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TOWN CLERK  
EAST HARTFORD

# TOWN OF EAST HARTFORD



## PERSONNEL RULES AND MERIT SYSTEM

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# PERSONNEL RULES & MERIT SYSTEM

## Foreword

The Rules and Procedures hereinafter set forth, together with any addition thereto or amendments thereof, will govern the conditions of employment for all personnel employed by the Town of East Hartford except where such conditions of employment are otherwise specifically provided for in contracts of employment existing between the Town of East Hartford and any of its employees or groups of employees.

In all cases, the Personnel Rules and Merit System shall serve to provide equal employment opportunities to all employees without discrimination because of age, sex, marital status, sexual orientation, race, color, creed, national origin, political affiliation or union membership.

The purpose of the East Hartford employment system is to provide efficient and prompt services to the public. Accordingly, each employee is expected to be courteous and helpful toward the public to the fullest extent of the employee's knowledge, skills, and job requirements. Any employee who is found to be discourteous toward a member of the public, or who fails to perform his/her duties to the full extent of his/her abilities by assisting those in need of his/her services in a courteous, civil and friendly manner, shall be subject to the disciplinary procedures, up to and including termination, described in the Town Personnel Rules and Merit System and/or the employee's collective bargaining agreement.

Adopted: January 2, 1969

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March 18, 1971  
March 6, 1972  
August 27, 1973  
May 27, 1976  
January 4, 1979  
August 17, 2006  
April 2, 2009  
January 1, 2012  
September 5, 2013

## Section 10.1: Purpose of Rules

It is the purpose of these rules to give effect to the intent and requirements of Chapter VII of the Charter of the Town of East Hartford pertaining to Personnel Rules.

## **Section 10.2: Rules**

These rules shall apply to all employees in the classified service with the exception of Section 56.3. Section 56.3 applies only to appointed Directors and the position of "Assistant to the Mayor."

## **Section 10.3: Administrative Procedures**

The Director may establish, rescind or amend such administrative procedures as he/she may consider necessary for the implementation of these rules.

## **Section 10.4: Violation of Rules**

Any person who shall willfully or through culpable negligence violate or conspire to violate any provisions of these rules shall be subject to the penalties provided in these rules, or in the case of violations for which no specific disciplinary action is provided by these rules, shall be subject to disciplinary action to be determined by the Mayor, the action to be commensurate with the offense. Such action shall be reviewable upon written appeal by the Personnel Appeals Board.

Nothing in this section shall be construed to supplant or in any way affect any prosecution that may be initiated under any other provisions of public law relating to the nonfeasance, malfeasance or misfeasance of public officers.

## **Section 11.1: Definitions**

### ***Charter***

The Charter of the Town of East Hartford, originally adopted by Electors October 2, 1967, First Revisions adopted November 4, 1980; Second Revisions Adopted November 2, 2004.

### ***Allocation***

The assignment of an individual position to an appropriate class on the basis of kind of work, duties and responsibilities of the position.

### ***Appointing Authority***

The Mayor is the appointing authority for all classified positions unless the Mayor delegates in writing such authority to the head of a department or office, or except as otherwise provided by the Charter.

### ***Appointment***

The appointment of a person to a position in the classified service of the Town. Appointments shall be of the following types: Original, Emergency, Temporary, Provisional, Re-employment, Transfer, Promotion, and Demotion.

***Base Rate, Regular Rate***

The actual step within a range in the pay plan at which an employee is compensated.

***Board***

The Personnel Appeals Board of the Town as defined in the Charter.

***Certification***

The act, by the Director of Human Resources, of supplying an appointing authority with the names of applicants deemed eligible for appointment to a vacant position.

***Chapter VII***

The Chapter of the Charter of the Town of East Hartford governing the personnel program of the Town.

***Class or Class Position***

A group or positions established under these rules sufficiently similar with respect to the duties, authority and responsibilities.

***Classification Plan***

The arrangement of all positions in the classified service into a system of classes.

***Class Specification***

The written description of the duties and responsibilities of a class with its title and qualification standards.

***Compensation***

The salary, wages, fees, and all other forms of valuable consideration, earned or paid to any employee of the classified service by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.

***Pay Plan***

A schedule of compensation established by ordinance for the several classes of positions recognized in the classification plan, so that all positions of a given class will be paid according to the same salary range established for the class.

***Council***

The Town Council of East Hartford.

