

**RESOLUTION NO. 22-102**

**A RESOLUTION OF THE COMMISSIONERS OF QUEENSTOWN TO AMEND THE TOWN OF QUEENSTOWN PERSONNEL MANUAL AND TO ADOPT AN UPDATED PERSONNEL MANUAL**

WHEREAS, the Commissioners of Queenstown are authorized to adopt such legislation as it may deem necessary for the protection and preservation of the town's property and for the protection and promotion of health and safety of town employees and citizens; and

WHEREAS, in 1995, the Commissioners of Queenstown adopted the Town of Queenstown Personnel Manual which was not updated since 2003; and

WHEREAS, on January 26, 2022, the Commissioners of Queenstown adopted an updated Town of Queenstown Personnel Manual; and

WHEREAS, since that time, the Commissioners of Queenstown recognized that employees were not eligible to receive vacation leave or personal leave until they completed one full year of service as an employee; and

WHEREAS, the Commissioners of Queenstown believe it is in the best interest of the employees to provide them with vacation leave or personal leave during their first year of employment, based on the month in which that employee was hired and other conditions; and

WHEREAS, the Commissioners of Queenstown have determined that it is desirable and in the public interest to adopt an updated Personnel Manual to provide conditions for new employees to receive vacation leave and personal leave during their first year of employment.

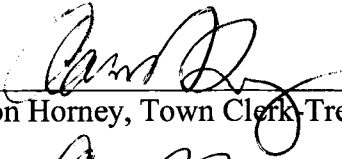
**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of Queenstown, as FOLLOWS:

1. That the Queenstown Personnel Manual dated January 26, 2022, a copy of which is attached hereto and incorporated by reference herein, **IS HEREBY AMENDED**.
2. That the attached Personnel Manual shall supersede all previously issued employee manuals or handbooks.
3. This Resolution shall become effective immediately.

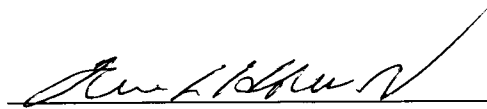
RESOLVED by the Town Commissioners of Queenstown on this 28 day of September, 2022.

WITNESS:

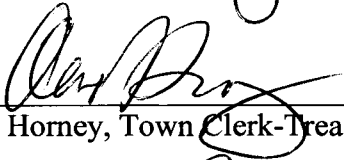
TOWN COMMISSIONERS FOR THE  
TOWN OF QUEENSTOWN:



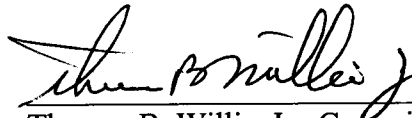
Aaron Horney, Town Clerk-Treasurer



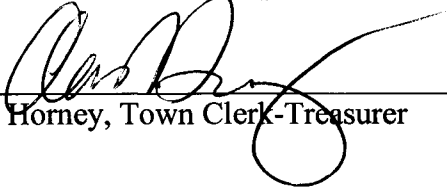
Alton Hardee, President



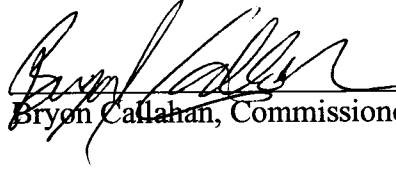
Aaron Horney, Town Clerk-Treasurer



Thomas B. Willis, Jr., Commissioner



Aaron Horney, Town Clerk-Treasurer



Bryon Callahan, Commissioner

**TOWN OF QUEENSTOWN, MARYLAND**

**PERSONNEL MANUAL**

**ADOPTED AND EFFECTIVE:**

**Adopted: January 26, 2022**

**Updated: September 13, 2022**

# THE TOWN OF QUEENSTOWN PERSONNEL MANUAL

## INTRODUCTION

This personnel manual is intended to outline the employment policies and procedures of the Town of Queenstown. Employees are encouraged to become familiar with the contents of this manual, for it will answer many common questions concerning employment with the Town.

