

LEWES
BOARD OF PUBLIC WORKS
Employee Handbook



Board Summary of the Handbook Review

The RKL Human Capital Management (HCM) team conducted a thorough review of Lewes BPWBOARD OF PUBLIC WORKS's Handbook, prioritizing legal compliance with State and Federal regulations and updating its formatting. From an employee perspective, the HCM team sought to give the Handbook greater practicality as a reference tool by improving the flow and clarity of Lewes BPWBOARD OF PUBLIC WORKS policies.

Based upon our review of Lewes BPWBOARD OF PUBLIC WORKS's 19 Handbook, we make the following recommendations:

- Streamline the Handbook and shorten its length. This can be done by merging policies and removing certain policy that may be outdate or no longer relevant to your workplace culture.
- We recommend that the general tone and structure be updated. In its current state the Handbook communicates policies in a legal tone. Changing this to an informational tone may encourage employees to use and reference the handbook more regularly. Also, changing the tone will stay true to the function of the Handbook as a non-contractual document.
- To maintain best practices in pronoun use, he/she, him/her have been changed to their/they where applicable. This will cover Lewes BPWBOARD OF PUBLIC WORKS from potential issues of sex/gender discrimination.
- Redistribute human resources related tasks outlined in the handbook from the General Manager to the Office Manager. The General Manager should provide oversight or approve these tasks as necessary.

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Number pages for easier reference in draft and final version.

Commented [A2R1]: Added Page numbers. Also we added consistency when referring to Lewes BOARD OF PUBLIC WORKS. When first introducing the Lewes BOARD OF PUBLIC WORKS in each policy we refer to it as "Lewes Board of Public Works", every time after that it is "Lewes BOARD OF PUBLIC WORKS". When referring to the board of the Lewes BOARD OF PUBLIC WORKS, it is the "Elected Board".

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Welcome

Welcome to Lewes Board of Public Works! We are excited to have you join our hardworking team, devoted to providing the citizens of our beautiful and tight knit community the essential services of clean water, reliable electricity, sewer and stormwater management utilities. You were selected because of your desire and commitment to public service. We look forward to integrating you into our team and getting you comfortable with our unique workplace culture. We hope to see your career with Lewes **BOARD OF PUBLIC WORKS** progress over the years. Whether you're on the frontline of our utility services or working in our dynamic administrative office, we are committed to seeing you succeed!

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With your active **involvement, creativity, and support** **work ethic, creativity and integrity**, Lewes **BOARD OF PUBLIC WORKS** will continue to achieve its goals. We sincerely hope you will take pride in being an important part of Lewes **BOARD OF PUBLIC WORKS** **successfamily**.

Commented [A5]: Robert: Welcome - Second paragraph recommends replacing highlighted "involvement, creativity, and support" with Lewes BOARD OF PUBLIC WORKS values. Don't understand recommendation since this refers to the employees' values not the BOARD OF PUBLIC WORKS.

Lewes **BOARD OF PUBLIC WORKS** encourages professional learning. We will provide training opportunities that permit our team members to develop their individual abilities to perform their jobs in an efficient and more meaningful manner. Lewes **BOARD OF PUBLIC WORKS** will provide each employee with the opportunity for career growth and advancement within the organization based upon individual ability and performance.

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You will be encouraged to become an expert your role, but also cross-train in other job functions to ensure optimal operations during severe weather events and unexpected crisis. We value team members that take initiative and thoroughness in the accomplishment of their tasks.

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Please take time to review the policies contained in this handbook.

This manual shall provide the practices and procedures to guide the General Manager and other Lewes **BOARD OF PUBLIC WORKS** employees in the administration of the personnel system. Lewes **BOARD OF PUBLIC WORKS** encourages you to use this as a tool and resource throughout your career here.

For example: a mission statement will tell you that Lewes BOARD OF PUBLIC WORKS is dedicated to providing clean water to the Lewes community. This introduction should tell you how they do it: "through dedicate staff and teamwork".

Each employee shall be provided with a copy of this handbook and shall become thoroughly familiar with its contents. Any questions which arise concerning personnel policies and procedures should be directed to the Office Manager.

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TABLE OF CONTENTS

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Anything highlighted in yellow are policies we added to the handbook that were not on the prior version.

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Americans with Disabilities Act (ADA) and Reasonable Accommodation

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- Employee Assistance Program

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Employee Handbook Acknowledgment and Receipt

Receipt of Harassment Policy

Mission Statement

Lewes Board of Public Works is dedicated to providing our customers with electric, water, wastewater, stormwater management and other value-added services in a safe, reliable and economic manner with sound business practices, sustainable growth, community engagement, economic development and environmental stewardship.

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Employment at Will

Employment between an employee and Lewes Board of Public Works is on an at-will basis. This means that either party may end the relationship at any time for any reason; employees are free to resign their employment at any time, for any reason, and Lewes BPWBOARD OF PUBLIC WORKS retains that same right. No individual supervisor, manager, or elected board member can make a contrary agreement, except for the General Manager, and even then, such an agreement must be set forth in a written employment contract with the employee, signed by the President and Secretary of the Elected Board.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act and the Delaware Public Employment Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Employee have the right to engage in or refrain from such activities.

The policies in this employee handbook are intended for all employees of Lewes BPWBOARD OF PUBLIC WORKS. The organization reserves the right to revise, change, or terminate policies or procedures at any time, with or without notice. However, it is the intent to post in each department office any amendment ten (10) days in advance of proposed adoption.

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Open Communication

At Lewes Board of Public Works, we believe that communication is at the heart of good employee relations. Employees should share their concerns, seek information, provide input, and resolve work-related issues by discussing them with their supervisors until they are fully resolved. It may not be possible to achieve the results an employee wants, but the supervisor needs to attempt to explain in each case why a certain course of action is preferred. If an issue cannot be resolved at this level, the employee is welcome to discuss the issue with the General Manager.

Regardless of the situation, employees should be able to openly discuss any work-related problems and concerns without fear of retaliation. Supervisors are expected to listen to employee concerns, encourage their input, and seek resolution to the issues and concerns. Often this will require setting a meeting in the near future. Supervisors are to set these meetings as quickly as possible, and employees are expected to understand that issues and concerns may not always be addressed at the moment they arise. Discussing these issues and concerns with management will help to find a mutually acceptable solution for nearly every situation.

If an employee has a concern about discrimination and/or harassment, Lewes [BPWBOARD OF PUBLIC WORKS](#) has set up special procedures to report and address these issues. The proper reporting procedures are set forth in the organization's Harassment and Discrimination policy.

Equal Opportunity and Commitment to Diversity

Equal Opportunity

Our goal at Lewes Board of Public Works is to recruit, hire, and maintain a diverse workforce. Equal employment opportunity is not only good business - it's the law and applies to all areas of employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, and benefits.

Lewes [BPWBOARD OF PUBLIC WORKS](#) provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

Lewes [BPWBOARD OF PUBLIC WORKS](#) expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Office Manager. Lewes [BPWBOARD OF PUBLIC WORKS](#) will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels they have been subjected to any such retaliation, they should bring it to the attention of the Office Manager.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

1. shunning and avoiding an individual who reports harassment, discrimination or retaliation;
2. express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
3. denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

To ensure equal employment opportunities to qualified individuals with a disability, Lewes Board of Public Works will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result.

Employees who may require a reasonable accommodation should contact the Office Manager.

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Commitment to Diversity

Lewes Board of Public Works is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in company policy and the way we do business at Lewes [BPWBOARD OF PUBLIC WORKS](#) and is an important principle of sound business management.

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Job Posting

Lewes Board of Public Works provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted although Lewes [BPWBOARD OF PUBLIC WORKS](#) reserves its discretionary right to not post a particular opening.

Job openings will be posted on the bulletin board in each department and normally remain open for 15 days. Each job posting notice will include the dates of the posting period, job title, department location, job summary, and qualifications required for the job.

Lewes [BPWBOARD OF PUBLIC WORKS](#) recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

Harassment and Complaint Procedure

Lewes Board of Public Works strives to maintain a professional and harassment-free work environment and requires the highest standard of personal conduct. In keeping with this standard, sexual harassment, a form of misconduct within the workplace, is strictly forbidden. Consistent with the company's commitment against sexual harassment, Lewes [BPWBOARD OF PUBLIC WORKS](#) has adopted a specific policy regarding sexual harassment. This policy is applied to all employees of Lewes [BPWBOARD OF PUBLIC WORKS](#) and nonemployees. It includes, but is not limited to, procedures to prevent sexual harassment as defined by The Equal Employment Opportunity Commission, ("EEOC") and presented below.

Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implied as a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or such conduct **that** has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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Examples of Sexual Harassment

Examples of behavior that Lewes [BPWBOARD OF PUBLIC WORKS](#) may consider as sexual harassment include, but are not limited to, the following:

- Any sexual advance or touching that is deemed by the recipient to be unwelcome.
- Sexually oriented comments about the body, appearance or life-style of an employee or non-employee.
- Offensive nonverbal behavior such as leering or staring that is deemed by the recipient to be unwelcome.
- Showing or displaying sexually explicit graphics, cartoons, pictures, photographs, or objects in the workplace.
- Statements or threats which imply a link or could be reasonably construed to imply a link between an employee's sexual conduct and [their](#) employment status, advancement potential, salary treatment or other employment action.

Employee Rights and Responsibilities

No supervisor will engage in or condone any act of sexual harassment as defined [above](#). Each supervisor is expected to communicate to each subordinate employee the company's basic policy against sexual harassment and shall encourage them to report violations thereof. When a violation of this policy is brought to the supervisor's attention they shall immediately report it to the General Manager.

All employees are forbidden to engage in any form of sexual harassment as defined [above](#).

Non-employees are forbidden to engage in any form of sexual harassment as defined above. Employees may, without fear of reprisal, refuse to work with a non-employee who fails to refrain from sexual harassment. This policy covers conduct between male/female, female/male, and members of the same sex.

Reporting and Investigation Procedure

Employees are expected to report incidents of sexual harassment as soon as possible after their occurrence to their immediate supervisor or, [if the employee's supervisor is involved in the incident, the report should be made](#) directly to the General Manager.

Charges of sexual harassment shall be investigated by the General Manager and a member of the Elected Board appointed by the President.

To the extent possible, the confidentiality of the individuals submitting or named by the complainant shall be maintained. However, Lewes [BPWBOARD OF PUBLIC WORKS](#) has a responsibility to investigate charges of harassment, and such investigation may include interviewing the individual charged, and/or witnesses. Lewes [BPWBOARD OF PUBLIC WORKS](#) will conduct such investigation upon receipt of a complaint unless the complainant specifically requests in writing that no investigation be pursued at this time. Such a request will not preclude the employee from pursuing a complaint at some future time.

No employee shall be subject to reprisal or retaliation for having filed a complaint of sexual harassment consistent with the provisions outlined below.

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EMPLOYEE HANDBOOK

Employees and non-employees shall not knowingly provide or make an untrue statement of fact regarding a complaint of sexual harassment or the investigation thereof.

Each employee shall, without fear or reprisal or retaliation, cooperate in the investigation of a complaint of sexual harassment as defined above.

If the allegation of sexual harassment is unsubstantiated, the matter shall be closed and no disciplinary action will be taken against the alleged harasser.

Penalty for Violation of Sexual Harassment Policy

Any employee who has been found to have committed an act of sexual harassment will be subject to disciplinary action which may include discharge from employment. In addition, the harasser may be required to participate in appropriate training or counseling as part of the disciplinary process.

If an employee has been found to have engaged in any form of sexual harassment as defined above, a record of said violation shall be placed in the employee's personnel file

Any employee as defined above in the Scope of the Policy Section, who has been found to have committed an act of sexual harassment may be removed from Lewes [BPWBOARD OF PUBLIC WORKS](#)'s premises and the authority may terminate any privilege, contract, or lease which established the legal relationship between said non-employee and Lewes [BPWBOARD OF PUBLIC WORKS](#).

Any employee who has been found to have made a false complaint of sexual harassment or who has provided false information during the investigation of a complaint for sexual harassment, may be disciplined, up to and including termination.

Business Ethics & Conduct

The successful business operation and reputation of Lewes Board of Public Works is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of Lewes [BPWBOARD OF PUBLIC WORKS](#) is dependent upon our customers' trust and we are dedicated to preserving that trust. Employees [will be expected](#) to act in a way that will merit the continued trust and confidence of the public.

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Lewes [BPWBOARD OF PUBLIC WORKS](#) will comply with all applicable laws and regulations and it expects its officers, managers and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the General Manager for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Lewes [BPWBOARD OF PUBLIC WORKS](#) employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to corrective action, up to and including possible termination of employment.

Conflicts of Interest

Lewes Board of Public Works expects all employees to conduct themselves and company business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes [complying with Title 29, Chapter 58 \(Laws Regulating the Conduct of Officers and Employees of the State\)](#) and [avoiding real and potential conflicts of interests](#).

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Should we also state that BOARD OF PUBLIC WORKS and its employees are also bound by the requirements of Title 29, Chapter 58 (LAWS REGULATING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE), Delaware Code?

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Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. Lewes [BPWBOARD OF PUBLIC WORKS](#) recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the company.

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It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Simultaneous employment by another firm that is a competitor of or supplier to Lewes [BPWBOARD OF PUBLIC WORKS](#).
2. Carrying on company business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.