***Demotion***

The change of an employee from a position in one class to a position in a class for which a lower maximum rate of pay is established.

***Department***

A major unit of administrative organization of the Town as established and designated by the Charter or ordinance.

***Eligible***

A person who has met the minimum requirements established for a position and whose name has been placed on an eligible list.

***Eligible List***

Any of the lists of names of persons eligible for appointment to the positions in the classified service of the Town, including employment lists, re-employment lists, and promotional lists.

***Emergency Employee***

An individual appointed by an appointing authority without recourse to an eligible list because of an emergency affecting the health, welfare or public safety of the Town. Such appointments have limits prescribed by the rules.

***Examination***

All of the tests of fitness taken together that are applied to determine the fitness of applicants for positions in any class.

***Grade***

A ranking established for regular salary purposes wherein all positions or classes of positions in the classified service that are determined to be of the same level with respect to the difficulty and responsibility of their duties are equal salary-wise.

***Hearing***

A meeting of the Board for purposes of hearing appeals of classified employees from administrative action.

***Involuntary Termination or Dismissal***

Discharge from the classified service for cause either during or after the probationary periods.

***Layoff***

The removal of an employee because of lack of work, failure of financial appropriation, or other causes which do not reflect on the employee. Layoffs shall not be construed as dismissals.

***Open Competitive Examination***

A test for positions in a particular class, admission to which is not limited to Town employees.

***Open Continuous Examination***

An examination having no fixed date of termination.

***Original Appointment***

The appointment of a person from outside the Town service to a specific position.

***Part-time Employee***

An employee who works less than 35 hours in a work week.

***Position***

A regularly established job in the classified service of the Town.

***Probationary Employee***

A person certified from an eligible list who has not yet completed his/her probationary period of service.

***Probationary Period***

A working test period, following an appointment, during which an employee is required to demonstrate by conduct an actual performance of the duties and his/her fitness for the position to which he/she is appointed. The probationary period shall be considered a part of the examination for any position. Unsatisfactory service during the probationary period shall constitute grounds for involuntary termination from which there shall be no appeal to the Personnel Appeals Board except that, in the case of employees who have been promoted but who cannot satisfactorily perform the duties of the promotional class, such employees shall be returned to their original class. If no vacancy exists in that class, employees shall be assigned to any other class for which they are qualified and for which the pay range is not lower than that of their original class, and they shall be returned to their original class upon occurrence of a vacancy therein.

***Promotion***

A change in the position of an employee from one class to a position in another class having a higher maximum salary rate.

***Promotional Examination***

An examination to determine the fitness of applicants for positions in a particular class, admission to the test being limited to regular employees in the classified service of the Town.

***Promotional List***

A list of classified employees, arranged in order of merit as determined by a promotional examination, who have been found qualified for promotion to positions in higher classes than the classes of position they are currently occupying.

***Provisional Appointment***

A non-competitive appointment made temporarily to fill a classified position, pending establishment of an eligible list for such position.

***Qualifying Examination***

A non-competitive examination given to determine if an individual meets the qualifications for a specific class.

***Range***

The minimum and maximum or any pay grade.

***Reallocation***

A change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or moving it to another class at the same level on the basis of duties, authority, and responsibility of the position.

***Re-employment List***

A list of persons who have been regular employees in a particular class and who have been laid off in good standing, and who are entitled to have their names certified for appointment to a position in a class in which they were previously employed.

Permanent employees with at least five years of satisfactory record of service, who voluntarily resign their position, may withdraw such resignation, within two years from the effective date, and be placed on an appropriate list.

***Seasonal Employee***

An employee who works for a period of not more than one hundred twenty (120) calendar days in any calendar year.

***Suspension***

An enforced leave of absence, without pay, for disciplinary purposes or pending an investigation of charges made against an employee.

***Temporary Appointment***

An appointment from an eligible list to an approved position for a temporary period of time.

***Transfer***

A change of an employee from a position in one class in one department to another position in the same class in another department.

## **Section 12.1: Preparation of Classification Plan**

### ***Preparation of Plan***

After consultation with the appropriate appointing authorities, the Human Resources Director shall prepare and recommend to the Council, a position classification plan including a written definition for each class of position to be included in the classified service, describing the duties, authority and responsibilities characteristic of positions properly pertaining to the class.