This manual is not intended to be all-inclusive. No personnel manual can anticipate every circumstance or situation or answer every question about employment or policy. If more detailed or complete information is needed regarding any policy described in this manual, please refer such inquiries to the Commissioners of Queenstown.

The Commissioners reserve the right to change employment policies, procedures, benefits or this manual at any time without notice, except for its policy of employment at-will. It is the responsibility of the employee to stay abreast of policy. The Commissioners will make every effort to notify employees of any policy changes, additions or deletions. Said changes will immediately become a part of this manual.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town and any of its employees.

All employees of the Town of Queenstown are employed on an “at-will” basis and the Town may terminate the employment at any time, for any reason, provided that such termination is in accordance with applicable federal and state laws.

## **SECTION I. APPLICATION, DEFINITIONS AND DISTRIBUTION**

**A. Application.** This personnel manual shall apply to all persons employed by the Town Commissioners.

**B. Definitions.** For purposes of this manual, the following definitions shall apply.

1. “Appointing Authority” for the purpose of this manual is the Town Commissioners.

2. “Classification” is the process of reviewing the duties and responsibilities of a position or positions and incorporating these duties and responsibilities into a position description.

3. "Employee" is the person employed to perform the work of a position and shall mean that person who receives a regular and stated compensation from the Town, other than a consultant or independent contractor.

4. "Full Time" is an employee whose standard work hours per week are thirty-five (35) or more. This shall include salary and hourly employees.

5. "Part Time" is an employee whose standard work hours per week are thirty-four (34) or less. This shall include salary and hourly employees.

6. "Position" is a group of duties and responsibilities assigned to one employee.

7. "Position Description" is a written explanation of one person which includes a title and list of typical duties.

8. "Supervisory Authority" for the purpose of these Rules and Regulations are the Town Commissioners.

9. "Town Commissioners" and "Commissioners" shall be one and the same as Town Commissioners of Queenstown, for the purpose of this manual.

C. **Distribution.** A copy of this personnel manual shall be retained in the Town Office, given to each Town Commissioner and Town Employee. The signature of the Town Employee shall be acquired upon his/her receipt of this personnel manual.

## SECTION II. POSITION CLASSIFICATIONS

A. **Types of Positions.** Positions shall be classified by the Town Commissioners.

B. **Position Classifications.** Specifications for each classification in use by the Government of the Town of Queenstown shall be prepared. Each specification shall include:

1. A job title
2. List of duties required to be performed

## SECTION III. APPLICATIONS FOR EMPLOYMENT

A. **Advertising.** At the discretion of the Commissioners, position openings may be advertised in the local paper.

**B. Utilization.** Applications for employment shall be accepted at any time whether or not a vacancy has been announced. A standard application form, approved by the Town Commissioners, shall be used for all applications for employment. Applications shall be retained for a period of one year and then destroyed. After an applicant is hired, their application will be filed in their personnel file.

**C. Hiring Authority.** The Town Commissioners, sitting as a body, shall make all employment decisions on behalf of the Town.

#### **SECTION IV. PROBATIONARY PERIOD**

**A. Probation and Permanent Status.** Employees hired for a position shall serve a six (6) month probation period. The Commissioners may extend the probationary period for an additional six (6) months in their discretion. At least fifteen (15) days prior to the expiration of the probationary period, the Town Commissioners shall determine if the following has occurred:

1. The employee's work has been satisfactory, or
2. The employee's work has been unsatisfactory. If the Town Commissioners feel that with additional time, the employee's work may become satisfactory, they may extend the period of probation at their discretion.
3. Upon determination by the Town Commissioners that the employee's work is satisfactory, the employee will be put on permanent status with the Town.
4. Upon determination by the Town Commissioners that the employee's work is unsatisfactory, the employee may be dismissed or discharged at any time during the probationary period.
5. A probationary employee's employment may be terminated at any time by the Commissioners without cause.

#### **SECTION V. SEPARATION**

It is the Town's intention that service separations occur as fairly and efficiently as possible, with appropriate advance written notice, and in the best interests of all parties concerned. The process of separation shall include payment of all wages due to the employee, less any applicable deductions, and resolution of all due benefits, through the date of separation. The following categories of service separation and procedure are applicable to all

regular full-time employment classifications, or other employment classifications as specifically indicated:

**A. Layoff.** If insufficient work or lack of funding requires a reduction in the number of employees in a Town department, layoffs may be made by approval of the Commissioners.