3. Holding a substantial interest in, or participating in the management of, a firm to which the company makes sales or from which it makes purchases.
4. Borrowing money from customers or firms, other than recognized loan institutions, from which our company buys services, materials, equipment, or supplies.
5. Accepting substantial gifts or excessive entertainment from an outside organization or agency.
6. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the company.
7. Participating in civic or professional organization activities in a manner that divulges confidential company information.
8. Misusing privileged information or revealing confidential data to outsiders.
9. Using one's position in the company or knowledge of its affairs for personal gains.
10. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of company business.

Confidential Information

The protection of confidential information and trade secrets is vital to the interests and success of Lewes Board of Public Works. Confidential information is any and all information disclosed to or known by you because of employment with the company that is not generally known to people outside the company about its business/operations/service requirements.

An employee who improperly uses or discloses trade secrets or confidential business information will be subject to disciplinary action up to and including termination of employment and legal action even if they do not actually benefit from the disclosed information.

All inquiries from the media must be referred to the General Manager. This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose.

Whistleblower Protection Policy

In an effort to promote corporate responsibility, Lewes Board of Public Works will not tolerate actions against any individual who lawfully discloses information that the individual "reasonably believes" violates any law and/or is indicative of fraud occurring within the organization. This disclosure is defined in this policy as whistleblowing. The whistleblower must provide the information regarding "prohibited actions", as defined below, in accordance with the reporting mechanism as outlined in Lewes [BPWBOARD OF PUBLIC WORKS](#)'s fraud policy.

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This policy applies to all employees of Lewes [BPWBOARD OF PUBLIC WORKS](#) and to members of the Elected Board. Investigations into potential violations of this policy will be performed without regard to length of service, title/position, or relationship.

Prohibited Actions

The employer may not engage in the following actions against a whistleblower:

- Discrimination
- Harassment
- Demotion; and
- Discharge

Investigation Responsibilities

Investigation of alleged prohibited actions and the preparation of the resulting report should be under the direction of Lewes [BPWBOARD OF PUBLIC WORKS](#)'s Legal Counsel. The Legal Counsel shall cause an investigation to be performed utilizing available internal and/or external resources. The report shall state the date the allegation was received, a description of the complaint, who submitted the allegation (employee, customer, and vendor), the resolution of the allegation, and the date resolved. This report shall be retained in the corporate files indefinitely.

Suspension/Termination

Any individual who is found to have violated the provisions of this policy will be subject to immediate termination.

Fraud Policy

The Elected Board is responsible for detecting fraud of any type. Each member of the management team should be familiar with the types of fraud that might occur within his or her area of responsibility and should be alert for any indication of fraud.

This policy applies to any fraudulent activity involving not only employees but also directors, vendors, outside agencies, and/or unknown parties. Investigations will be performed without regard to length of service, title/position, or relationship.

Actions Constituting Fraud

The terms fraud, misappropriation and irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act
- Misapplication of funds or assets
- Profiting on insider knowledge
- Destruction of records or assets
- Disclosure of confidential information
- Forgery or alteration of documents
- Impropriety in reporting transactions

- Gifts from vendors (outside of limits)
- Disappearance of records or assets
- Any similar or related irregularity

Non-fraud Irregularities

Identification or allegations of personal improprieties or irregularities whether moral, ethical, or behavioral, should be resolved by departmental management and the human resources department, rather than audit related departments or agencies.

Reporting Structure

The Elected Board has established a formal reporting mechanism whereby any individual, who has knowledge of any suspected fraudulent activity, can anonymously report to the fraud hotline the nature of these allegations. Any individual desiring to report suspected fraud may do so by contacting the fraud hotline at (800) 528-5745

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Nepotism

Lewes Board of Public Works has an obligation to its employees to take reasonable and appropriate steps to assure that personnel management shall be implemented consistent with merit system principles.

Members of the same immediate family, whose qualifications rank each of them first for the positions under consideration may be hired, transferred or promoted, so long as neither family member is responsible for the supervision, direction, evaluation, or merit recommendation of the other. For the purpose of this policy, members of the immediate family shall include the spouse, parent, child, grandparent, aunt, uncle, nephew, niece, first cousin, brother, sister, grandchild, in-laws, or step-family. This policy shall also apply to the Board members of the Elected Board.

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Employment Relationship

Employment Classification

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, Lewes Board of Public Works classifies its employees as shown below. Lewes [BPWBOARD OF PUBLIC WORKS](#) may review or change employee classifications at any time.

Exempt. Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

Nonexempt. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Regular, Full-Time. Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

Regular, Part-Time. Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the company and are subject to the terms, conditions, and limitations of each benefits program.

Temporary, Full-Time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Temporary, Part-Time. Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

Work Week and Hours of Work

The standard workweek is from Wednesday 12:00 a.m. until Thursday 11:59 p.m. and generally consists of 40 work hours. Office hours are 8:00 a.m. to 4:00 p.m. Work crews are expected to work 7:00 a.m. to 3:30 p.m. Individual work schedules may vary depending on the needs of each department.

Meal and Rest Breaks

Employees typically working in the administrative office are entitled to a 30-minute paid meal break each day. If a nonexempt employee is required to work through a meal break, they will be paid for the 30-minute period. All 30-minute paid meal breaks must be taken away from the employee's desk.

Employees of Work Crews are also entitled to a 30-minute unpaid meal break each day and two 15-minute rest periods each day. Meal and rest breaks will be scheduled by the department supervisor or manager.

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Commented [A37]: Robert: Meal and Rest Breaks Should we include requirement that nonexempt employees must take 30 min break away from their desk so it is clear that they are not "working" and claim time should be paid?

Use better term than " working in the field" i.e. Operational Employees or Work crews are also entitled...

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On-Call Policy

This policy applies to non-exempt employees in positions required as a condition of employment to be on-call to come back to work outside of the employee's regular shift.

Department supervisors will provide employees who are required to be on-call with a schedule of the time and date that the employee must be on-call. In addition, the following guidelines apply:

- Employees scheduled to be on-call are not required to remain on the Lewes Board of Public Works premise, unless otherwise directed. However, the employee must remain available by telephone or text while off-site and be able to respond to a call within thirty (30) minutes.
- The employee is not required to restrict their activities while on-call, but the employee must remain free of the influence of any substance that would adversely affect their ability to perform their job duties safely and effectively; including alcohol, illegal drugs, and/or prescribed drugs. If an employee has a medical condition and has concerns about complying with this requirement, the employee should consult with the Office Manager.

Employees who fail to respond when called and/or who fail to find a replacement are subject to disciplinary action up to, and including, termination.

On-Call Pay

Employee designated as on-call are eligible for additional compensation as described below:

- Two (2) hours of pay for each weekday (24-hour period) at employee's current hourly rate of pay.
- Three (3) hours of pay for each weekend day (24-hour period) and designated [BPWBOARD OF PUBLIC WORKS](#) Holidays at employees current hourly rate of pay.

If an employee is called to come back to work while they are on-call, the employee is paid for hours at time and a half.

Timekeeping

All nonexempt employees are required to complete accurate weekly time reports showing all time actually worked. Accurately recording time is the responsibility of every employee. Federal and State laws require Lewes Board of Public works to keep an accurate record of time worked in order to calculate regular and overtime pay.

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Employees should accurately record the time they begin and end their work. They should also record the beginning and ending time of any departure from work for personal reasons. Overtime work must always be approved before it is performed if at all possible.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in a corrective action, up to and including termination of employment.

It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

Overtime

When required due to the needs of the business, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of **one and one half times** their regular rate of pay for all hours over 40 actually worked in a single workweek. Paid leave, such as holiday, PTO, bereavement time, and jury duty does not apply toward work time in the calculation of overtime. All overtime work must be approved in advance by a supervisor or manager.

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Deductions from Pay/Safe Harbor Exempt Employees

Lewes Board of Public Works does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

Deductions

Lewes Board of Public Works is required by law to withhold certain amounts from each paycheck. The FLSA **and state law limits** the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

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- ~~Deductions that are required by law, e.g., Federal and State income taxes, FICA contributions, authorized garnishments by a Court of Law;~~
- ~~Deductions for employee benefits when authorized by the employee;~~
- ~~Absence from work for one or more full days for personal reasons other than sickness or disability;~~
- ~~Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;~~
- ~~Offset for amounts received as witness or jury fees, or for military pay; or~~
- ~~Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.~~

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During the week an exempt employee begins work for the company or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

Employees are furnished with a statement in January of each year showing the amount withheld during the preceding year.

Pay Schedule

~~Lewes Board of Public Works employees are paid biweekly, with pay days schedule every other Friday. If pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday. Employees are required to be paid via direct deposit to the account/s of their choice.~~

~~Employees are paid on a bi-weekly frequency, every other Friday. If the pay date falls on a federal holiday or weekend, the pay date will be the business day prior. Refer to the Payroll Calendar for details on pay periods and pay dates.~~

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Salary Increases

An Annual Salary increase is not automatic but is within the discretion of Management.

Any employee is eligible for an annual salary review. The annual salary increase granted to an employee should take into account the following factors:

1. Individual work performance during the preceding year, or months in the case of a new employee.
2. Progress towards personalized and defined goals.
3. Length of service.
4. Any other increase, such as a promotional increase granted to the employee during the preceding year.
5. Any ~~adjustment necessary~~ adjustment necessary to bring an individual's salary into a more equitable relationship with salaries paid to other Lewes Board of Public Works employees with similar experience doing ~~similar works~~ similar work, and
6. Budget and personnel guidelines.

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Personnel System

~~The administration of the personnel system established in this handbook shall be the responsibility of the Office Manager.~~

~~The accurate documentation of any personnel related activity is absolutely necessary to insure the fair and consistent application of the policies and procedures contained herein. The Office Manager shall maintain the official personnel file for each employee containing all documentation pertaining to their employment.~~

~~Personnel practices and procedures have a significant impact on the performance and utilization of employees. Unsatisfactory or impractical policies are difficult to change and can have a substantial impact on the cost and effectiveness of operations. Consequently, it is vitally important that a sound personnel system be established and properly administered with understanding and foresight. Such a plan should meet Lewes Board of Public Works' needs and motivate employees through the creation of a satisfying~~

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~~working environment, appropriate and fair compensation, and fair and consistent application of these practices and procedures. The following shall be the declared personnel practices of the Lewes BPWBOARD OF PUBLIC WORKS:~~

- ~~1. Employment by Lewes BPWBOARD OF PUBLIC WORKS shall be based solely on merit and fitness, free from favoritism or personal or political considerations.~~
- ~~2. Lewes BPWBOARD OF PUBLIC WORKS shall not discriminate in any manner against any person on the basis of race, color, creed, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing service in the military, or political affiliation with regard to selection or employment with Lewes BPWBOARD OF PUBLIC WORKS.~~
- ~~3. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of Lewes BPWBOARD OF PUBLIC WORKS.~~
- ~~4. Positions shall be compensated according to duties, responsibilities, and requirements as established by Lewes BPWBOARD OF PUBLIC WORKS.~~
- ~~5. Appointment, promotion and other personnel actions shall be based on merit.~~
- ~~6. The policies and procedures contained herein shall be administered fairly and consistently with due consideration given to the rights and interests of employees, the public, and Lewes BPWBOARD OF PUBLIC WORKS.~~
- ~~7. The tenure of any Lewes BPWBOARD OF PUBLIC WORKS employee shall be subject to the employee's continued good behavior, the satisfactory performance of work, the necessity for the performance of the work, and the availability of work.~~
- ~~8. Lewes BPWBOARD OF PUBLIC WORKS shall encourage employees to become effective workers, to treat each person with consideration and respect, and to provide a clean, healthy and safe place to work.~~

~~The Office Manager is responsible for developing and implementing these personnel practices and procedures and abiding by the basic principles that are intended to be the foundation of the personnel system of Lewes BPWBOARD OF PUBLIC WORKS.~~

~~It is the responsibility of each employee to promptly notify Lewes Board of Public Works of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel information has changed or will be changing, please notify the Office Manager.~~

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Personnel Status Changes

It is the responsibility of each employee to promptly notify Lewes Board of Public Works of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such

status reports should be accurate and current at all times. If any personnel information has changed or will be changing, please notify the [Office Manager](#).

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Access to Personnel Files – Added to stay in compliance with Delaware legislation.

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Employee files are maintained by the Office Manager and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in a private and secure office during normal business hours. Employee files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

Employees may take notes as they review their file. If an employee disagrees with the information in their file, the employee may submit a written explanatory written statement that must be maintained in their personnel file.

Separation from Employment

Resignation

In all cases of voluntary resignation (one initiated by the employee), the employee must provide the General Manager at least two (2) weeks advance notice. Notice should be given in writing by the resigning employee. Upon proper notification of intention to voluntarily leave employment with the Lewes Board of Public Works or upon retirement, one-half (1/2) of accumulated sick time will be paid to the employee.

Reduction in Force

~~In the event that a reduction in force becomes~~ ~~necessary,~~ ~~consideration~~ ~~shall be given to the quality of each employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks notices of anticipated layoff.~~ ~~If a reduction in force becomes~~ necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks notices of anticipated layoff.

Retirement

Employees who wish to retire are required to notify their department supervisor and the [Human Resources Department Office Manager](#) in writing at least one (1) month before planned retirement date.

Death

All compensation due will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Dismissal

Separation from service due to dismissal is described in this manual.

Exit Interviews

Exit interviews will be conducted with all employees that voluntarily resign. The purpose of the exit interview is to explore the employee's reasons for leaving and gather information to help Lewes Board of Public Works improve. Interviews will be conducted by the Office Manager and/or Assistant General Manager. While exit interviews are a mandatory step of the off-boarding process, employees will not be penalized for declining the interview.

