING PREVIOUS THREE YEARS			
	<u>FIRST</u>	<u>SECOND</u>	<u>THIRD</u>	<u>FOURTH</u>
Less than \$4,000	Reprimand	1-8 Hours	1-3 Days	3-5 Days
\$4,000 or More	1-3 Days	3-5 Days	5-10 Days	Termination
More than \$10,000	3-5 Days	5-10 Days	10-20 Days	Termination
More than \$20,000	5-10 Days	10-20 Days	Termination	---

- d. If the collision results in serious personal injury to another person or if the City employee is cited for violating a traffic law, the disciplinary action shall be doubled.
- e. Failure to notify the police of a collision involving a city vehicle, regardless of the severity of the collision, may result in disciplinary action up to and including termination from employment.



**CITY OF NEWARK, DELAWARE**

**CITY VEHICLE USE STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_, understand that I may be required to operate a  
Print Name

City vehicle to perform assigned duties. I understand that this vehicle is to be used exclusively for City related business. I agree that I will not use this vehicle for personal reasons.

I understand that my inability to drive a motor vehicle as a result of loss of driving privilege may affect the status of my employment with the City.

I understand that under no circumstances will I use this vehicle if my ability to drive has been impaired in any way. This includes being under the influence of drugs (including prescription drugs), alcohol, illness, or any other condition that could impair my ability to drive safely.

I further agree that I will maintain my legal ability to operate a vehicle in the State of Delaware as well as my insurability.

I understand it is my responsibility to notify, within twenty-four (24) hours, my Department Director or the City Manager's Office of any change in my ability to drive, to remain insurable or of any suspension or revocation of my driving privileges.

I have received and read a copy of the City's policy on vehicles.

I understand that my failure to abide by this policy may be cause for disciplinary action.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





**CITY OF NEWARK, DELAWARE**

**TAKE HOME PRIVILEGE STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_, understand that I have been approved for the privilege  
Print Name

of using vehicle number \_\_\_\_\_ to drive to and from work. I understand that this vehicle is to be driven only by me and to be used exclusively for City related business. I agree that I will not use this vehicle for personal reasons.

I understand that under no circumstances will I use this vehicle if my ability to drive has been impaired in any way. This includes being under the influence of drugs (including prescription drugs), alcohol, illness, or any other condition that could impair my ability to drive safely.

I further agree that I will maintain my legal ability to operate a vehicle in the State of Delaware as well as my insurability.

I understand it is my responsibility to notify, within twenty-four (24) hours, my Department Director or the City Manager's Office of any change in my ability to drive, to remain insurable or of any traffic citations that I receive.

Failure to abide by the above policies may cause for immediate termination of employment.

**I agree to the above requirements and wish to have this privilege.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

This vehicle identified above is parked at the following address after work hours:

\_\_\_\_\_

**OR**

**I do not agree to the above requirements and do not wish to have this privilege.**

Signature \_\_\_\_\_ Date \_\_\_\_\_



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## **SUBJECT: Motor Vehicle Collisions**

### A. Policy

Each employee who operates any City-owned vehicle or equipment is expected to exercise reasonable care and caution so as not to cause excessive deterioration or unnecessary damage.

### B. Reporting

1. Collisions – Each employee who is operating a vehicle that makes contact with another vehicle or object shall immediately report such contact to the police. This report must be made regardless of the severity of the contact or the extent of any property damage. The employee shall also notify the employee's supervisor and department director. The employee's department director shall forward a copy of the police report to the Assistant Director of Finance.
2. Damage – Each employee who is responsible for a City-owned vehicle shall notify his/her supervisor of any damage to the vehicle. The employee's supervisor and department director shall investigate the damage and submit a full report to the Assistant Director of Finance.

### C. Departmental Review

If there is any damage to a City vehicle or to other property as a direct result of the collision, the department director of the employee involved in the collision shall conduct a review of the collision and shall submit a written report of the findings of his review to the City Manager. Such report shall include all relevant information including the following:

1. The estimated value of any property damaged as a result of the collision.
2. A determination of whether or not the collision could have been avoided by the employee. Such determination shall be subject to the approval of the Assistant City Manager.
3. Recommended measures to prevent a reoccurrence of similar collisions.