**B. Furloughs and Reduction of Hours.** If insufficient work or a lack of funding requires a temporary reduction in the number of hours employees work in a Town department, unpaid furlough days and/or a reduction in the number of hours worked per week may be approved by the Commissioners. Full-time salaried employees may be compensated as hourly employees in the Commissioners' discretion, during furloughs when the work week is reduced to less than forty (40) hours.

**C. Termination of Position.** The Town reserves the right to terminate or abolish any position for discretionary reasons related to funding and operational needs.

**D. Suspension.** An employee may be suspended without pay for disciplinary reasons for such length of time as recommended by the supervisor and approved by the Commissioners. All benefits shall continue to be in effect as applicable for an employee who is suspended. During a period of suspension, the employee shall not be permitted access to the workplace.

**E. Termination of Employment without Cause.** As the Town and the employee maintain an "at will" employment relationship, an employee in the Town's service may be separated permanently from employment without cause at any time in the discretion of the Town Commissioners.

**F. Termination for Cause.** An employee may be terminated "for cause" for any of the following reasons, as determined by the Town Commissioners:

- Incompetence or gross inefficiency in the performance of duties.
- Insubordination, disrespectful conduct toward a supervisor, or failure or refusal to comply with the assignment of a supervisor.
- Untruthful statements, willful or negligent falsification of records, or other fraudulent behavior detrimental, or potentially detrimental, to the Town, the public, or co-workers.

- Excessive tardiness or absenteeism, absence from the workplace without notice, or abuse of leave benefits.
- Excessive attention to personal business or affairs while on duty as a Town employee.
- Excessive or unauthorized use of telephones, the mail system, communications systems and equipment, or computer systems and equipment.
- Negligent or willful damage or waste of Town or client-owned property, vehicles, equipment, materials or supplies.
- Unauthorized use of Town property, equipment, materials, supplies, vehicles, or resources for personal gain.
- Willful slander or malicious mischaracterization of co-workers, superiors, clients, associates, elected Town officials, or public citizens.
- Racial, sexual, or other unlawful or unwelcome harassment, or failure to act to stop such conduct in the workplace.
- Offensive treatment of clients, the public, or co-workers.
- General misconduct or boisterous or disruptive activity, such as gambling, fighting, use of abusive or obscene language, threatening violence, or creating a nuisance or disturbance, while on duty, at the workplace, or engaged in Town business.
- Use, possession, manufacture, distribution, sale, or transfer of, or impairment by, alcohol or controlled or illegal substances while on duty, at a Town workplace, engaged in Town business, or operating Town owned vehicles or equipment.
- Inappropriate official or personal conduct degrading to Town classified service or general misconduct undermining the trust in public service.
- Unauthorized disclosure of confidential information.
- Willful, negligent, or criminal violation of Town personnel policies or federal, state, or local laws, regulations, ordinances, statutes, or policies in effect.

Prior to a termination for cause, an employee shall have a right to notice and an opportunity to be heard by the Town Commissioners.



**G. Resignation of Employees.** An employee may resign by providing the Town with at least two (2) weeks advanced notice. Any non-probationary employee who resigns in good standing may, in the discretion of the Commissioners, be reinstated to a position with full credit for prior service if there is any need for their services within two (2) years after the date of resignation. Any reinstated employee is not entitled to any salary or service credits for the period of their separation from the Town.

**H. Return of Town Property.** Employees are responsible for items issued to them by the Town or in their possession or control while employed. In the event of separation from employment for any reason, all Town property must be returned by the employee on or before their last day of work. The Town may withhold from the employee's final paycheck the cost of any items that are not returned as required. The Town may also take all action deemed appropriate to recover or protect its property.