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Workplace Safety

Commitment to Safety

Protecting the safety of our employees and visitors is the most important aspect of running our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

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In the event of an emergency, dial 911 to activate the medical emergency services.

Drug-Free and Alcohol-Free Workplace

This policy applies to all employees and all applicants for employment.

Purpose

In compliance with the Drug-Free Workplace Act of 1988, Lewes Board of Public Works is committed to providing a "safe" and productive work environment for employees, prospective employees, and customers. Alcohol and drug abuse poses a threat to the health and safety of Lewes **BPWBOARD OF PUBLIC WORKS** employees and to the security of the company's equipment and facilities. For these reasons, Lewes **BPWBOARD OF PUBLIC WORKS** will not tolerate the abuse of drugs (illicit and non-illicit) and alcohol in the workplace.

Work Rules

1. Whenever employees are working, are operating any Lewes **Board of Public WorksBPWBOARD OF PUBLIC WORKS** vehicle, are present on Lewes **Board of Public WorksBPWBOARD OF PUBLIC WORKS** premises or are conducting company-related work offsite, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.
3. **Lewes Board of Public Works** will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. We strongly encourage employees to voluntarily disclose and/or provide official documentation from physician prescribing the medication. Employees taking a prescribed medication during work hours must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked. Employees who are prescribed medications which could impair their ability to perform their duties safely or effectively may request special accommodation, including a change in assignment. While Lewes Board of Public Works will make every effort to accommodate such a request, it cannot guarantee the availability of an alternative position.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

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Pre-employment. Applicants being considered for hire must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion. Employees are subject to testing based on (but not limited to) observations by at least two members of management of apparent workplace use, possession or impairment. The General Manager should be consulted before sending an employee for testing. Management must use the Reasonable Suspicion Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.

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When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment

Post-accident. Employees are subject to testing when they cause or contribute to accidents that seriously damage a Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS vehicle, machinery, equipment, or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS forklift, pickup truck, overhead crane or aerial/man-lift) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

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Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

Collection and Testing Procedures

Employees subject to alcohol testing will be transported to a Lewes Board of Public Works designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

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Applicants and employees subject to drug testing will be transported to a Lewes Board of Public Works - designated testing facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxphane use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

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The laboratory will transmit all positive drug test results to the General Manager, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the General Manager to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to Lewes [Board of Public Works](#) **BPWBOARD OF PUBLIC WORKS**, until such time that the General Manager has confirmed the test to be positive.

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Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, Lewes [Board of Public Works](#) **BPWBOARD OF PUBLIC WORKS**, may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by Lewes **BPWBOARD OF PUBLIC WORKS**, for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

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Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include the General Manager and Office Manager. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the General Manager will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

Lewes [Board of Public Works](#) **BPWBOARD OF PUBLIC WORKS**, reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

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Definitions

“Company premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Lewes [Board of Public Works](#)~~BPW~~**BOARD OF PUBLIC WORKS** or any site on which the company is conducting business.

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“Illegal drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

“~~Detectable Under the~~ influence of alcohol” means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

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“~~Detectable Under the~~ influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

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Workplace Violence Prevention

Lewes Board of Public Works has a strong commitment to its employees to provide a safe, healthy and secure work environment. Given the increasing violence in society in general, Lewes ~~BPW~~**BOARD OF PUBLIC WORKS**~~Board of Public Works~~ has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay", or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Lewes [Board of Public Works](#)~~BPW~~**BOARD OF PUBLIC WORKS** without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's [race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military](#), ~~sex, race, age, or any characteristic protected by federal, state, or local law.~~

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All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening. Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS will promptly and thoroughly investigate all reports of threats (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as practical. ~~In order to~~To maintain workplace safety and the integrity of its investigation, Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS may suspend employees, either with or without pay, pending investigation.

Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the General Manager before the situation escalates into potential violence. Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt corrective action up to and including termination of employment.

Emergency Closings

At times, emergencies such as severe weather, fires, power failures, earthquakes, or pandemics can disrupt daily operations. In extreme cases, these circumstances may require the closing of portions of Lewes Board of Public Works' operations. When operations are officially closed due to emergency conditions and a State of Emergency declared by the Governor, the time off from scheduled work will be paid for if employees are "ready, willing and able to work". In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation time.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive overtime pay.

Temporary Telecommuting

In the event of an emergency such as a weather disaster or pandemic, Lewes Board of Public Works may allow or require employees to temporarily work from home to ensure business continuity.

Procedures

In the event of an emergency, Lewes Board of Public WorksBPWBOARD OF PUBLIC WORKS may require certain employees to work remotely. These employees will be advised of such requirements by the General Manager. Preparations should be made by employees and managers well in advance to allow

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remote work in emergency circumstances. This includes appropriate equipment needs, such as hardware, software, phone and data lines. The IT department is available to review these equipment needs with employees and to provide support to employees in advance of emergency telework situations.

For voluntary telework arrangements, either the employee or department manager can initiate a temporary telecommuting agreement during emergency circumstances. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement, including equipment needs, workspace design considerations and scheduling issues.

A telecommuting agreement will be prepared by Office Manager and signed by the employee and their manager.

The employee will establish an appropriate work environment within their home for work purposes. Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

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Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** will determine the equipment needs for each employee on a case-by-case basis. Equipment supplied by the organization is to be used for business purposes only.

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Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office.

Employees should not assume any specified period of time for emergency telework arrangements, and Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** may require employees to return to regular, in-office work at any time.

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Workplace Guidelines

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The policies to follow are intended to illustrate the type of behavior which is required of Lewes Board of Public Works' 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 Lewes [Board of Public Works](#)~~BPW~~**BOARD OF PUBLIC WORKS** employees or other individuals.

Attendance

Prompt attendance at scheduled work is expected and is essential to providing timely service to members of the public. Excessive absenteeism and/or tardiness may result in corrective action up to and including discharge and may have an adverse effect on an employee's future salary increase, promotion, or continued employment.

Performance Evaluations

Objectives of the evaluation process are to measure the effectiveness of the workforce in meeting established goals and objectives, provide feedback to the employee on job performance, assess employee recruitment practices, provide a basis for personnel decisions and maintain written documentation of employees' work records.

The General Manager is responsible for administering the personnel function, including overseeing the evaluation process, developing evaluation procedures, initiating employee evaluations, maintaining the Lewes Board of Public Works' official personnel files, and submitting reports to the Office Manager for payroll changes. The employee's immediate supervisor is responsible for assigning work, monitoring work performance, and recommending the appropriate personnel action based upon the results of the evaluation.

Professional Training & Career Development

It is the policy of Lewes Board of Public Works to provide training and professional development opportunities for its employees. The purpose of this is to promote an efficient and adequately trained workforce, to upgrade skills of employees, to ensure training in new work techniques and to improve the performance of employees.

Voluntary trainings or course seminars held outside of typical work hours will not be paid as hours worked nor are they eligible for overtime.

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The following types of training and development may be provided by Lewes [Board of Public Works](#)~~BPW~~**BOARD OF PUBLIC WORKS** upon approval of the General Manager:

- Membership in Professional and Civic Organizations

Membership in a professional organization is valuable to our employees as well as to our organization. Lewes [Board of Public Works](#)~~BPW~~**BOARD OF PUBLIC WORKS** will pay 100 percent of the annual

membership fee required for an employee to belong to one job-related professional organization. Occasionally, there may be a valid business reason to make an exception to this policy and pay for more than one membership or professional designation. The General Manager must approve in writing any exceptions to these limits.

If membership in a professional or civic organization or a professional designation is not job related but is beneficial to an employee and Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#), the employee may request that **their** dues be paid by the [Board of Public Works](#)~~Lewes BPW~~[BOARD OF PUBLIC WORKS](#). The employee should make a written request to the General Manager. The employee will be advised in writing whether any or all of the dues will be paid by Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#).

Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) will also pay 100 percent of the expenses associated with attending periodic meetings and seminars sponsored by professional organizations. (General Accounting Office guidelines will prevail.)

- Required seminars and courses

Employees may be required to attend seminars or courses designed to promote an efficient and adequately trained workforce, upgrade skills, learn new work techniques, and to improve work performance. This training may be conducted either on-site or at other sites

- On-the-job Training

On-the-job training will be provided to introduce, reinforce, or improve essential job skills for employees. Department 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 upgrade skills for advancement opportunities. This training should be provided on an ongoing basis.

Outside Employment

The work of Lewes Board of Public Works will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's supervisor, who in turn will report to the General Manager. The General Manager will review such employment for possible conflict of interest, appearance of impropriety, or impact upon the efficiency of the employee.

Prohibited Practices

The employee's private work will be considered in violation of this policy if:

1. ~~the~~The performance of such work is regulated by Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#), either directly or indirectly;
2. ~~the~~The employee's official position confers any economic advantage upon the employee over others;

3. ~~the~~The employee will represent any other interests before Lewes ~~BPW~~BOARD OF PUBLIC WORKS body; or
4. ~~the~~The outside employment impacts upon the efficiency of the employee.

Corrective Action

Outside employment that conflicts or inhibits an employee's efficiency may be grounds for corrective action up to and including dismissal.

Dress and Grooming

Lewes Board of Public Works provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

Any questions or complaints regarding the appropriateness of attire should be directed to the ~~Human Resources department~~General Manager. Decisions regarding attire will be made by the ~~Human Resources department~~General Manager and not by individual departments or managers.

Uniforms

Lewes Board of Public Works shall provide uniforms for employees excluding clerical employees. Employees shall be required to wear uniforms while on duty and carry Lewes ~~BPW~~Board of Public Works identification with them, so that they will be easily identified as Lewes ~~BPW~~Board of Public Works employees.

Each employee may be required to wear approved steel-toed boots/shoes to prevent injury. Lewes ~~BPW~~Board of Public Works will pay the cost of the original cost as well as replacement cost for the purchase of two (2) pair of boots/shoes, one pair for cold weather and one pair for the warmer months.

Employee Responsibility

The employee is responsible for the uniform. Therefore, the cost of avoidable damage or loss of uniforms shall be paid by the employee. An employee shall wear ~~their~~ uniform properly, shall not allow them to be worn by other individuals and will wear them only during working hours or to and from work.

Each employee who needs to purchase a pair of safety boots/shoes must advise their supervisor. Supervisor will see that the appropriate shoes are purchased. ~~Worn out footwear is to be returned to the Supervisor before a second purchase is made on the employee's behalf.~~

Upon separation from employment, the employee shall return their uniforms to Lewes ~~BPW~~Board of Public Works.

Corrective Action

Commented [A54]: Robert: Require employees to have BOARD OF PUBLIC WORKS ID and be ready to show ID when interacting with the public.

Commented [A55R54]: Done.

Commented [A56]: Updated based on Lewes BPW Board, Team, and Attorney comments.

Commented [A57]: Updated based on Lewes BPW Board, Team, and Attorney comments.

Any violation of the above policy shall subject such employee to corrective action up to and including dismissal.

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Smoking and Tobacco Use

Smoking and tobacco use is prohibited inside company facilities or vehicles as well as within patrons customers personal space/property. Smoking is only permitted in designated smoking areas. Cigar and cigarette butts and tobacco from pipes are to be thrown into the butt buckets provided. No trash is to be thrown into these buckets.

Commented [A58]: Updated based on Lewes BPW Board, Team, and Attorney comments.

Corrective Action

Such actions shall constitute violation of the established policy, and are cause for corrective action up to and including dismissal.

Driver's License Requirement

Each employee who operates any Lewes Board of Public Works-owned vehicle must have a valid driver's license and must be of insurable status. In addition, employees of the Electric Distribution Department and the Water, Wastewater, and Storm Water Department are required to have a CDL Class A license upon full-time employment if they will be driving a vehicle in excess of 26,000 lbs., or be able to obtain one upon satisfactory completion of the six (6) month introductory period. Any employee who loses the right to drive is prevented from fully executing his or her duties. This, in turn, reduces Lewes Board of Public Works BPWBOARD OF PUBLIC WORKS's ability to provide its customers with the most efficient and effective delivery of public services.

Commented [A59]: Robert: Annual check for # of points and counseling/action if number of points exceed a certain level?

Commented [A60R59]: Confirm with Lewes Team.

Verification

Lewes Board of Public Works BPWBOARD OF PUBLIC WORKS shall, on a periodic basis, verify the status of the driving privileges of those employees who are required to operate a Lewes Board of Public Works BPWBOARD OF PUBLIC WORKS vehicle.

Notification

Each employee whose driving privileges are suspended or revoked or who has been placed on an uninsurable status by Lewes Board of Public Works BPWBOARD OF PUBLIC WORKS's insurance carrier shall notify their department supervisor immediately and shall cease operating any Lewes Board of Public Works BPWBOARD OF PUBLIC WORKS vehicle or equipment which requires a driver's license.

Corrective Action

An employee who has accumulated 12-point will automatically be relieved of driving privileges, until satisfactory completion of behavior modification/attitudinal-driving course within 90 days after notification/confirmation of points status. Lewes Board of Public Works will make reasonable accommodations and find a temporary alternative position where possible. If no temporary alternative position is available, Lewes Board of Public Works reserves the right to suspend the employee without pay. This policy follows DMV Driver Improvement Problem Driver Program. ~~Disciplinary Action~~

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Any employee who operates a Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** vehicle without a valid driver's license or while on uninsurable status or who falsifies information about the status of his or her driving privileges shall be subject to disciplinary action up to and including dismissal.