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## Motor Vehicle Collisions

### D. Disciplinary Action

1. Each employee who was responsible for a City-owned vehicle while it was involved in a collision that the employee could have avoided shall be subject to disciplinary action.
2. No disciplinary action is required if it is determined that the employee operator could not have avoided the collision.
3. Any collision which is determined to be avoidable shall result in disciplinary action as follows:

<b>VALUE OF ALL PROPERTY DAMAGED</b>	<b>NUMBER OF AVOIDABLE COLLISIONS DURING PREVIOUS THREE YEARS</b>			
	<b><u>FIRST</u></b>	<b><u>SECOND</u></b>	<b><u>THIRD</u></b>	<b><u>FOURTH</u></b>
Less than \$2,000	Reprimand	1-8 hours	1-3 Days	3-5 Days
\$2,000 or More	1-3 Days	3-5 Days	5-10 Days	Termination
More than \$10,000	3-5 Days	5-10 Days	10-20 Days	Termination
More than \$20,000	5-10 Days	10-20 Days	Termination	---

4. If the collision results in serious personal injury to another person or if the City employee is cited for violating a traffic law, the disciplinary action shall be doubled.
5. Failure to notify the police of a collision involving a city vehicle, regardless of the severity of the collision, may result in disciplinary action up to and including termination from employment.

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## **SUBJECT: Drug and Alcohol Testing**

### A. Policy

The City is concerned about the widespread abuse of illegal drugs and alcohol within our society. City employees are expected to be free from the influence of drugs or alcohol while they are on duty. This policy is being established, in accordance with the Omnibus Transportation Employee Testing Act of 1991, to ensure a safe and efficient workplace that is free of drugs and alcohol. This policy is based on the independent authority of the City to establish personnel policies and procedures and to proscribe certain behavior which is harmful to the interests of the City and its employees.

### B. Prohibited Activities

Employees are prohibited from engaging in the following activities:

1. The possession or consumption of alcoholic beverages while on duty without authorization.
2. The possession or consumption of any illegal, non-prescription drugs while on duty.
3. The operation of any City vehicle while under the influence of drugs.
4. The operation of any City vehicle by any employee with an alcohol concentration of 0.04 or greater.
5. Placing, carrying, or allowing the placement of any unauthorized alcoholic beverage in any City vehicle or equipment.
6. Reporting to work under the influence of drugs.
7. Reporting to work with a blood alcohol concentration of 0.04 or greater.
8. The operation of any City vehicle in violation of the Omnibus Transportation Employee Testing Act of 1991.
9. The refusal to submit to an alcohol or drug test as defined and required by the Omnibus Transportation Employee Testing Act of 1991.

# PERSONNEL MANUAL

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## Drug and Alcohol Testing

### C. Disciplinary Action

Each employee who engages in any of the activities prohibited by Section B of this policy shall be prohibited from operating City vehicles and be subject to the following disciplinary action:

1. Regularly scheduled work – Each employee who engages in the behaviors prohibited by Section B during regularly scheduled work hours including scheduled overtime assignments shall be terminated from employment.
2. Emergency overtime assignments – Each employee who engages in the behaviors prohibited by Section B during emergency overtime assignments shall be terminated from employment with the following exceptions:
  - a. Each employee with an alcohol concentration equal to or greater than 0.04 but less than 0.08 shall be immediately placed off-duty and forfeit all compensation for such overtime assignment. Each employee on standby status who violates this section shall be treated as a failure to respond to a call-out.
  - b. Each employee with an alcohol concentration of 0.08 or greater shall be terminated from employment.