## SECTION VI. LEAVE

**A. General.** Unless otherwise specified, the provisions of this section will apply to all Town employees.

**B. Leave of Absence.** The Town Commissioners may approve a request for a Leave of Absence, without pay, for a period of not more than three (3) months. The Commissioners have the discretion to extend the three (3) month period for an additional maximum of three (3) months upon a showing of good cause. Such leave must be for a valid purpose, and when it appears that reinstatement would be in the best interest of the Town. The Town Commissioners may temporarily fill this position during the absence of the employee. At the termination of such leave, the employee shall be reinstated with all previous rights and privileges, except for annual leave credit. Following the leave of absence without pay the reinstated employee shall begin work with no accumulated annual leave credit.

**C. Official Leave.** The Town Commissioners may grant official leave with pay to allow employees to attend professional meetings, technical conferences, and short-term courses on subjects related to official duties or for other valid purposes. Such leave shall not be deducted from any other leave earned by the employee. Such leave shall be approved at least thirty (30) days in advance by the Commissioners.

**D. Bereavement Leave.** Bereavement leave will be provided by the Town with pay as follows:

1. Employees may take bereavement leave arising because of a death in the immediate family for a maximum period of four (4) workdays. Bereavement leave shall not be deducted from any other leave earned by the employee. This leave is not accruable.

2. For purposes of bereavement leave, the immediate family is considered to be father, mother, sister, brother, spouse or children, mother and father-in-law. Any step and half blood relatives of the employee shall also be considered immediate family.

3. Part Time employees are eligible for two (2) days bereavement leave.

**E. Annual Vacation Leave**

1. Full-time employees who have been with the Town for more than 90 days are eligible to receive Annual Vacation Leave. Vacation Leave is frontloaded on the 91<sup>st</sup> day of employment and on the first day of each calendar year thereafter. In the first two calendar years of employment, the amount of Vacation Leave is pro-rated based on the employee's hire date as outlined in the table below:

a.

Hire Date	1 <sup>st</sup> Calendar Year	2 <sup>nd</sup> Calendar Year
Jan-Apr	3 days	5 days
May-Aug	2 days	4 days
Sept-Dec	1 days	3 days

After the second calendar year, Vacation Leave will be awarded as follows:

- b. 3<sup>rd</sup>-9<sup>th</sup> Calendar year: (10) days annual leave
- c. 10<sup>th</sup>-19<sup>th</sup> Calendar years (15) days annual leave
- d. 20 Calendar years or more: (20) days annual leave

2. Part-time employees will receive three (3) Vacation Leave days per calendar year after the first calendar year of employment.

3. The leave year will be the same as the calendar year.

4. Annual leave continues to accrue to the employee's credit while he is in a pay status, including periods of absence with pay.

5. Up to (5) days of vacation leave may be carried over to the next year; however, if not used in the next year it will be lost.

6. When employees can be spared from their duties, annual leave will be granted freely for personal and emergency purposes. The Town Commissioners and/or the Town Manager, have the responsibility for determining when, and the extent to which, annual leave is to be granted.

7. Employees have the responsibility of cooperating with the Town in scheduling vacation periods and requesting leave during periods when their services can best be spared. Although annual leave is the right of an employee in that its accrual may not be denied, it is the prerogative of the Town Commissioners and/or the Town Manager to make the final decision on when leave is to be used, for this reason, the use of annual leave is subject to the prior approval of the Town Commissioners and/or the Town Manager. Written request will be made by the employee for a period of annual leave, at least two (2) weeks in advance, except in emergency situations. In such cases, the employee leave taken can be accounted.

***F. Compensatory Leave***

Employees in non-exempt positions, as determined by the Fair Labor Standards Act (FLSA), are compensated for hours worked in excess of forty (40) hours per week by overtime pay. Non-exempt employees are normally required to account for hours and fractional hours worked. (Sick leave is not considered in calculating overtime pay). Overtime pay is earned at a rate of one and one half (1 ½) hours for each overtime hour worked. All overtime must be authorized or pre-approved by the Town Manager or Town Commissioners.