Appropriate Use of Company Vehicles

The Guidelines set forth in this document are provided for the purpose of assisting employees and management in assuring appropriate use of Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** vehicles.

No written Procedure or Guideline can be exhaustive. These guidelines anticipate many if not most of the situations which might arise and offer guidance in those areas. However, there will unavoidably be instances that are not specifically addressed. It is the responsibility of employees and their supervision and management to use their common sense at those times and act accordingly. If the appropriate usage is not evident, employees should inquire of management.

When in doubt, ask.

All employees of Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** are stewards of resources provided by our customers. Those resources include money, equipment, buildings, furniture and fixtures, lands and vehicles. Employees possess and use those resources in order to accomplish the purposes of the citizen. In all things, our first question should be: "If I were required to explain my use of these resources, would I be able to do so and would my explanation be understandable and acceptable to citizens?" Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** Management expects that all usage of resources shall be in the interests of citizens and will be defensible as such.

Shift-Use Vehicles

Meals & Breaks. An employee who is assigned a Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** vehicle for use during their shift may use their assigned vehicle for the normal functions expected of employees during the ~~course of~~ their shift. This includes using the vehicle to go to and from lunch or other meals and breaks. However, travel time to and from does not extend the period normally available. For example, if an hour is scheduled for lunch, this includes the time spent traveling to and from.

Incidental Personal Use During Shift. Any incidental personal use of an assigned Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** vehicle during should either be self-evidently permissible or, if there is doubt concerning permissibility, should be approved by the employee's Supervisor. It is impossible to enumerate in advance all such possible uses. Examples include going to a physician or seeking other medical treatment, attending to urgent personal business, attending to routine personal errands during lunch or breaks, etc. If in doubt, ask your Supervisor.

Passengers. Acceptable passengers in a shift-use vehicle include: (a) other employees, (b) persons with whom Lewes [Board of Public Works](#) ~~BPW~~ **BOARD OF PUBLIC WORKS** has a business purpose in transporting. Family members are not acceptable passengers unless there is a demonstrable business purpose. Generally, this would require that the family member occupy a role beyond the family relationship. For instance, the transportation of a family member who is a person with whom Lewes

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[Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) had a business relationship or who represents an entity with which Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) has a business relationship for the purpose of furthering a business purpose would be permissible. (Note limited exception during commutation with take-home vehicles below).

Take-Home Vehicles

Personal Use Incidental to Commuting. Assignment of Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) vehicles to employees for take-home use is intended to serve Lewes [Board of Public Works](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) purposes and to provide employees with appropriate transportation for those purposes. On the one hand, assignment of take-home vehicles are not intended as a form of compensation to the employee for use at the employee's discretion. On the other hand, the Lewes [BPW](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) does not intend for the assignment of take-home vehicles to result in a hardship on the employee. To summarize, a take-home vehicle is not an employee benefit but, conversely, an employee should not be inconvenienced because of being assigned such a vehicle. Thus, Lewes [BPW](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) does not intend that an employee who is assigned a Lewes [BPW](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) vehicle should have to drive extra distances or make extra trips in order to swap back and forth between the assigned Lewes [BPW](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) vehicle and the employee's personal vehicle in order to accomplish the routine tasks of everyday living. Assigned vehicles are not a benefit but neither should they be a hardship. The following Guidelines are intended to give direction toward finding a middle ground between inappropriate usage and employee inconvenience.

Subject to the discretion of the employee's Supervisor ~~Director~~, take-home vehicles may be used incidentally to commutation. The following uses are offered as examples of permitted incidental use. The examples are not intended to be an exhaustive list.

Domestic Consumption. Stops at retail establishments during times of normal commutation and within a reasonable proximity of the normal route of commutation for items generally considered necessary for routine domestic consumption. (The key factors here are (1) time, (2) proximity and (3) routine).

As to time, using an assigned Lewes [BPW](#)~~BPW~~[BOARD OF PUBLIC WORKS](#) vehicle to visit a retail establishment hours after the employee has arrived at home is not during the time of normal commutation.

As to proximity, a retail establishment many miles off the route to and from work is also not acceptable.

As to routine domestic consumption, stopping to engage in major transactions requiring substantial time are not acceptable.

Health. Stops for visits with health care providers scheduled during times of normal commutation and within reasonable proximity of the route of normal commutation considering locations of health care providers.

Personal Services. Stops for routine personal services (haircuts, fitness workouts, etc.) occurring during times of normal commutation and within a reasonable proximity of the route of normal commutation.

Educational Purposes. Stops for educational purposes (college classes, etc.) during times of normal commutation and within a reasonable proximity of the route of normal commutation considering locations of educational establishments.

Parental Necessities. Stops for the purpose of attending events attendant to the discharge of the employee's responsibility as a parent or guardian which are scheduled during times of normal commutation and which the employee would not otherwise be able to attend if required to first go the employee's residence and change vehicles (such as attendance at a parent-teacher conference scheduled during normal commutation times).

Custodial Care. Stops for the purpose of rendering necessary custodial care to a family member during times of normal commutation (such as stopping to check on the condition of or care for an aging parent).

Picking Up or Discharging Family Members. Stops for the purpose of picking up or discharging family members resident in the same household as the employee. Once again, this only applies to such stops as are made during times of normal commutation and within a reasonable proximity of the normal route of commutation with consideration given to the location of the establishments where the pick-up or discharge is occurring.

If in doubt, ask. ~~Notwithstanding anything contained elsewhere herein, no~~ Lewes [BPWBOARD OF PUBLIC WORKS](#) employee however situated may use an assigned vehicle, whether for shift-use or take-home use, in a manner that would bring discredit upon the Lewes [Board of Public Works](#)~~BPWBOARD OF PUBLIC WORKS~~. This includes, but is not limited to: using the vehicle to frequent sexually-oriented businesses, establishments whose principle business involves the sale or consumption of alcoholic beverages, to conduct criminal, immoral, or unethical behavior unless such usage is in the official conduct of the employee's assigned job function.

Common Sense

Common sense is generally a better guide to behavior than formal written policies, procedures, and guidelines. If it doesn't feel right, it probably isn't. If you would be embarrassed to explain your behavior to your management or to citizens, then you probably ought not to engage in such behavior. These Guidelines are intended to provide direction. As stated, they are not and cannot anticipate all possible situations. If in doubt, ask your supervisor. Attempt to resolve any uncertainty or question of interpretation at the lowest level possible. Any unresolved issues should continue to be referred through Lewes [Board of Public Works](#)~~BPWBOARD OF PUBLIC WORKS~~'s management structure until resolution is achieved. Absence of a specific prohibition in these guidelines is not license. In the case of personal use of Lewes [Board of Public Works](#)~~BPWBOARD OF PUBLIC WORKS~~ vehicles, assume prohibition, not permission unless otherwise approved.

Corrective Action

Any violation of the above policies shall subject such employee to corrective action up to and including dismissal.

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Motor Vehicle Accidents

Each employee of Lewes Board of Public Works who operates any Lewes [Board of Public Works](#) ~~BPWBOARD OF PUBLIC WORKS~~-owned vehicle or equipment is expected to exercise reasonable care and caution so as not to cause excessive deterioration or unnecessary damage.

Reporting/Notification

Each employee who is involved in an accident while operating a Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS vehicle shall report such accident to the police immediately, regardless of the severity of the accident or the extent of property damage. The employee shall also notify their department supervisor.

Reimbursement

If the accident is the result of negligence on the part of the employee operating the vehicle or equipment, the employee may be required to reimburse the cost of repair or replacement to Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS in full or in part.

Corrective Action

If an employee of Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS is involved in an accident while operating a Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS vehicle that is the result of negligence on the part of the employee, then they shall be subject to corrective action up to and including termination.

Political Activities of Employees

The position of Lewes Board of Public Works as a public organization imposes on all employees special responsibilities for the use of good judgment in political matters. The purpose of this policy is to protect the public interest and employees from political pressures.

Prohibited Practices

1. No employee of Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS shall, directly or indirectly, contribute any money or anything of value to any candidate for nomination or election to any Elected Board office, to any Elected Board office candidate campaign, or to any Elected Board office candidate political committee or take active part in any Elected Board political campaign, except to cast a vote.
2. A person holding a Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS position shall not, while performing official duties or while using Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS equipment at the person's disposal by reason of his or her position, solicit in any manner contributions for any purpose, or engage in any activity during working hours that impairs the efficiency of the position or presence during the working hours;
3. A person holding a Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment, or advantage or employment, in any such position for the purpose of influencing the vote or political action of that person, or for any other consideration;
4. A person who, in any manner, supervises a Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS employee shall not directly or indirectly, solicit the person supervised to contribute money or anything of value, or service, for any purpose not connected to said person's employment;
5. Any person holding a Lewes [Board of Public Works](#) ~~BPW~~BOARD OF PUBLIC WORKS position who shall become a candidate for any elective office of Lewes [BPW](#)BOARD OF

PUBLIC WORKS shall, commencing sixty (60) days prior to the date of the primary or general election, and continuing until such person is eliminated as a candidate, either voluntarily or otherwise, automatically receive unpaid leave of absence and during such period shall perform no duties connected with the office or position so held.

6. An employee shall terminate their employment with Lewes BPWBOARD OF PUBLIC WORKS if appointed or elected to Lewes BPWBOARD OF PUBLIC WORKS's Elected Board.

Corrective Action

Any violation of the above policies shall subject such employee to corrective action up to and including dismissal.

Social Media

Lewes Board of Public Works encourages employees to share information with co-workers and with those outside the company for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the company has established the following guidelines for employee participation in social media.

Note: As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and SnapChat, among others.

Off-duty use of social media

Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the company considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

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On-duty use of social media

Employees may engage in social media activity during work time provided it is directly related to their work, approved by their manager, and does not identify or reference company clients, customers, or vendors without express permission. The company monitors employee use of company computers and the Internet, including employee blogging and social networking activity.

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Respect

Demonstrate respect for the dignity of the company, its owners, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge Lewes BPWBOARD OF PUBLIC WORKS confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

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Post disclaimers-

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If an employee identifies themselves as a Lewes [BPWBOARD OF PUBLIC WORKS](#) employee or discusses matters related to the company on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of Lewes [BPWBOARD OF PUBLIC WORKS](#) and that the employee is expressing only his or her personal views. For example: "The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to Lewes [BPWBOARD OF PUBLIC WORKS](#) or the business. Employees must keep in mind that if they post information on a social media site that is in violation of Lewes [BPWBOARD OF PUBLIC WORKS](#) policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

Competition-

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Employees should not use a social media to criticize Lewes [BPWBOARD OF PUBLIC WORKS](#)'s competition and should not use it to compete with the company.

Confidentiality-

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Do not identify or reference Lewes [BPWBOARD OF PUBLIC WORKS](#) clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

New ideas-

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Please remember that new ideas related to work or Lewes [BPWBOARD OF PUBLIC WORKS](#)'s business belong to the company. Do not post them on a social media site without the company's permission.

Links-

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Employees may provide a link from a social media site to Lewes [BPWBOARD OF PUBLIC WORKS](#)'s website during employment (subject to discontinuance at Lewes [BPWBOARD OF PUBLIC WORKS](#)'s sole discretion). Employees should contact the IT Department to obtain the graphic for links to Lewes [BPWBOARD OF PUBLIC WORKS](#)'s site and to register the site with the company.

Trademarks and copyrights-

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Do not use Lewes [BPWBOARD OF PUBLIC WORKS](#)'s or others' trademarks on a social media site, or reproduce the company's or others' material without first obtaining permission.

Legal-

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Employees are expected to comply with all applicable laws, including but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws.

Discipline/Corrective Action-

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Any employee who does not comply with Lewes Board of Public Works social media policy shall be subject to corrective action up to and including dismissal.

~~Violations of this policy may result in discipline up to and including immediate termination of employment.~~

Note: Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

Solicitation

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on "working time." "Working time" is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after their shift.

Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in "working areas," which includes all office areas. "Working areas" do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on company property at any time.

Corrective Action

Any employee who does not comply with Lewes Board of Public Works solicitation policy shall be subject to corrective action up to and including dismissal.

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Disclosure of Information

It is vital to a democratic society that public business be performed in an open and public manner. In accordance with the State of Delaware's Freedom of Information Act, the public has the right to "reasonable access" to public records; however, the Act provides that Lewes Board of Public Works may make reasonable rules and regulations concerning access to "public records".

Determination of Public Record

All requests for documentation shall be forwarded to the General Manager to determine if the requested documents are a "public record" and fall under the purview of the Freedom of Information Act.

Examination and copying of Public Records

The review of any requested documents must be performed in the presence of a Lewes BPWBOARD OF PUBLIC WORKS employee to be designated by the appropriate department supervisors, in accordance with the following:

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~~a.1. No~~ documents may be removed by the requesting party:

~~b-2.~~ ~~public~~ Public records shall be open to inspection and copying during regular business hours;

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~~e-3.~~ ~~if~~ If the record is in active use or in storage and, therefore, not available at the time a citizen requests access, the custodian of the record shall so inform the citizen and make an appointment for said citizen to examine the records as expediently as they may be available;

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~~d-4.~~ ~~at~~ All copying of the requested documents shall be performed by a Lewes ~~BPWBOARD~~ OF PUBLIC WORKS employee to be designated by the appropriate department supervisor;

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~~e-5.~~ ~~multiple~~ Multiple copies of documents shall not be provided;

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~~f-6.~~ ~~the~~ The requesting party shall pay Lewes ~~BPWBOARD OF PUBLIC WORKS~~ the designated rate established by Lewes ~~BPWBOARD OF PUBLIC WORKS~~ for copying;

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~~g-7.~~ ~~the~~ The requesting party must reimburse Lewes ~~BPWBOARD OF PUBLIC WORKS~~ for the cost of any research by Lewes ~~BPWBOARD OF PUBLIC WORKS~~ employees which may be needed to comply with the request. Such costs may include, but are not limited to, wages, computer time and costs of supplies.