### D. Testing

1. Pre-Employment – Each individual who has been offered employment with the City as a Police Officer or in any position which requires a Commercial Driver's License (CDL) shall be tested for alcohol content and for the use of controlled substances. The offer of employment shall be withdrawn from any individual whose test reveals an alcohol content of 0.02 or greater or the presence of a controlled substance.
2. Random – Each employee who is assigned to a position which requires the possession of a CDL may be tested for alcohol content or for the use of controlled substances. Such tests shall be conducted on a random, unannounced basis in accordance with the Omnibus Transportation Employee Testing Act of 1991.

# PERSONNEL MANUAL

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## Drug and Alcohol Testing

3. Reasonable Suspicion – Each employee who is assigned to a position which requires the employee to operate a City vehicle or to possess a CDL shall be tested for alcohol content or for the use of controlled substances if the employee's supervisor, department director or the Assistant to the City Manager reasonably suspects that the employee is under the influence of alcohol or controlled substances.
4. Post Accident – Each employee who operated a City vehicle while it was involved in a traffic accident which resulted in the loss of human life or the issuance of a traffic citation shall be tested for alcohol content or for the use of controlled substances.

### E. Testing Procedures

All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991. The testing will only be conducted by certified, qualified individuals who are either employed by a contractor hired by the City for this purpose or are sworn, law enforcement personnel.

### F. Refusal To Submit To A Test

An employee who refuses to submit to a test shall be an employee who:

1. Fails to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing.
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after the employee has received notice of the requirement for urine testing.
3. Engages in conduct that clearly obstructs the testing process.

### G. Referral

Each employee who may be in need of evaluation, counseling or rehabilitation may contact the employee's primary care physician for a referral.

### H. Payment

1. The City shall pay the cost of testing for alcohol and controlled substances except as provided by this policy.

# PERSONNEL MANUAL

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## Drug and Alcohol Testing

2. The employee shall pay the cost of any test requested by the employee to confirm the use of a controlled substance if the results of the confirmation test are positive. If the results of the confirmation test are negative, the City shall pay the cost of the confirmation test.
3. The City shall not pay the cost of evaluating, counseling or rehabilitation which may be required by the Omnibus Transportation Employee Testing Act of 1991.

### I. Positive Test For Controlled Substances

1. Each employee whose random confirmation test indicates the use of controlled substances shall immediately be prohibited from operating City vehicles and shall be suspended from work without pay for a period of two (2) weeks.
2. Each employee who has been tested positive on a random basis for controlled substances shall undergo a return-to-duty test with a negative result prior to being allowed to operate City vehicles.
3. Each employee who has been tested positive on a random basis for controlled substances shall be subject to unannounced follow-up testing as directed by a substance abuse professional.
4. Each employee whose follow-up test reveals the presence of a controlled substance shall be terminated from employment.

### J. Positive Test For Alcohol

Each employee whose random test indicates an alcohol concentration of greater than 0.02 but less than 0.04 shall be prohibited from operating City vehicles for a period of twenty-four (24) hours.

Such employee shall be disciplined as follows:

1. First occurrence - written reprimand
2. Second occurrence - eight (8) hour suspension
3. Third occurrence - forty (40) hour suspension
4. Fourth occurrence - termination from employment

### K. Questions

Each employee may contact the Assistant to the City Manager for further information about this policy.

# PERSONNEL MANUAL

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## **SUBJECT: Safety Training**

### A. Policy

It is the City's policy to provide a safe and healthy work environment for its employees. The City will train its employees to perform their duties in a safe manner, provide employees with necessary safety equipment and promote a safe and healthy work environment. The Assistant to the City Manager shall be designated the City's Safety Coordinator.

### B. Training

1. Each employee assigned to a position represented by the American Federation of State, County and Municipal Employees, Local 1670 shall be required to attend training sessions in the following areas:
  - a. Defensive driving techniques - once every three years.
  - b. Proper lifting techniques to avoid back injuries - once every three years.
  - c. CPR - once every other year.
  - d. Any other safety-related topic designated by the employee's department director - once every other year.
2. Police employees - Sworn police officers shall be required to undergo safety training on a regular basis in accordance with federal, state and local laws and general orders issued by the Chief of Police.
3. Other City employees - Other City employees shall be required to undergo safety training on an as needed basis as determined by the employee's department director and/or the Assistant to the City Manager.