Overtime work will be any work performed over forty (40) hours

***G. Holiday Leave***

1. All Town employees, shall be granted holiday leave as follows:

New Year's Day	Labor Day
MLK Jr. Day	Election Day (On Bona-Fide Election Years)
President's Day	Veteran's Day

Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving (American Indian Heritage Day)
Juneteenth	Christmas Eve Day
Independence Day	Christmas Day

2. In the event any employee entitled to a paid holiday must work, then said employee shall be entitled to a compensatory leave day.

3. In the event any holiday falls on a Saturday or Sunday, the holiday will be honored on the Friday or Monday preceding or following the actual holiday.

**H. Personal Leave.** Employees who have been employed with the Town for more than 90 days are eligible to receive Personal days. Personal days are frontloaded on the 91<sup>st</sup> day of employment and on the first day of each calendar year thereafter. Personal leave may be carried over to the next year and accumulated with no expiration. The primary purpose of this personal leave is for personal business, employee illness, and illness or death of family members, and employees are to be encouraged to save personal leave for these purposes: In the first calendar year of employment, the amount of Personal days is pro-rated based on the employee's hire date as outlined in the table below

	Full-Time Employees	Part-Time Employees
Hire Date	1 <sup>st</sup> Calendar Year	1 <sup>st</sup> Calendar Year
Jan-Apr	5 days	3
May-Aug	3 days	1
Sept-Dec	1 day	0

Beginning the second calendar year, full time employees will receive twelve (12) Personal Leave days and part time employees will receive six (6) Personal Leave days.

Personal days can be used in half day or full day increments. When the need to use a half or full Personal day is foreseeable, the employee is required to notify the Town Manager at least two days in advance. Where the need is not foreseeable, such as absence due to sudden illness or emergency, the employee must call the office as early as possible on the day(s) of absence, but at least one hour before the scheduled start of his or her shift.

**I. Civil Leave.** Town employees may be granted leave with pay when subpoenaed as a witness in a court of law or called and served on a jury.

## **SECTION VII. EMPLOYEE BENEFITS**

All benefits provided to employees including, health, dental, life, retirement and/or pension benefits shall be provided at the discretion of the Town Commissioners. Benefits shall be uniformly provided to all employees of a specific classification.

## **SECTION VIII. HOURS OF WORK**

### **A. General**

1. The Town Commissioners will determine the work week for all positions in the Town.

2. Full-time employees, who include salaried employees, shall work a minimum of thirty-five hours per week. Full-time positions are also considered to be thirty-five (35) hours per week for Town Office positions and forty (40) hours per week for Public Works positions. Employees working overtime hours shall be paid overtime as stated in Section VI, subparagraph F. Employees on salary, will not be granted compensatory leave, or overtime pay, for any overtime work.

3. Part-time employees shall work up to thirty-four (34) hours per week, unless otherwise directed by the Town Commissioners.

## **SECTION IX. WORK RULES**

### **A. In General**

1. Employees shall remain in their work area, or work, until the scheduled quitting time, unless permission to leave is granted by the Town Manager.

2. Employees shall follow safety regulations to include the wearing of safety articles and using of protective equipment as necessary. Employees shall immediately report accidents or injury to the Town Manager.

3. Employees shall be responsible for and shall not misuse Town property, records, or other materials in their care, custody, and control. Town property, records, or other materials shall not be removed from the premises without permission.

4. Employees shall avoid littering in work areas and on Town property.
5. Employees shall deal with the public in a courteous, diplomatic, and professional manner.
6. An employee shall notify the Town Manager, or the Town Clerk, if he or she is unable to report to work.
7. Employees shall notify the Town Manager whenever there is a change in their personal data.
8. Employees shall not restrict or interrupt work or interfere with the work of others.
9. Employees shall not neglect their duties and responsibilities or refuse to perform assigned work.
10. Employees shall not possess unauthorized firearms, weapons, drugs, or intoxicating beverages on the Town premises.
11. Employees shall not falsify records, reports, or claims of illness or injury.

***B. Use of Communication and Mail Systems.*** Employees should practice discretion in using Town telephones for personal business. Personal calls and text messaging should be limited to urgent matters or emergencies requiring immediate attention. Employees shall advise their supervisor of necessary personal long distance or calls and are required to reimburse the Town for charges. The use of personal cell phones during working hours should be limited to urgent matters or emergencies requiring immediate attention.