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Prohibited Practices

The following documents are not deemed public and employees are prohibited from disclosing them:

1. any personnel-related documents excluded from disclosure by any State or Federal personal privacy law;
2. investigatory files compiled for civil or criminal law enforcement purposes including pending investigative files, pretrial and presentence investigations;
3. any records pertaining to pending or potential litigation which are not records of any court;
4. any records specifically exempted from public disclosure by statute or common law; or
5. any record of discussions allowed by Title 29, Delaware Code, Section I0004, held in executive session.

Corrective Action

Any employee who does not comply with Lewes ~~BPWBOARD OF PUBLIC WORKS~~BOARD OF PUBLIC WORKS's procedures when disclosing information or who discloses documents that are not a "public record" shall be subject to corrective action up to and including dismissal.

Computers, Internet, Email, and Other Resources

Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. In addition, email can provide excellent means of communicating with other employees, our customers and clients, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment.

If you abuse your right to use the Internet, it will be taken away from you. In addition, you may be subject to disciplinary action up to and including termination, and civil and criminal liability.

Disclaimer of liability for use of Internet.

Lewes Board of Public Works is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

Duty not to waste computer resources.

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.

No expectation of privacy.

The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to Lewes [BPWBOARD OF PUBLIC WORKS](#) and may only be used for business purposes.

Monitoring computer usage.

Lewes [BPWBOARD OF PUBLIC WORKS](#) has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

Blocking of inappropriate content.

Lewes [BPWBOARD OF PUBLIC WORKS](#) may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by Lewes [BPWBOARD OF PUBLIC WORKS](#) networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to Lewes [BPWBOARD OF PUBLIC WORKS](#) blocking software.

Prohibited activities.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or in violation of Lewes [BPWBOARD OF PUBLIC WORKS](#)'s equal employment opportunity policy and its

policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in Lewes [BPWBOARD OF PUBLIC WORKS](#)'s computers.

Employees encountering or receiving this kind of material should immediately report the incident to their supervisors or the Human Resources Department. Lewes [BPWBOARD OF PUBLIC WORKS](#)'s equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.

Games and entertainment software

Employees may not use Lewes [BPWBOARD OF PUBLIC WORKS](#)'s internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet, unless first approved through the Information Technology Department.

Illegal copying.

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of your supervisor.

Accessing the Internet.

To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached to Lewes [BPWBOARD OF PUBLIC WORKS](#)'s network must do so through an approved Internet firewall. Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to Lewes [BPWBOARD OF PUBLIC WORKS](#)'s network.

Virus detection.

Files obtained from sources outside Lewes [BPWBOARD OF PUBLIC WORKS](#), including disks brought from home; files downloaded from the Internet, new groups, bulletin boards, or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses that may damage Lewes [BPWBOARD OF PUBLIC WORKS](#)'s computer network.

Employees should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non- Lewes [BPWBOARD OF PUBLIC WORKS](#) sources, without first scanning the material with Lewes [BPWBOARD OF PUBLIC WORKS](#)-approved virus checking software. If you suspect that a virus has been introduced into Lewes [BPWBOARD OF PUBLIC WORKS](#)'s network, notify the IT Department immediately.

Sending unsolicited e-mail (spamming).

Without the express permission of their supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

USE OF THE INTERNET VIA LEWES [BPWBOARD OF PUBLIC WORKS](#)'S COMPUTER SYSTEM CONSTITUTES CONSENT BY THE USER TO ALL OF THE TERMS AND CONDITIONS OF THIS POLICY.

Corrective Action

Any employee who does not comply with Lewes Board of Public Works internet policy and procedures shall be subject to corrective action up to and including dismissal.

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Disciplinary Procedure

It is Lewes Board of Public Works' policy to establish disciplinary methods that are effective, fair, and consistently applied to all employees.

Types of Corrective Measures

Counseling. Counseling is a personal meeting between Supervisor and employee to alleviate minor problems or errors in judgment.

Oral Reprimand. An oral reprimand is not a matter of record but may be used by a supervisor to indicate disapproval concerning a specific act, infraction, or violation of a policy or procedure.

Written Reprimand. A written reprimand is a matter of record for use by department supervisors and the General Manager. This form of disciplinary action is used for a series of minor infractions or a serious infraction that, in the opinion of the department supervisor or the General Manager, does not warrant more serious disciplinary action.

Loss of Increment. Loss of increment means that an employee is not considered for their annual increase in pay for that year. Loss of increment may arise when an employee receives two (2) written reprimands during a twelve (12) month period, which may result in the employee's suspension for a period of time without pay and they may not be considered for any annual incremental increase in pay.

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Demotion. A demotion is the movement of an employee from one merit system position to another with a lower grade level assignment. It need not, but may, result in a reduction in current salary. A written statement setting forth the reasons for a demotion shall be furnished to the affected employee at least five (5) working days prior to the proposed effective date of the action.

Suspension Without Pay. Any employee may be suspended without pay for reasons of misconduct, negligence, inefficiency, insubordination, repeated unauthorized absences, or other offenses as determined by the General Manager when given the nature of the offense, other personnel actions would be inappropriate. A department supervisor, upon approval by the General Manager or a designated person, shall have the authority to suspend individuals without pay for a period of time ranging from the remainder of a working day to fifteen (15) working days. Suspensions shall be made in writing and delivered by hand by the department supervisor or forwarded to the employee by certified mail with a return receipt.

Suspension - pending trial. An employee who is charged with committing an indictable offense while in the execution of their office may be suspended without pay at the discretion of the General Manager until such time as the case has been disposed by the appropriate court. Benefits shall continue to accrue and the salary due the employee shall be held in trust pending the court's decision. Employees who are acquitted shall have any amounts of salary which have been held in trust returned to them along with accrued interest at the prevailing savings account rate. In the event the employee is found guilty of the offense, the

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General Manager shall seek a legal opinion as to the appropriate disposition of any salary which has been withheld.

Dismissal. Dismissal is the removal of an employee from Lewes [BPWBOARD OF PUBLIC WORKS](#)'s employment. In general, any employee may be dismissed for the inability to perform required work or for misconduct, negligence, inefficiency, insubordination, repeated unauthorized absence or the commission of other offenses in the opinion of the General Manager when, given the nature of the offense, other personnel actions would be inappropriate. The following list, while not inclusive, also may be cause for dismissal:

- 1. Conviction of a felony or any criminal offense involving moral turpitude;
- 2. Intoxication or under the influence of drugs while on duty;
- 3. Wanton carelessness or gross negligence in the performance of duties;
- 4. Wanton offensive behavior or the brutal treatment of fellow employees or other persons;
- 5. Violation of law, ordinance, or regulations;
- 6. Failure to obey any order or direction made or given by a supervisor when such failure to obey amounts to an act of insubordination;
- 7. Engaging in a private business or in a trade or occupation, the nature of which interferes with the proficient performance of duties for the employer or which could be a conflict of interest;
- 8. Receipt of unsatisfactory performance evaluations;
- 9. Absent without permission or good cause for three consecutive days and/or without notifying the employee's department supervisor of the employee's intention to return to work;
- 10. Excessive absenteeism and/or misuse of sick leave; or
- 11. Any other conduct when given the nature of the offense, other personnel action, in the opinion of the General Manager, would be inappropriate.

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Grievance

Legitimate problems and differences of opinions will arise between the employer and its employees. It shall be the responsibility of all department supervisors and other administrators to establish and maintain a work climate within which an employee's grievance may be identified, presented, discussed and given fair prompt consideration. In presenting a grievance, an employee must be assured freedom from restraint, interference, coercion, discrimination and reprisal.

Employees have the right to representation of their own choosing and expense at any level of review. A grievance is a formal written complaint by an employee arising out of a misunderstanding or disagreement between an employee and supervisor that expresses dissatisfaction concerning a condition of employment or treatment by management, supervisors, or other employees.

Procedure

Filing a Grievance. In the event a problem cannot be settled informally through oral discussions with an employee's supervisor, a grievance may be filed if an employee alleges that they have been adversely affected:

- a.1. ~~violation~~Violation, misinterpretation or improper application of established laws, regulations, procedures or policies;

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- b.2. ~~improper~~ Improper or unfair act by a supervisor or other employee that may include coercion, restraint, reprisal, harassment, or intimidation;
- e.3. ~~improper~~ Improper, inequitable, or unfair act in the administration of the merit system that may include promotional opportunities, selection for training, duty assignments, work schedules, transfers, and reductions in force;
- d.4. ~~improper~~ Improper, inequitable, or unfair application of compensation policies and employee benefits, which may include salary, pay differentials, awards, overtime pay, leave, insurance, retirement, and holidays, or
- e.5. ~~disciplinary~~ Disciplinary actions that may include written reprimands or suspensions.

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Grievance Procedure. When an employee has a grievance, the following successive steps are to be taken. The number of days for each step should be considered the maximum number of working days unless otherwise provided and every effort should be made to expedite the process. Time limits at any step, however, may be extended by mutual consent. All documents used in this procedure must be dated and signed by the respondent and recipient. The procedure for the presentation, consideration, and disposition of an employee grievance is as follows:

Any employee with a complaint or problem relating to work is encouraged to try to resolve the problem through an honest and frank discussion with **their** supervisor. However, when an employee, who has completed the introductory period, has a grievance, **they** may within ten (10) working days of the cause of the grievance, present the grievance in writing to **their** department supervisor. The supervisor shall, within three (3) working days of receiving an employee's written grievance, meet and discuss the grievance with the employee and then reply to the employee in writing within three (3) working days of their meeting. The grievance and the answer shall be reported to the General Manager.

In the event the immediate supervisor's decision is not satisfactory to the employee, the employee may within five (5) working days of receiving the supervisor's written reply, present the grievance in writing to the General Manager. The General Manager shall confer with the employee and the department supervisor about the grievance within five (5) working days after the grievance is presented and shall present **their** decision to the employee within ten (10) working days after the conference is held. The General Manager's decision shall be final unless an appeal is filed with the President of the Elected Board. The General Manager will then provide to the President a written report of **their** investigation of the matter and a copy of **their** response given to the employee. The Elected Board will then meet with the employee to discuss the problem and will provide the employee with a written response within five (5) working days of the meeting. The Elected Board's decision will then be the final one.

No record of the employee's use of the grievance procedure will be maintained in the employee's personnel file unless the employee requests that such a record be kept.

Lewes [BPWBOARD OF PUBLIC WORKS](#) reserves the right to unilaterally modify or revoke this procedure in its sole discretion.

Time Off and Leaves of Absence

Holidays

[The Lewes Board of Public Works will observe Holidays listed on the Delaware State Holiday Calendar.](#)

~~Lewes Board of Public Works observes holidays in recognition of certain people and events. All regular full-time employees are eligible for the recognized State and Federal holidays with pay, which may include but not limited to: Lewes Board of Public Works observes thirteen (13) holidays in recognition of certain people and events. All regular full-time employees are eligible for the following recognized State and Federal holidays with pay:~~

1. New Year's Day
2. Martin Luther King, Jr. Birthday
3. Presidents' Day
4. Good Friday
5. Memorial Day
6. Fourth of July
7. Labor Day
- ~~8. Columbus Day (Floating Holiday)~~
- ~~9-8.~~ Veteran's Day
- ~~10-9.~~ Election Day (every second year)
- ~~11-10.~~ Thanksgiving Day
- ~~12-11.~~ Day following Thanksgiving Day (Friday)
- ~~13-12.~~ Christmas Day

For other holiday's not listed above, see Delaware State Holiday Calendar.

Temporary or part-time employees shall be eligible for time off, but shall not receive any compensation for the holiday.

Holiday Pay

All holidays shall be on a time-off with pay basis for eligible employees and pay shall be computed at the employee's current regular weekly salary rate or based on 40 hours for hourly paid employees.

Holiday Falling on Unscheduled Workday

When a holiday falls on a Saturday, a paid holiday is granted on a Friday. When a holiday falls on a Sunday, a paid holiday is granted on Monday.

Holiday Falling During Leave of Absence

Regular holidays that occur during any leave period, except unpaid leave of absence or unpaid military leave, shall not be considered as leave. If a holiday within a scheduled vacation period, the employee may take an additional day of vacation to compensate for the holiday or may retain the vacation day to be taken ~~at a later date.~~

Religious observances

Employees who need time off to observe religious practices or holidays not already scheduled by Lewes ~~BPWBOARD OF PUBLIC WORKS~~ should speak with their supervisor. Depending upon business needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. Lewes ~~BPWBOARD OF PUBLIC WORKS~~ will seek to reasonably accommodate individuals' religious observances.

Vacation

All vacation will become retroactive to the date of employment for employees who satisfactorily complete the six-month probationary period.