### C. Safety Meetings

Each Department Director in the Electric, Water and Wastewater, Public Works and Parks and Recreation Departments shall meet no less than once every three (3) months with field employees and their supervisors to promote safe work practices and discuss safety concerns. The Department Director shall report to the Assistant to the City Manager on the agenda for each meeting and a roster of those in attendance.

## Safety Training

### D. Safety Committee

A committee consisting of employee representatives from the Electric, Water, Public Works and Parks Departments and the Assistant to the City Manager shall meet once every six months to review job-related injuries and vehicle accidents. The committee shall attempt to determine the cause of an injury or accident and may offer recommendations to avoid future reoccurrences.

### E. Safety Equipment

Each employee shall be required to comply with those sections of the City's working agreements which mandate the use of safety equipment.

### F. Reporting of a Hazardous Condition

Each employee is encouraged to report the existence of any hazardous working condition to the employee's immediate supervisor, department director, the Assistant to the City Manager or a member of the Safety Committee.

### G. Safety Award

The city will offer a financial incentive to certain employees to encourage them to be aware of safe work practices and to behave safely at work.

1. Covered employees - Employees, and their immediate supervisors, assigned to a position represented by AFSCME, Local 1670.
2. Each department with AFSCME employees with no job-related injuries during the calendar year shall receive an annual safety rating to be determined as follows:

**Actual number of hours worked ÷ Budgeted AFSCME positions**

3. Each AFSCME employee and field supervisor in the department with the highest annual safety rating shall receive a cash award in the amount of \$100.00. Each AFSCME employee who did not work the entire calendar year shall receive a pro-rated amount.

# PERSONNEL MANUAL

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## **SUBJECT: Harassment**

### A. Policy

Each employee of the City is entitled to a work environment which is free from discrimination and harassment, including sexual harassment. It is expected that all relationships among employees will be conducted on a professional level and free of bias, prejudice and harassment.

### B. Prohibited Practices

1. Sexual harassment is prohibited by this policy. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; and/or
  - c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive working environment.
  
2. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending upon the circumstance, these behaviors may include, but are not limited to:
  - a. Unwelcome sexual propositions;
  - b. Sexually graphic statements about an individual's body;
  - c. Remarks with a sexually demeaning implication;
  - d. Unwelcome touching, patting, or other physical contact of a sexual nature;
  - e. Unwelcome sexually explicit humor;
  - f. Displaying photographs, reproductions, or other potentially offensive images;
  - g. Suggesting or demanding sexual involvement which may include implied or explicit threats concerning one's job status or employment condition.
  
3. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law, and that:

# PERSONNEL MANUAL

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**SUBJECT: Harassment**

- a. Has the purpose or effect of creating an intimidating, hostile, abusive, or offensive work environment;
  - b. Has the purpose or effect of interfering with an individual's work performance; and/or
  - c. Otherwise adversely affects an individual's employment opportunities.
4. Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; the open display of pictures or any objects of a sexually suggestive nature; written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls, elsewhere on the employer's premises, or is circulated in the workplace.

**C. Complaint Procedure**

1. Each employee who believes he/she is/has observed or been the subject of harassment is required to immediately file a written report of the harassment to the employee's supervisor or department director with a copy of the report to the City Manager's Office.
2. If the complaint involves any of the individuals listed above, the complaint shall then be filed with the next higher level of supervision;
3. The City Manager or a designated representative shall investigate all alleged violations of this policy;
4. The investigation of all complaints will be handled in a timely and confidential manner. Information concerning the complaint will not be released by the City to any third party or to any City employee who is not involved with the investigation of the complaint. Each employee is prohibited from discussing the complaint outside of the investigation process. The purpose of this provision is to protect the confidentiality of the complainant, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.
5. The investigation of the complaint will normally include conferring with the parties involved and any named or apparent witnesses. Each employee shall be guaranteed the right to a fair and impartial hearing. Each employee shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or providing information during the investigation.