Use of Town facsimile equipment and copying machines should be restricted to Town business. However, employees may use these machines for personal use if approved by the Commissioners and must reimburse the Town for the expense.

The Town mail system is reserved for business purposes only, and Town paid postage shall not be utilized for sending or receiving personal mail at the workplace.

***C. Computer and E-Mail Usage.*** Computers, computer files, on-line or electronic mailing systems, software, or other automated systems furnished to employees are Town property intended for business use only. Employees shall not use a password, access a file, or retrieve any stored communication without authorization. Employees shall not use Town computer resources for personal messaging, personal gain, or entertainment. Use of personally owned computer systems or equipment at the workplace is not permitted without specific authorization. To ensure compliance with this policy, computer systems usage may be monitored. Employees using or developing permanent database or document files, or other

sensitive automated information, are responsible to ensure that proper security and backup systems are maintained to protect the files from inadvertent loss or unauthorized access or alteration.

The Town strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Town prohibits the use of computers and computer resources in ways that are illegal, disruptive, offensive to others, or harmful to morale. For example, the display or transmission of cartoons, sexually explicit images or messages is strictly prohibited. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment. Electronic mail should not be used for any matters unrelated to Town business.

The Town purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Town does not have the right to reproduce such software in violation of copyright protection regulations. Employees may only use software on local area networks or on multiple stations according to the software license agreement. The Town prohibits the illegal duplication of software and its related documentation.

***D. Use of Town Equipment and Vehicles.*** Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Town owned property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Vehicles shall always be returned after a work assignment in a neat and reasonably clean state, with all debris removed.

Please notify the Commissioners if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repairs. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

Employees shall be responsible to maintain a current operator's license of proper classification for the vehicle being used. Operation of a Town vehicle without a valid and properly classified operator's license shall be grounds for termination of employment.

Employees charged with parking, driving, or traffic violations while operating a Town owned vehicle shall be responsible for their own disposition of the citation. The improper, careless, negligent, destructive, unsafe, or illegal use or operation of equipment or vehicles, as well as receipt of excessive or avoidable traffic and parking violations, is prohibited and can result in disciplinary action, up to and including termination of employment. Employees and passengers must wear seat restraints at all times while operating or riding in Town owned vehicles.

Use of Town owned equipment, vehicles, and facilities for personal reasons, or personal gain and profit, either on or off Town property is prohibited and can result in disciplinary action,

including termination of employment. Use of Town vehicles by someone other than Town employees is strictly prohibited.

## **SECTION X. PAY PLAN**

### ***A. General***

1. The Town Commissioners shall be responsible for the preparation and maintenance of a pay plan and any revisions thereto. Position descriptions shall be placed in a pay schedule by grade or an hourly rate.

2. Revisions in the pay plan requested by personnel shall be submitted to the Town Commissioners. All revisions in the plan must have approval of the Town Commissioners.

3. Employees will be eligible for pay increases on July 1 of each year. There is no guarantee of an annual pay increase. Pay increases will be based solely upon performance. However, no employee shall be paid a salary less than the minimum limit prescribed by the pay schedule to which their position has been assigned.

4. Periods of absence, or leave without pay status, will not be included in computing the time for pay increase requirements.

5. The Town Manager and Town Clerk/Treasurer positions are salary positions, payable by the salary schedule adopted by the Queenstown Commissioners, which became effective July 1, 1990. The position description reflects the level and grade of pay.

6. All other employees of the Town are to be paid at an hourly rate, determined by the Town Commissioners. Such information is reflected on position descriptions.

## **SECTION XI. ETHICS AND CONFLICTS OF INTEREST**

Employees and elected officials have an obligation to perform their duties and provide the services of their employment in an ethical manner and within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee participates on behalf of the Town in any manner which would have a direct financial impact on them, a member of their immediate family or business entity with which they are affiliated. For the purposes of these guidelines, the term "immediate family" means an official's or employee's spouse, parents, children, siblings, or any person living in the same household as the official or employee. No "presumption of guilt" is to be created by the mere existence of a