All regular full-time employees, having completed their six (6) month introductory period, are eligible to utilize accrual of vacation time for rest and relaxation, medical appointments, illness when sick leave is exhausted and for absences due to adverse weather conditions and other times as approved by the General Manager. Temporary and part-time employees are not eligible for vacation leave. Accrual of vacation leave shall be determined with length of continuous service credit. An employee is eligible for vacation according to the following schedule and other times as approved by the General Manager:

- ~~each regular full-time employee up to five (5) complete years of service shall receive twelve (12) days of vacation leave per calendar year, prorated at the rate of one (1) day for each complete month of service;~~
- ~~each regular full-time employee with five (5) complete years of service but less than ten (10) complete years of service shall receive eighteen (18) days of vacation leave per calendar year, prorated at the rate of one and one-half (1 1/2) days for each completed month of service;~~
- ~~each regular full-time employee with ten (10) or more complete years of service shall receive twenty-four (24) days of vacation time per completed year, prorated at the rate of two (2) days for each completed month of service.~~
- ~~each regular full-time employee up to five (5) complete years of service shall earn vacation leave at the rate of twelve (12) days per completed year, prorated at the rate of one (1) day for each complete month of service;~~
- ~~each regular full-time employee with five (5) complete years of service but less than ten (10) complete years of service shall earn vacation at the rate of eighteen (18) days per completed year, prorated at the rate of one and one-half (1-yr) days for each completed month of service;~~
- ~~each regular full-time employee with ten (10) or more complete years of service shall earn vacation leave at the rate of twenty-four (24) days per completed year, prorated at the rate of two (2) days for each completed month of service.~~

Accumulation

Vacation time is cumulative from year to year so long as the employee takes seven (7) consecutive calendar days away from working during the twelve (12) month period. Total accumulated vacation time is limited to an amount equal to the employee's maximum vacation leave earned per completed years of service:

- each regular full time employee with five (5) years of service or less may accumulate no more than 12 (12) days of unused vacation leave as of the fiscal year end March 31 of each year;
- each regular full time employee with five (5) years of service but less than ten (10) complete years of service may accumulate no more than eighteen (18) days of unused vacation leave as of the fiscal year end March 31 of each year;
- each regular full time employee with ten (10) or more complete years of service may accumulate no more than twenty-four (24) days of unused vacation leave as of the fiscal year end March 31 of each year.

If an employee has accumulated more than the maximum allowable amount of unused vacation leave on April 1 of any year, the amount of accumulated vacation days shall be reduced to the permitted maximum.

Vacation Pay

All vacations shall be on a time off with pay basis for eligible employees, and pay shall be computed at the employee's current weekly salary rate based on 40 hours for hourly paid employees.

Benefit Accrual

While an employee is on vacation leave, benefits and other leaves shall accrue as though on regular duty.

Severance Pay

Employees leaving Lewes [BPWBOARD OF PUBLIC WORKS](#)'s employment on or before the 15th of a month will not receive vacation credit for that month; those departing after the 15th of the month will receive vacation credit for that month. All accumulated vacation time will be paid to the employee.

Holiday Falling During Vacation

A paid holiday that occurs during an employee's vacation shall not be considered as a day of vacation. The employee shall be granted the option of taking an additional day of vacation at the time of the current vacation or of retaining the vacation day to be taken at a later date.

Pay in Lieu of Vacation

Employees have the option to receive pay for unused vacation so long as the employee takes seven (7) consecutive calendar days away from working during the twelve (12) month period and leave a balance of no less than 5 days. Employees may use this option two (2) times during a twelve (12) month period and will receive payment in the next regular payroll.

Authorization

Vacation can be taken only when authorized by the General Manager after it has been requested through the Department Supervisor for the individual employee. Due consideration shall be given to the employee's personal desires, length of service and the efficient operation of Lewes [BPWBOARD OF PUBLIC WORKS](#).

Family and Medical Leave Act (FMLA)

[Lewes Board of Public Works complies with the federal Family and Medical Leave Act \(FMLA\), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The company also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.](#)

[Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the Office Manager to discuss options for leave.](#)

[The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies \(schools\), to provide eligible employees](#)

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up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

Basic Leave Entitlement

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee’s child after birth or placement for adoption or foster care; (3) to care for the employee’s spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member’s active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections During FMLA Leave

During FMLA leave, Lewes Board of Public Works will maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to Lewes Board of Public Works operations. A “key” employee is an eligible salaried employee who is among the highest paid ten percent of Lewes Board of Public Works employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

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Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employee Eligibility

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The FMLA defines eligible employees as employees who: (1) have worked for Lewes Board of Public Works for at least 12 months; (2) have worked for Lewes Board of Public Works for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of Lewes Board of Public Works worksites that taken together have a total of 50 or more employees.

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Definition of Serious Health Condition

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A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

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An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

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Substitution of Paid Leave for Unpaid Leave

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Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, Lewes Board of Public Works requires employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active-duty status in support of a contingency operation. To use paid leave for FMLA leave, employees must comply with Lewes Board of Public Works normal paid leave procedures found in its Vacation and Sick Leave policies.

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Employee Responsibilities

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Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Lewes Board of Public Works normal call-in procedures. Lewes Board of Public Works may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for Lewes Board of Public Works to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform Lewes Board of Public Works if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. Lewes Board of Public Works also may require a second, and if necessary, a third opinion (at Lewes Board of Public Works expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. Lewes Board of Public Works also may delay or deny approval of leave for lack of proper medical certification.

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Lewes Board of Public Works Responsibilities

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Lewes Board of Public Works will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, Lewes Board of Public Works will provide a reason for the ineligibility.

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Lewes Board of Public Works will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If Lewes Board of Public Works determines that the leave is not FMLA-protected, Lewes Board of Public Works will notify the employee.

Other Provisions

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Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

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Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when Lewes Board of Public Works has approved the employment under its Outside Employment policy and the employee's reason for FMLA leave does not preclude the outside employment.

Unlawful Acts by Employers

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The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement

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An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

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The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining

Lewes Board of Public Works will provide Family and Medical Leave Act (FMLA) leave to its eligible employees. The company posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in (posted location).

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Office Manager in writing.

General Provisions

Under this policy, Lewes BPW will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness). The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the company for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered

To qualify as FMLA leave under this policy, the leave must be for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of their position.

Under the FMLA, a “spouse” means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either:

- a) was entered into in a state that recognizes such marriages; or
- b) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Human Resource Manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 5) Qualifying exigency leave for families of members of the National Guard or Reserve or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. short notice deployment
- b. military events and activities
- c. child care and school activities
- d. financial and legal arrangements
- e. counseling
- f. rest and recuperation
- g. post deployment activities

h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserve, or a member of the Armed Forces, the National Guard or Reserve who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which they are undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserve, or members on the permanent disability retired list.

6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

a) A “son or daughter of a covered servicemember” means the covered servicemember’s biological, adopted, or foster child, stepchild or legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

b) A “parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents in law.

c) The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember’s next of kin. Alternatively, where a covered servicemember has siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember’s next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to § 825.122(k).

“Covered active duty” means:

(a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

(b) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

(7) Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran:

An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks of leave in a single 12-month period to care for that servicemember.

Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

The term "covered servicemember" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserve) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserve) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term "serious injury or illness" means:

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserve), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating;

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserve) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Amount of Leave

An eligible employee can take up to 12 weeks for the FMLA circumstances (No. 1) through (No. 5) above under this policy during any 12-month period. Lewes BPW will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken

under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (No. 6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the company and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

Employee Status and Benefits During Leave

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company will require the employee to reimburse the company the amount it paid for the employee's health insurance premium during the leave period.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from a health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The BPW will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The company may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period).

The BPW may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the BPW and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the company before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Certification for the Employee's Serious Health Condition

Lewes BPW will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will

be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The BPW may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's permission for clarification of individually identifiable health information.

The BPW has the right to ask for a second opinion if it has reason to doubt the certification. The BPW will pay for the employee to get a certification from a second doctor, which the company will select. The company may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The company and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification for the Family Member's Serious Health Condition

Lewes BPW will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

Lewes BPW may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The BPW will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's family member's permission for clarification of individually identifiable health information.

Lewes BPW has the right to ask for a second opinion if it has reason to doubt the certification. The BPW will pay for the employee's family member to get a certification from a second doctor, which the company will select. The company may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The BPW and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

Certification of Qualifying Exigency for Military Family Leave

The BPW will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the

delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Lewes BPW will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

Recertification

Lewes BPW may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the BPW may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The BPW may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Office Manager. Within five business days after the employee has provided this notice, the Office Manager will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Unpaid Leave of Absence

All Lewes Board of Public Works employees shall be eligible for an unpaid leave of absence for, in most cases, one of the following reasons:

- ~~personal~~ Personal or family disability;
- ~~continuation~~ Continuation of education;
- ~~special~~ Special work that will permit Lewes ~~BPW~~BOARD OF PUBLIC WORKS to benefit by the experience gained or the work performed; or
- ~~any~~ Any reason considered by the General Manager to be in the best interest of Lewes ~~BPW~~BOARD OF PUBLIC WORKS on recommendation of the employee's immediate supervisor.

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Demonstration of Need

For the reason of personal or family disability, each employee who requests an unpaid leave of absence shall demonstrate an extreme need for time off work before the leave is granted.

Duration

Eligible employees may be granted an unpaid leave of absence for up to six (6) month by the General Manager, provided the employee has exhausted all other appropriate leaves of absence. An extension of leave may be granted by the General Manager however, no unpaid leave of absence shall exceed a total of one (1) year.

Benefit Accrual

While an employee is on an unpaid leave of absence, benefits and other leaves shall cease until the employee returns to active work status. The employee shall continue to be eligible for benefits under the Board's group health insurance plan provided the employee shall be responsible for the payment of the total insurance premium.

Authorization

When an employee is able to return to work after an unpaid leave of absence, the employee shall, as soon as they would know when they will be available to return, notify Lewes ~~BPW~~BOARD OF PUBLIC WORKS and Lewes ~~BPW~~BOARD OF PUBLIC WORKS will determine whether the employee is entitled to return to work. If Lewes ~~BPW~~BOARD OF PUBLIC WORKS determines that the employee will be allowed to return, Lewes ~~BPW~~BOARD OF PUBLIC WORKS will determine the position to which the employee will be returned. Lewes ~~BPW~~BOARD OF PUBLIC WORKS is under no obligation to return an employee to a certain position.

Sick Leave

Paid sick leave is provided to allow employees to be absent from work because of their own illness or the illness of an immediate family member. The purpose of this policy is to communicate paid sick leave eligibility criteria, award and accumulation and the process for taking paid sick leave.

All full-time Lewes Board of Public Works employees are eligible for paid sick leave in accordance with this policy. This policy does not apply to part-time employees.

Employees may use paid sick leave to care for their own illness or for that of an immediate family member, including doctor appointments.

Accrual

Each eligible employee shall earn sick leave at the rate of twelve days per completed year, prorated at the rate of one (1) day for each completed month of service. Paid sick leave provisions are contingent upon full-time, continued employment. Employees may carry over unused remaining sick leave from one fiscal year to the next up to a maximum of 90 days (not to exceed 720 hours).

Definition

Eligible employees under this policy are defined as employees having a formal status of full-time with Lewes [BPWBOARD OF PUBLIC WORKS](#) and who generally work on average a minimum of 30 hours per week

Immediate family is defined as: father, father-in-law, step-father, mother, mother-in-law, step- mother, son, son-in-law, daughter, daughter-in-law, step-children, brother, sister, spouse, grandmother, grandfather, granddaughter and grandson.

Sick Leave Pay

An employee may not use paid sick leave before it has been earned. Sick leave pay is based on regularly scheduled work hours not to exceed 40 hours in any one week. For example, an employee working ten-hour days, four days a week, will use ten hours of sick leave on the regularly scheduled work day they are unable to work for the aforementioned reasons. Further, an employee working six-hour days, five days a week will use six hours of sick leave on the regularly scheduled work day they are unable to work for the aforementioned reasons. Sick leave shall also accrue as stated in the examples above.

Benefit Accrual

While an employee is on sick leave, benefits shall continue as though on regular duty. When the employee returns from such leave, the time spent on leave shall be considered as continuous service in computing vacation and sick leave.

Notification

Each employee who will be absent from work to take sick leave shall report such absence to their supervisor no later than one-half hour after the employee's scheduled starting time. If you cannot reach your supervisor, you are to try to contact the General Manager. Make sure to have appropriate phone numbers available to you. Because of the critical nature of shift work, a shift worker must notify the on-duty shift supervisor of a desire to take sick leave no later than one- half hour prior to the beginning of the shift. Each employee who fails to provide Lewes [BPWBOARD OF PUBLIC WORKS](#) with the required notice shall be considered to be absent from work without approval, shall receive no compensation while absent, and may be subject to termination from employment for such unapproved absence.

Lewes [BPWBOARD OF PUBLIC WORKS](#) may at its discretion request an employee to submit proof of illness, to include a request of the employee to obtain a physician's statement. Lewes [BPWBOARD OF PUBLIC WORKS](#) may also request a physician to examine an employee who has been ill for more than three (3) days. If an employee is absent two (2) days without notification of the supervisor, they are considered to have "quit without notice" subject to investigation on a case by case basis.

Verification

The employee may be required to provide the supervisor with medical verification documenting the absence. Lewes [BPWBOARD OF PUBLIC WORKS](#) can request the doctor be of its choice. Each employee who knowingly falsifies information provided to Lewes [BPWBOARD OF PUBLIC WORKS](#) regarding any sick leave absence shall receive no compensation while absent, and may be subject to termination from employment for such falsification of information.