## **Section 13.1: Administration of Plan**

### ***A. Original Allocation of Positions***

The Human Resources Director shall, as soon as is practicable after adoption of the classification plan, allocate each position to be included in the classified service to its appropriate class, placing in such class those positions which are so similar with respect to difficulty, responsibility and character of work as to require generally the same kind and amount of training and experience for proper performance and to merit equal pay within the established range for the class. In making such allocations, he/she shall provide for the uniform application of the classification plan to positions under different appointing authorities.

### ***B. Allocation of New Positions***

In order to create any new position which would be within the classified service, an appointing authority shall forward to the Mayor a written request for such position, together with a statement of the duties, authority and responsibilities to be assigned. It shall then be the responsibility of the Human Resources Director to study the position and allocate it to the proper class, secure certification from the Finance Director that adequate funds are available to support the position for the remainder of the fiscal year, and to forward this information to the Mayor for action by the Council.

### ***C. Reallocation***

Whenever the duties of a position are so changed that the position in effect becomes one of a different class from that to which it is allocated, the Human Resources Director, on his/her own initiative or at the request of the appointing authority, shall study the position, reallocate it and submit the proposed reallocation to the Mayor for consideration, who may recommend changes to the Council.

### ***D. Status of Incumbent When Reallocated***

A regular employee who is occupying a position which is reallocated to a different class shall continue in this position only in accordance with the rules governing promotion, transfer or demotion, except that in any case in which the position is reallocated to a higher class, the incumbent of such position may attain regular status in the higher class by achieving a satisfactory grade

on a qualifying examination of fitness for the higher class. If a reallocation results in the assignment of a position to an equal or lower class, the incumbent may continue to hold the position if he/she meets the minimum requirements of the new class, and shall continue to be compensated at his/her original pay grade and step throughout his/her service in said position.

***E. Appeal of Allocations***

Any employee affected by the allocation or reallocation of a position or by any changes in the classification plan may ask the Human Resources Director to review such action. The Human Resources Director may hold a special hearing to determine the facts in each case, and shall make his/her decision on the basis of the written statement and forms submitted by the employee and on the facts brought out in the hearing. Any employee not satisfied by the result of such hearing shall also have a right to be heard by the Personnel Appeals Board, whose decision shall be final.

**Section 14.1: Class Specifications**

***A. Contest of Class Specifications***

The Human Resources Director shall provide written specifications for each class in the classification plan. Each class specification shall include a class title, a description of the duties, authority and responsibilities of the work, a statement of the qualifications for the satisfactory performance of the duties of the class and such other information as may be desirable and pertinent.

***B. Interpretation of Class Specifications***

The statements in the class specifications shall be descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and what the responsibilities of any position may or may not be, or as limiting or modifying the power of an appointing authority to assign, direct and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of a similar kind of a quality, nor shall any specific omission necessarily mean that such factor is not included.

***C. Use of Class Specifications in Allocations***

In determining the class to which any position should be allocated, the definition of each class shall be considered as a whole. Consideration shall be given to the general duties and relation to other classes, which together affords a picture of the kind of employment that the class is intended to embrace.

***D. Use of Class Titles***

Following the adoption of the classification plan and the allocation to classes therein of positions in the classified service, the class title set forth therein shall be used to designate such positions in all official records, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved by the Director as appropriate to the duties to be performed.

**Section 15.1: Pay Plan**

***A. Administration of Pay Plan***

The minimum rate of the assigned pay grade shall normally be paid upon appointment to the class. Appointment at an intermediate rate may be paid upon written approval of the appointing authority. Justification for approval will be limited to recognition of exceptional qualifications of an eligible or certification by the Human Resources Director of a lack of available eligibles at the minimum rate.

***B. Pay Increases***

Salary increases within an established range shall depend primarily upon recommendations of merit by the department head. Salary increases shall not be predicated solely upon length of service. Increases shall be given only upon certification by a department head that the employee has maintained a consistently high level of performance throughout the preceding year. Increases in excess of one step or more often than once per year shall be reserved by exceptional performance and shall be given only with the approval of the appointing authority. Salary increases will normally be made effective the first pay period of the fiscal year. Notwithstanding any salary increases recommended by a department head above, the Mayor shall have the final decision with regard to any salary increases, including but not limited to Steps and Cost of Living Allowances (COLA) as presented in the Mayor's annual budget recommendation to the Town Council.

***C. Conflicting Employment***

No employee shall engage in any type of activity which conflicts with the best interests of the Town.