Excessive Sick Leave

Counseling. The department supervisor shall meet with the employee to determine if there is reason to believe that the employee may be abusing the sick leave benefit. If the department supervisor determines that the employee's use of sick leave has been proper and justified, there shall be no further action taken with the employee at that time.

If the department supervisor determines that there is sufficient reason to believe that the employee may be abusing the sick leave benefit, the department supervisor shall initiate corrective measures to reduce the employee's sick leave usage rate.

Corrective Measures.

The department supervisor shall explain and clarify policies and standards concerning the use of sick leave to the employee.

The department supervisor shall provide the employee with written notification that the employee will be required to submit medical verification for each and every sick leave absence during the next six (6) months.

The employee's supervisor shall closely monitor the employee's attendance record and may telephone the employee during future absences.

The employee's supervisor shall note on the employee's performance evaluation that the employee's attendance has been unsatisfactory, the acceptable standards for attendance and a schedule for improvement.

The department supervisor shall explain disciplinary measures for failure to comply with this policy.

Disciplinary Measures First offense. If the employee is absent from work and fails to submit the required medical verification, then they shall receive no compensation for the absence and shall also receive a written reprimand to be placed in the employee's personnel file.

Second offense. If the employee is absent from work on two (2) separate occasions and fails to submit the required medical verification, then they shall receive no compensation for the absence and shall also be suspended without pay for three (3) workdays.

Third offense. If the employee is absent from work on three (3) separate occasions and fails to submit the required medical verification, then they shall receive no compensation for the absence and shall also be terminated from employment.

Child Care Leave/Parental Leave

Lewes Board of Public Works employees shall be eligible for parental leave to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children.

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Eligibility

Eligible employees must meet the following criteria:

- Have been employed with the company for at least 12 months (the 12 months do not need to be consecutive).
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

Duration

An eligible employee shall be allowed to remain absent from work for a maximum of six (6) weeks of parental leave per birth, adoption or placement of a child/children.

In the event of a female employee who herself has given birth, the six weeks of parental leave will commence when the employee is declared by her physician to be physically incapacitated.

Parental Leave Pay

All approved parental leave shall be on a time off without pay basis after the employee has exhausted all accumulated sick leave and vacation leave.

Benefit Accrual

While on parental leave, benefits shall continue as though on regular duty. When the employee returns from such leave, the time spent on leave shall be considered as continuous service in computing vacation and sick leave.

Reinstatement

Upon returning to duty, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority or pay. This may include any cost of living

adjustments or salary range adjustments that may have occurred during said leave. If the employee decides not to return to work, the supervisor should be notified immediately.

Notification

Employees desiring a parental leave of absence are required to notify their supervisor at least one month prior to the date of the requested leave. A request for parental leave carries with it the intention to return to Lewes [BPWBOARD OF PUBLIC WORKS](#)'s employment.

Military Leave

All regular full-time and part-time employees who are members of the National Guard or Armed Forces Reserve, and are drafted, enlist or called to active duty are eligible for military leave.

Temporary employees shall not be eligible for military leave.

Duration of Military Training Leave

Regular employees who are members of the National Guard or Armed Forces Reserve shall be allowed fifteen (15) days military training leave per calendar year.

Military Training Leave Pay

If the compensation received while on military training leave is less than the salary that would have been earned during this same period as a Lewes [BPWBOARD OF PUBLIC WORKS](#) employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or guardsman and the salary that would have been earned during this same period as a Lewes [BPWBOARD OF PUBLIC WORKS](#) employee. An employee may elect to take accumulated vacation leave instead of military leave in order to receive compensation as if on regular duty. If military duty is required beyond the fifteen (15) work day period, the employee shall be eligible to take accumulated vacation leave, holiday leave, or be placed in a leave without pay status.

Reinstatement

Reinstatement of Employees who Enlist, are Drafted, or Called to Active Duty Employees who enlist, are drafted, or called to active duty in the U.S. Armed Forces will be terminated from employment, but have reinstatement rights as provided by the Veterans Reemployment Rights Act. Employees are entitled to be

reinstated with full seniority rights for military time served. To be so entitled, however, the individual must:

- ~~a.~~1. ~~apply~~ Apply for reinstatement within ninety (90) calendar days following release from active duty;
- ~~b.~~2. ~~not~~ Not have served more than four (4) years;
- ~~c.~~3. ~~have~~ Have completed the period of active duty in a satisfactory manner, with discharge certificate to that effect;
- ~~d.~~4. ~~be~~ Be qualified to perform the duties of the position. If disabled during military service, the employee will be entitled to the closest comparable position they are able to perform.

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PTO Donation Policy

Lewes Board of Public Works recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for paid time off in excess of their available sick/personal time. We also acknowledge our employees willingness to help their colleagues through difficult life events and the need for a mechanism to allow them to help in a meaningful way. To address this need, all eligible employees will be allowed to donate accrued paid sick or personal leave hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

Eligibility

Employees must have been employed with Lewes [BPWBOARD OF PUBLIC WORKS](#) for a minimum of one year to be eligible to donate and/or receive donated sick/personal time.

Guidelines

Employees who would like to make a request to receive donated sick/personal time from their co-workers must have a situation that meets the following criteria:

Medical emergency, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child or parent.

Major disaster, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

Donation of Sick/Personal Time

1. The donation of sick/personal time is strictly voluntary.
2. Donated sick/personal time will go into a leave bank for use by eligible recipients.
3. Recipient identity will not be disclosed to donating employees.
4. The donation of sick/personal time is on an hourly basis, without regard to the dollar value of the donated or used leave.

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- 5. The minimum number of sick/personal hours that an eligible employee may donate is 4 hours per calendar year; the maximum is 40 hours or no more than 50 percent of the employee's current balance.
- 6. Employees cannot borrow against future sick/personal time to donate.
- 7. Employees will be given the opportunity to donate sick/personal time annually during benefits open enrollment. The donated sick/personal time will be transferred from the donor to the leave pool on December 31st.
- 8. Employees who are currently on an approved leave of absence cannot donate sick/personal time.

Requesting Donated Sick/Personal Time

Employees who would like to request donated sick/personal time are required to complete a Donation of Sick/Personal Time Request Form and submit it to human resources.

Requests for donations of sick/personal time must be approved by the employee's immediate supervisor and the General Manager.

If the recipient employee has available sick/personal time in their balance, this time will be used prior to any donated sick/personal time. Donated sick/personal time may only be used for time off related to the approved request.

Employees who receive donated sick/personal time may receive no more than 480 hours (12 weeks) within a rolling 12-month period.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

Bereavement Leave

Each regular full-time employee who experiences the death of a member of the employee's immediate family shall be eligible for bereavement leave from work with pay. Temporary or part-time employees shall be eligible for such leave, but shall not receive any compensation for the funeral leave.

Duration

Each employee may be allowed to use up to a maximum of three (3) workdays of funeral leave for the death of a member of the employee's immediate family. The immediate family shall include the employee's spouse, children, parents, parents-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, and stepfamily. If an employee wishes to extend the leave beyond the maximum three (3) days allowed, they will be permitted to deduct the additional days from accumulated sick or vacation time.

Bereavement Leave pay

All funeral leave for eligible employees shall be on a time-off with pay basis and pay shall be computed at the employee's current regular weekly salary rate or based on 40 hours for hourly paid employees.

Benefit Accrual

While an employee is on funeral leave, benefits shall continue as though on regular duty. When the employee returns from such leave, the time spent on leave shall be considered as continuous service in computing vacation and sick leave.

Notification

Each employee who will be absent from work on funeral leave must notify his or her supervisor as soon as reasonably possible. The employee may be required to provide the supervisor with proof of death and relationship.

Civil Leave

Any Lewes Board of Public Works employee called for jury duty or as a witness in any civil or criminal legal proceeding shall receive civil leave with pay. Temporary or part-time employees shall be eligible for time off, but shall not receive any compensation for the civil leave. (Title 10, Delaware Code §4515)

All civil leave for eligible employees shall be on a time off with pay basis and pay shall be computed at the employee's current regular weekly salary rate or based on 40 hours for hourly paid employees.

Benefit Accrual

While on civil leave, benefits shall continue as though on regular duty. When the employee returns from such leave, the time spent on leave shall be considered as continuous service in computing vacation and sick leave.

Reporting to Work

Regular full-time employees shall be expected to report to work when they are not serving as a juror or a witness or if the case is settled or the employee is not selected to serve. The employee may be required to provide the supervisor with proof of service as a juror or witness. In unusual cases, Lewes [BPWBOARD OF PUBLIC WORKS](#) may request that an individual be excused or deferred from jury duty for a particular period of time.

Notification

Each employee who is summoned for jury duty shall notify their supervisor as soon as is reasonably possible so that arrangements can be made to cover the job assignments.

Employee Benefits

Lewes Board of Public Works recognizes the value of benefits to employees and their families. The company supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the company Summary Plan Descriptions (SPD), ~~which are found on the company intranet,~~ or contact the Office or General Manager. To the extent of the information provided here conflicts with the SPD or full plan document, the full plan document will control.

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Blood Bank

Lewes Board of Public Works shall make available to regular full-time employees the option of joining the Blood Bank of Delaware group plan. Temporary or part-time employees shall not be eligible for the Blood Bank group plan.

Annual dues shall be paid by Lewes ~~BPW~~ **BOARD OF PUBLIC WORKS** for eligible employees. This program provides protection for the employee and ~~their~~ dependents if the need for blood arises. Under the group plan, the employee and ~~their~~ dependents are protected in all states that honor Blood Replacement for an unlimited amount of blood.

Enrollment

Any eligible employee who wishes to enroll in the Blood Bank group plan should notify the ~~Office~~ **Manager or Assistant General Manager.**

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Commented [A70]: Updated based on Lewes BPW Board, Team, and Attorney comments.

~~Suggestion Program~~

Commented [A71]: Updated based on Lewes BPW Board, Team, and Attorney comments.

~~As employees of the Lewes Board of Public Works, you have the opportunity to contribute to our future success and growth by submitting suggestions for practical work improvement or cost-savings ideas.~~

~~All fulltime employees are eligible to participate in the suggestion program.~~

~~A suggestion is an idea that will benefit Lewes BPW by solving a problem, reducing costs, improving operations or procedures, enhancing customer service, eliminating waste, or making Lewes BPW a better or safer place to work. Statements of problems without accompanying solutions, or recommendation concerning co-workers and management are not appropriate suggestions.~~

~~All suggestions must be submitted on a suggestion form and should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and the reasons why it should be implemented. If you have questions or need advice about your idea, contact your supervisor for help.~~

~~Submit suggestion to the General Manager. As soon as possible, you will be notified of the adoption or rejection of your suggestion.~~

Special recognition and a cash award will be given to employees who submit a suggestion that is implemented. If your suggestion is implemented, Lewes BPW will determine the cash award that will be made. Cash awards are based on the subjective judgment of Lewes BPW depending on the measurable value of the suggestion.

Some policies provide a breakdown of cash rewards. Here is a sample breakdown:

https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_021282.aspx

<i>Net 1st Year Savings/Revenue</i>	<i>Award</i>
\$20,000 or more	\$5,000 + 1% of amount of savings/revenue over \$20,000
\$10,001 – \$19,999	25% of the savings/revenue + \$500
\$501 – \$10,000	25% of the savings/revenue
\$100 – \$500	25% of the savings/revenue or 1 day of paid leave (employee's choice)

Commented [A72]: EW: SO A \$30,000 IDEA THAT IS EXECUTED, GENERATES ~\$13,000 TO THE PERSON THAT HAD THE IDEA. THE MATH IS BETTER FOR SAVINGS THAN FOR REV DUE TO EXP. THE PAYOUTS DON'T CONCERN ME. THE QUESTION IS THE PROCESS TO GENERATE THE IDEAS AND HOW TO FOCUS ON BROADER TOPICS AS WELL LIKE CUSTOMERS. HAVE THE PAST PROGRAM WORKED...DO WE HAVE A STRUCTURE ON HOW WE DO THIS

Commented [A73R72]: Review by Lewes Team.

Group Health Insurance

Lewes Board of Public Works may offer major medical insurance for all employees and their dependents upon full-time employment. Temporary or part-time employees shall not be eligible for the group health insurance benefits.

Program

The Lewes Board of Public Works provides comprehensive hospitalization and major medical coverage for employees and families. The plan is a Health Savings EPO HSA account with Highmark Delaware. The plan provides a deductible of \$2500 a year for employee only coverage and \$5000 per year for employee plus family coverage. The Lewes Board of Public Works currently funds the HSA account. Lewes BPW provides group hospitalization coverage for employees. The Plan is a comprehensive major medical plan with Blue Cross Blue Shield of Delaware. The plan provides a deductible of \$2,000 per year for employees only coverage and \$6,000 per year for employee plus family coverage. The employee shall be responsible for up to one third (1/3) of the deductible not to exceed \$400 for single and \$1200 for family.* Lewes BPW shall provide notice to the employee for reimbursement to Lewes BPW.