***D. Pay for Part-time Work***

Part-time employees who regularly work less than a full payroll period shall be paid on the basis of an hourly rate.

***E. Pay Rates in Transfer, Promotion or Demotion***

1. If the rate of pay in the former position is less than the minimum rate established for the class of the new position, the rate of pay shall be advanced to the minimum for the class.

2. If the rate of pay in the former position is more than the maximum rate established for the class of the new position, the pay shall be reduced to the maximum rate or to an intermediate step of the new range as determined by the appointing authority.
3. If the rate of pay of the former position falls within the new range of pay and at an established step in the range of the new class, the salary rate shall remain the same in the case of a transfer, be increased one step in the case of a promotion, and at the discretion of the appointing authority, shall remain the same or be decreased to a lower step in the case of a demotion.
4. If the previous rate does not correspond to a step in the new salary range, it shall be adjusted to the next higher step if the action is a promotion or transfer, or adjusted to at least the next lower step if the action is a demotion.

## **Section 16.1: Applications, Applicants and Examinations**

### ***A. Applications, Applicants and Examinations***

Applications shall be accepted only on official forms prescribed by the Human Resources Director. Each application shall be signed by the applicant and the truth of all statements contained therein shall be certified by his/her signature. The application form shall not require any information intended to disclose the race, color, creed or political affiliation of an applicant other than to require the applicant to certify that he/she has no affiliations with any group or organization which seeks or advocates the overthrow of the Government of the United States by force or violence. To be accepted for consideration, applications must be filed with the Town Human Resources Department prior to the end of the working day on the closing date specified in the announcement.

### ***B. Applicants Qualifications***

1. Reasonable requirements such as age, sex, physical fitness, training and experience are permissible when dictated by the needs of the service. Any such requirements shall be included in the examination announcement.
2. **Disqualification:** The Human Resources Director shall reject the application of any person or shall strike the name of any person from an eligible list or shall refuse to certify the name of any person on an eligible list or shall withdraw the name of such person if he/she finds that such person lacks any of the qualifications; or is mentally or physically unfit to perform effectively the duties of the position in which he/she seeks employment; or is addicted to drugs; or habitually uses intoxicating liquor; or has made a deliberate false, misleading or exaggerated statement of a material fact; or practiced or attempted to practice any deception or

coercion in his/her application or examination or in attempting to secure employment; or has been proved to be affiliated with any group or organization which seeks to overthrow the Government of the United States by force or violence.

3. **Conditional Admission:** When doubt exists as to whether an applicant meets the requirements for admission to an examination, the Human Resources Director may authorize conditional admission to the examination. Such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified. The Human Resources Director shall be responsible for notifying an applicant in writing when his/her admission to an examination is conditional.
4. **Right of Investigation:** The Town shall reserve the right to investigate the background of any applicant as regards moral character, criminal record, training, military experience and work experience.

## **Section 17.1: Examination Announcements**

### ***A. Form and Content***

Each official announcement of an examination shall specify the title and salary range of the class for which the examination is announced, the nature of the work to be performed, the necessary and desirable qualifications therefore, the time, place and manner of making application, special requirements or qualifications and such other information as the Human Resources Director may consider pertinent and useful.

## **Section 18.1: Character of Examinations**

### ***A. General Provisions Concerning Examinations***

All appointments and promotions in the classified service shall be made according to merit and fitness to be ascertained so far as possible by competitive examinations. Any practical means or measures may be used in examinations which are reasonably well calculated to test the fitness of candidates for positions in the class for which the examination is held. Examinations may be assembled or unassembled, and tests may be written, oral, physical, a demonstration of skill or performance, a rating of training and experience, or record of accomplishment, or any combination of such types. They may include any reasonable investigation of training and experience, or record of accomplishment; any test of knowledge, skill, capacity, intelligence or aptitude; and any inquiry into the moral character or any other character or attribute which seems desirable. No test or question in any examination shall be intended to disclose any information concerning any political, religious or union affiliations, preferences or opinions, or racial background. Any such disclosures shall be discountenanced and any such information which may be revealed shall be disregarded.

### ***B. Open Competitive Examinations***

All original entrance tests for positions in the classified service shall be open competitive in character except as specified under the section of this rule concerned with qualifying examinations.