COBRA- Continued Coverage

A group health plan is not subject to COBRA if an employer had less than 20 employees for more than 50 percent of its normal business days in the previous calendar year. In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), an employee who is covered by Lewes BPW's group health insurance is entitled to choose "continued coverage", or a temporary extension of health coverage, on a self-pay basis for eighteen (18) months if coverage ceases because:

- ~~a. the employee's employment is terminated (for a reason other than gross misconduct); or~~
- ~~b. the employee's hours or employment are reduced.~~

COBRA - Continued coverage of spouse and/or dependents

~~*1/1/11 plan changed from a 1200/3600 deductible to a 2000/6000 deductible with the employee's portion one third as if it was the 1200/3600 deductible.~~

Commented [A74]: Preston: this should be on the same page as where the * was originally notated

Group Life & Accidental Death & Dismemberment Insurance

Lewes Board of Public Works provides group life and accidental death and dismemberment insurance for all its employees upon full-time employment at no cost to the employee.

Temporary or part-time employees shall not be eligible for these insurance benefits.

The group life coverage provides a death benefit in the amount of twice an employee's annual salary, subject to a maximum of \$175,000, and accidental dismemberment coverage, based on a schedule, both rounded to the next \$1,000.

All eligible employees should complete an enrollment form upon completion of a satisfactory six (6) month introductory period.

Long-Term Disability

Long-term disability benefits are offered to full-time employees working a minimum of 30 hours per week. If an employee becomes totally disabled and cannot work for an extended period of time, this coverage pays 60 percent of the employee's salary, up to the policy limits. This is a voluntary benefit and is funded solely by the employee.

Long-term disability benefits will run concurrently with FMLA leave and/or any other leave where permitted by state and federal law.

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Pension

This plan shall continue for employees currently enrolled; however, Lewes Board of Public Works will not make further contributions as of March 31, 2010. There will be no further or additional accumulation of benefits under this Plan. Current benefits for vested employees and beneficiaries will be maintained.

Part-time employees who work at least 1,000 hours in a twelve (12) month period are eligible for retirement benefits offered to other full-time employees.

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"457 Plan"

Lewes Board of Public Works has established a "457 Plan" pursuant to federal law, IRC §457. Lewes [BPWBOARD OF PUBLIC WORKS](#) will provide a matching contribution to an employee contribution up to a maximum 7.5% of the employee's wages. Employees may enroll after completing (6) months of service with Lewes [BPWBOARD OF PUBLIC WORKS](#).

Social Security

All employees of Lewes Board of Public Works shall be provided social security benefits.

The cost of the individual, matched by Lewes [BPWBOARD OF PUBLIC WORKS](#), is scheduled by federal law as a percentage of designated base salary. These deductions are taken from each paycheck. In addition to retirement, disability and survivor benefits, the Social Security program provides Medicare hospital and medical surgical benefits.

Enrollment

All Lewes [BPWBOARD OF PUBLIC WORKS](#) employees are automatically enrolled upon employment. Employees are encouraged to obtain a statement of earnings credited to one's Social Security account and a projection of the expected benefits upon retirement. This information can be obtained, free of charge, from the Social Security Administration by filling out Form SSA-7004PC, Request for Statement of Earnings. Employees should contact their regional Social Security office three months prior to retirement to apply for benefits. A detailed explanation of the coverage listed above or a Request for Statement of Earnings can be obtained from the [Office Manager](#).

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Employee Non-cash Award and Recognition Program

Recognition, length of service, and retirement non-cash awards must conform to the requirements listed below:

An employee's noteworthy work-related accomplishment may be acknowledged by the presentation of an item of tangible personal property of minimal value such as flowers, fruit, a book or similar item; a ticket for a sporting or cultural event; a plaque; or a nonnegotiable gift certificate not to exceed \$75. Only nonnegotiable gift certificates qualify as non-cash awards. Such gift certificates confer only the right to receive tangible personal property, not cash or cash for the difference between the purchase price and the value of the gift certificate. Thus, for example, if a gift certificate entitles an employee to choose between selecting an item of merchandise or receiving cash or reducing the balance due on his or her account with the issuer of the gift certificate, the gift certificate will not be considered tangible personal property.

In compliance with tangible property final regulations

Possible payroll implication IRS de minimis fringe benefits. May have to mention/acknowledge taxable wage. IRC Sections 74 and 3121(a) (20).

Length of Service

The Length of Service Award a special recognition for Lewes [BPWBOARD OF PUBLIC WORKS](#) employees who reach milestone service anniversaries, beginning at five years and again acknowledging

EMPLOYEE HANDBOOK

service every five years thereafter. The award is considered an "employee achievement award" under IRS Code Section 274. Employees will receive a non- cash award in the form of tangible personal property or a nonnegotiable gift certificate in the award amount as follows:

Years of Service	Award Amount
5	\$150
10	\$300
15	\$450
20	\$600
25	\$750
30	\$900
35	\$1,050
40	\$1,200

Retirement

An item of tangible personal property or a nonnegotiable gift certificate may be presented to an employee upon his or her retirement, subject to the dollar limit of \$1,500.

The awards described above must be awarded as part of a meaningful ceremony and should not be determined based on an employee's classification.

Sympathy Gifts IRS 132(a)(4) - De minimis

Gifts of tangible personal property, such as flowers, may be presented as an expression of sympathy in the event of the death or major illness of an employee or a member of the employee's family or household. The cost of such gifts is limited to \$200, unless exceptional circumstances exist and approval is obtained from the General Manager.

Workers' Compensation

Commented [A77]: Approved by Attorney

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

Lewes Board of Public Works pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

Lewes [BPWBOARD OF PUBLIC WORKS](#) abides by all applicable state workers' compensation laws and regulations.

If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Office Manager immediately. The supervisor will complete an injury report with input from the employee and return the form to the Office Manager. The Office Manager will file the claim with the insurance company. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the company's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

Educational Assistance Program

The continued maintenance and improvement of our team members' skills and knowledge are critical to our success. We encourage team members to grow their professional and technical skills and knowledge through our Tuition Reimbursement Program.

Eligibility

You must be employed by Lewes Board of Public Works for the past six consecutive months or longer as a full time staff member prior to the first class session.

Eligible employees may become ineligible for tuition reimbursement under this policy, if:

1. The employee has received a formal warning within six months prior to his or her request for pre-approval; or
2. The employee receives a formal warning following pre-approval and before the course is completed. Accordingly, despite pre-approval, Lewes [BPWBOARD OF PUBLIC WORKS](#) will not reimburse your tuition payment if you receive a formal warning at any time prior to you completing the course.

Each employee who wishes to apply for education assistance according to this policy must receive the approval of the General Manager or their designee prior to the commencement of the course. Such request for approval must be submitted in writing.

Approved Courses

Courses approved under this program include traditional and web-based courses that contribute to career development at Lewes [BPWBOARD OF PUBLIC WORKS](#), in which a formal grade report and transcript are issued. Eligibility requirements and coverage of expenses are the same regardless of whether the courses are delivered in a classroom format or via the web.

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We do not reimburse for degree programs or technical courses that are not directly applicable to jobs within the firm (i.e. Nursing, Education, Clinical Psychology, Criminal Justice etc.). We do reimburse for degree programs that are directly applicable to jobs within the firm (i.e. finance, business, customer service, communication, human resources, supervision and technical courses related to electric and water distribution, water or wastewater treatment, and storm water and wastewater collection). Following is a summary of the guidelines for eligibility and payment of academic course expenses.

To qualify for reimbursement, a grade of "C" or better must be achieved for undergraduate-level programs; a grade of "B" or better must be achieved for graduate-level programs. Pass/fail, satisfactory completion, or credit-only technical courses are also reimbursable with prior approval of the General Manager or their designee.

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Courses must be taken at a regionally accredited college or university or an approved technical training provider. The regional accreditation will be published in the school's literature and on their website (i.e., MSA, NASC, NCA, NEASC, SACS, WASC).

Reimbursement

Lewes Board of Public Works will advance 100% of tuition, books, and lab fees up to a cap of \$5,250 per calendar year.

Staff Members' share in the cost of their development by covering these additional fees. Additional fees can vary greatly by school, ranging from no fees to substantial fees; understanding what portion of education costs the associate has responsibility for typically factors into the associate's education decision. We encourage you to compare school programs/courses to determine what will work best for your specific situation.

Applications must be received by the General Manager or their designee two weeks prior to the final pay date for the year, otherwise, the funds will be paid in the following calendar year and will be applied toward the following year's reimbursement cap. Unused reimbursement funds cannot be carried over to the next calendar year and tuition for one course cannot be split/paid in two different calendar years.

On each January 1 (for three years after a Tuition Reimbursement payment is received by Staff Member), The Lewes [BPWBOARD OF PUBLIC WORKS](#) will forgive 1/3 of the payment. If Staff Member voluntarily terminates employment before this three year timeframe, the following payback guidelines will apply:

- If Staff Member voluntarily terminates before January 1 of the first calendar year following a Tuition Reimbursement payment, Staff Member agrees to pay Lewes [BPWBOARD OF PUBLIC WORKS](#) the full amount (100%) of such payment.
- If Staff Member voluntarily terminates before January 1 of the second calendar year following a Tuition Reimbursement payment, Staff Member agrees to pay Lewes [BPWBOARD OF PUBLIC WORKS](#) two-thirds (66%) of such payment.
- If Staff Member voluntarily terminates before January 1 of the third calendar year following a Tuition Reimbursement payment, Staff Member agrees to pay Lewes [BPWBOARD OF PUBLIC WORKS](#) one-third (33%) of such payment.

For tuition reimbursements that exceed the IRS maximum per year, separate accommodations may be made at the discretion of the General Manager and with the Elected Board approval.

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Travel Reimbursement Policy

From time to time employees are required to travel on behalf of Lewes Board of Public Works for business purposes. This policy sets forth procedures and guidelines for incurring expenses and for their reimbursement. If you are not certain about a particular expense or policy, contact the General Manager or their designee prior to the expenditure.

Authorization to Travel

All travel must be approved in advance by the General Manager or their designee. A Travel Request Form is to be completed for the necessary travel arrangements and accommodations.

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Use of Personal Automobile

From time to time, it may be necessary for you to utilize your vehicle for pre-authorized company business. You may claim the IRS Standard Mileage Rate per mile as mileage reimbursement.

Airfare

Airline tickets should be booked in advance in order to take advantage of any discounts. Please bear in mind that discount fares do not allow changes, so you must be able to make a commitment to the travel dates and change them only wider extraordinary circumstances. All air travel must be coach class. Include your airfare receipt with your completed Travel Request Form.

Automobile Rental

Auto rental requires the prior approval of your department manager. Include your rental receipt with your completed Travel Request Form.

Taxi and Other Transportation Costs

Please utilize complimentary shuttle/hotel bus service whenever possible. Ride share (Uber, Lift, etc.) or taxis may be more economical. When traveling to and from your local airport, choose between long-term parking or a taxi based on whichever is the most economical for the company.

Receipts for transportation costs under \$75.00 are not required but the costs are to be report on your completed Travel Request Form for reimbursement.

Per Diem Meal and Incidental Expense (M&IE) Reimbursement

Meals and incidental expenses will be reimbursed in accordance with the GSA per diem schedule (www.gsa.gov) that is in effect at the time of travel. The per diem rate varies by travel city. The per diem applies to full travel days associated with an overnight stay. The first and last calendar day of travel is

calculated at 75 percent. Any meal expenditures over the per diem rate will not be reimbursed by the company.

Hotel

Hotel expenses will be reimbursed as per the GSA per diem schedule with the exception of stays at hotel in connection with an approved conference or training stay. Conference rates will then apply. If GSA rates are not available at the time of making your travel reservation for stays other than conferences, have the General Manager or their designee approve the rate in advance.

Please supply copies of all hotel receipts with your expense statement and also remember to report phone calls and faxes separately.

Entertainment Expenses

Entertainment expenses require the General Manager or **their** designee's approval. Any request for reimbursement of entertainment expenses must be accompanied by a description of the entertainment, listing of the individuals entertained, the purpose of the entertainment and a detailed receipt for the expenses.

Telephone/Fax/Incidental Expenses

The cost of telephone calls from hotels is expensive. Use of cell phone is encouraged. Calls should be for business purposes or to keep in touch with immediate family. Please separate phone/fax expenses from hotel and report under the miscellaneous category on your completed Travel Request Form. Other incidental expenses must be covered by meal per diem.

Employee Assistance Program

The Employee Assistance Program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. Lewes Board of Public Works wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges, including financial, legal as well as physical and mental health.

This free, comprehensive counseling service offers employees three visits per issue each year, and a 24-hour hotline answered by professional, degreed counselors. For legal or financial issues, employees receive a 25 percent discount on any services that might be needed.

The company encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential and not available to the company, nor is the company given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the [Human Resources department Office Manager or the EAP directly by dialing 1-800-343-2186](#).

Commented [A80]: Robert: Doesn't specify what services are covered (mental health, alcohol/drug counseling, financial, legal etc.)

Commented [A81R80]: All of the above. Added to section.

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EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee handbook of Lewes Board of Public Works. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, company practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the company to employ me now or hereafter and that my employment may be terminated by me or the company without reason at any time. I understand that no representative of the company has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the General Manager of Lewes [BPWBOARD OF PUBLIC WORKS](#) may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the General Manager of Lewes [BPWBOARD OF PUBLIC WORKS](#).

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

Receipt of Harassment Policy

I have read and I understand the Board of Public Works' Harassment Policy.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

Commented [A83]: Robert: Should new employee orientation include a "check list" that must be signed off by appropriate BOARD OF PUBLIC WORKS personnel indicating that new employee was given/briefed on specific items? If so, new employee should sign acknowledging receiving such and the form placed in Personnel File?

Commented [A84R83]: I think this is a great idea! A good project for the Office Manager/HR Manager moving forward.