### ***C. Open Continuous Examinations***

In circumstances where there is a continuous need for substantial numbers of eligibles for a certain class of position or when insufficient applicants are available to maintain an adequate register, the Human Resources Director may, after first establishing such a register, replenish the register from time to time by inserting the names of additional eligibles who are found to be qualified on the basis of a test of fitness substantially similar to the test used as the basis for establishing the original register. The closing date for any such test may be indefinite and applicants may be tested continuously in such manner and at such times and places as the Human Resources Director may provide.

### ***D. Qualifying Examinations***

At the request of the Human Resources Director and upon approval of the Mayor, non-competitive qualifying examinations may be established for any class of position requiring professional or technical skill and training of a nature which renders competitive examination extremely difficult. Qualifying examinations may be written and/or oral and may include or consist of an evaluation of experience and training and education.

### ***E. Eligibility***

1. An employee to be eligible to compete for promotion must be serving in an appropriate class as determined by the Human Resources Director and the head of the department wherein the vacancy exists, and must meet any other reasonable requirements for admission for the examination. Reference to promotional examinations may not apply to uniformed members of the Police and Fire Departments, except if in the Mayor's opinion it would be for the best interest of the Town.
2. **Competitive**: Promotional examinations shall not be limited to employees of a single organizational unit, except as this may affect any experience requirement. Promotional examinations shall include an evaluation of employee performance and seniority in service in addition to any of the test enumerated for open competitive examinations. Such examinations shall be administered only to employees who meet all other requirements for admission to an open competitive examination for the class of position.

## **Section 19.1: Administration of Examinations**

### ***A. Contracting for Examinations***

The Human Resources Director, with approval of the Mayor, may contract any agency, public or private, for the conduct of any examination which he/she deems impracticable to be administered by the Town.

### ***B. Establishment of Procedures***

The Human Resources Director shall establish procedures to be used in conducting the examination of candidates and shall devise safeguards to insure the maximum impartiality in the conduct of the examination and rating of candidates. The Human Resources Director may disqualify any candidate or examiner for failure to comply with procedures and regulations established for conducting the examination.

### ***C. Selection***

The Human Resources Director may select suitable persons in the classified service, with the consent of the appointing authorities under whom such persons serve, to act as examiners under his/her direction.

### ***D. Re-Examination***

No person who has failed to pass an examination shall be re-examined for the same class within ninety (90) days of the examination unless otherwise authorized by special permission of the Mayor.

## **Section 20.1: Rating of Examinations**

### ***A. Methods of Rating and Minimum Grades***

Sound measurement techniques and procedures shall be used in rating the results of test and determining the relative ranking of the candidates. In all examinations conducted by the Town, the minimum rating by which eligibility may be achieved shall be established by the Human Resources Director. When an examination is contracted by any agency, public or private, the minimum rating by which eligibility may be achieved shall be established by the agency conducting the examination. A minimum rating may also apply to the rating of any part of the test. Candidates must attain the minimum rating on each part of the test, in order to be placed on the eligibility list. The final rating of the competitor shall be determined by averaging the rating on each part of the examination in accordance with the weights established for each part of the examination.

### ***B. Rating of Applicants for Lower Classes***

An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Human Resources Director, elect to accept eligibility for a lower appropriate class, prior to the next opening of examinations for the

lower class, if his/her grades in all appropriate parts of the examination are sufficient to qualify him/her for the lower class.

**C. *Rating of Training and Experience***

If training and experience form a part of the total examination, the Human Resources Director shall determine a procedure for the evaluation of these factors which shall give due regard to the pertinence and amount of training and shall establish the necessary scales for weighing these factors in the total examination. On promotional examinations, a special performance review report with a rating of "satisfactory" or better, or the equivalent thereof, may be required for credit to be given for Town service.

**D. *Oral Board Examination***

Oral interviews may constitute all or any part of any total examination and the weight given thereto shall be officially entered in the rating of the examination. Town employees and officials shall be allowable as oral board members, but shall not constitute a majority of any board unless specifically approved for an individual class of position by the Mayor.

**Section 21.1: Notice and Review of Examination Results**

Each person who takes an examination shall be given written notice as to whether he/she passed or failed in such examination and of his/her relative standing on the list or of his/her failure to attain a place on the list.

**Section 22.1: Appeals from Rating**

If, after examination of the appeal filed by any candidate or upon his/her own investigation, the Human Resources Director finds that any manifest error existed in rating, scoring, or computation of the result, he/she shall make the required correction and place the name of the person on the list in its correct position by virtue of the correction. Such correction, however, shall not invalidate any appointment previously made from the list.

**Section 23.1: Establishment of Eligible Lists**

The Human Resources Director, at his/her own discretion, may establish and maintain the lists necessary to provide an adequate supply of qualified candidates for positions in the classified service. Lists shall be by class of position and shall be applicable to all classified positions of such class in the Town service.

**Section 24.1: Types of Lists**

**A. *Re-employment Lists***

When any person who has held a regular appointment in the classified service of the Town is laid off, or who resigns in accordance with 11.1, Re-employment List, the Human Resources Director shall place the name of such person on a department re-employment list and on a Town re-

employment list for the class of position which he/she held at the time of lay off or resignation. Such person must successfully pass a medical examination established by the Town. Any person refusing an appointment resulting from certification from a re-employment list shall have his/her name removed from all such lists.

***B. Promotional Lists***

After each promotional examination, the Human Resources Director shall prepare and keep available a promotional eligible list of persons successfully passing the examination, arranged in order of final weighted ratings received. Whenever two or more persons have equal final rating, their names shall be arranged on the list according to seniority.

***C. Original Appointment List***

From the results of tests for any class after original entrance examination, the Human Resources Director shall cause to be prepared an employment list for the class, with the names of those persons who have met the minimum requirements imposed for each test and who have received the ratings required for eligibility, placed thereon in order of such ratings from the highest to the lowest. Whenever two or more candidates have equal final weighted ratings, their names shall be arranged on the list in the order of their performance in the part of the test having the greatest weight; when such arrangement fails to resolve the tie, the order on the list shall be the same as the order in which their applications were received.

**Section 25.1: Consolidation of Lists**

If in the opinion of the Human Resources Director, the needs of the service require that an examination be held for a class of position for which an eligible list already exists, he/she may consolidate the existing list with the list established as a result on the new examination. The names of the persons remaining on the old list shall be placed on the new list in accordance with their previous rating as though they had taken the new examination, but such names shall be removed from the list at the expiration of the original one year period. Should such persons elect to take the new examination, their names shall be placed on the list in accordance with the new rating.

**Section 26.1: Duration of Lists**

***A. Re-employment Lists***

Re-employment Lists shall be continuous for each class, except that no name shall remain on a re-employment list for longer than one (1) year.

***B. Other Lists***

The time during which eligible lists, other than re-employment lists, shall remain in force shall be one year from the date on which they were officially established except that, before the expiration of a list, the Human Resources Director may, by order, extend the time during which such list remains in force

when the needs of the service so require. In no event shall the total period during which a list is in force exceed two years from the date on which the register was originally established.

### **Section 27.1: Availability of Eligibles**

It shall be the responsibility of eligibles to notify the Human Resources Director of any change in address or other change affecting availability for employment. However, the Human Resources Director may circularize the lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he/she will be available for employment, his/her name may be withheld from all certification which does not meet the condition he/she has specified.

### **Section 28.1: Removal of Names from Eligible Lists**

- A. The Human Resources Director may remove a name from any eligible list permanently or temporarily for any of the following reasons:
1. Refusal of the eligible to accept appointment which is offered under conditions previously indicated by the eligible as acceptable.
  2. Appointment through certification from such list to fill a permanent position.
  3. Appointment through certification from another eligible list for a class at the same or higher compensation upon approval of the eligible.
  4. Failure to respond, within the time specified in the notice, to any inquiry of the Human Resources Director.
  5. Failure to report for work after accepting employment.
  6. Expiration of the term of eligibility on an eligible list.
  7. Notice by postal authorities of their inability to locate the eligible at his/her last known address.
  8. Waiver of three certifications by the eligible.
  9. In the case of promotional lists, upon separation from the Town service.
  10. After a candidate has been certified three times to the same appointing authority, his/her name shall not again be certified to such appointing authority, except at the request of such authority.

The Human Resources Director shall remove a name from any eligible list permanently if he/she discovers that the eligible lacks any of the necessary qualification prescribed as requirements for admission to the test for the class for which he/she has applied; or that any of the mandatory disqualification's applying to admission are applicable.

### **Section 29.1: Request for Certification**

Whenever a vacancy in any position in the classified service is to be filled, the appointing authority shall submit a requisition for an employee on a form prescribed by the Human Resources Director. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Human Resources Director to determine who may be available for appointment and, if necessary, to establish a class or to establish a list of eligibles.

### **Section 30.1: Types of Appointment**

All vacancies in the classified service shall be filled by re-employment, promotion, original appointment, emergency appointment, temporary appointment, provisional appointment, transfer or demotion.

#### ***A. Appointment from Eligible Lists***

Whenever a position is to be filled from an eligible list, certification shall first be made from the re-employment list for the class to which the position is allocated, in accordance with 32.1 (b) 1; next from the promotion list, if promotion is practicable; and finally, from the original appointment list.

#### ***B. Demotion***

An appointing authority may demote any classified employee under his/her direction, when, in his/her opinion, the employee is incapable of performing adequately the duties of his/her current position but meets the minimum qualifications for a lower class of position. A written statement of the reasons for such action shall be furnished the Human Resources Director at least five (5) days prior to the effective date of the action. No demotion shall be made unless there is a vacancy in the lower class. In the case that no vacancy exists, such employee may be laid off and his/her name placed on the re-employment lists for the lower class in lieu of demotion, provided however that nothing contained in this section shall prevent an appointing authority from taking action under 48.1 of these rules. Any regular employee demoted or laid off in such manner may appeal such action under the provision of 49.1 of these rules.

#### ***C. Appointment by Transfer or Demotion***

When an appointing authority desires to fill a position by transfer or demotion, such action shall take precedence over appointment from eligible lists. Inter-Departmental transfer may only be made with the approval of the appointing authorities of both departments concerned.

#### ***D. Appointments of a Temporary Nature***

##### **1. Temporary Appointments**

When a position in the classified service is limited in duration, certification may be limited to the highest ranking eligible who will accept employment under such condition. No temporary appointment shall be made for more than a total of six (6) months in any twelve-month period.

##### **2. Emergency Appointments**

When an emergency makes it necessary to fill a position subject hereto immediately, in order to prevent stoppage of public business or loss, hazard, or serious inconvenience to the public, and it is impossible to fill such position under any other provisions of these rules, an appointing authority or a properly authorized subordinate with the concurrence of the Human Resources Director may appoint any qualified person to such position without certification from an eligible list. Any such person shall be employed only during such emergency, and any such appointment shall automatically end thirty (30) days from the date of appointment. If the emergency continues, the appointment may be extended to sixty (60) days, but no individual may be given more than one such appointment in any twelve month period.

##### **3. Provisional Appointments**

When an appointing authority finds it essential to fill a vacancy in a position subject to these rules, and the Human Resources Director is unable to certify eligibles for such a vacancy because there is no existing appropriate register, or because there is not a sufficient number of persons on appropriate registers who are willing to accept appointment, the Human Resources Director may authorize the filling of the vacancy by a provisional appointment. Extensions of provisional appointment may be made only with the approval of the appointing authority. Any provisional appointment shall be terminated automatically within two calendar weeks of the date of which the Human Resources Director notified the appointing authority that he/she is able to certify the proper number of eligibles from an appropriate list.

#### **Section 31.1: Overlap of Incumbents**

When the Director of Finance certifies adequate funds are available, appointments may be made to positions in the classified service wherein two incumbents may jointly occupy a position for not more than thirty (30) days for purposes of training the incoming appointee. Overlapping appointments shall not be made without official notification to the prior incumbent of the official date of termination of service.

## **Section 32.1**

### ***A. Certification of Eligibles***

Names shall be certified in order of standing on the register from which certification is made. Eligibles shall be certified for vacancies occurring in the same class in the order of receipt of requisitions for employees.

### ***B. Method and Number of Certifications***

1. In the filling of all vacancies from re-employment lists, the Human Resources Director, upon receipt of a request for certification from an appointing authority, shall certify singly, the name appearing at the top of the departmental re-employment list for the proper classification. If there is no departmental list for the class, he/she shall certify, singly, the name appearing at the top of the Town re-employment list for the classification.
2. If a vacancy is to be filled by original appointment, the Human Resources Director, upon receipt of a request for certification from an appointing authority shall certify to the appointing authority the names of all persons having the three (3) highest earned ratings on the employment list for the class or, on the employment list held appropriate. The appointing authority shall be entitled in a certification to not less than three (3) earned ratings for one vacancy and one additional earned rating for each additional vacancy. Such certification may be made subject to limitation on physical condition of the eligibles, if in the opinion of the Human Resources Director; such limitation is desirable for satisfactory performance of the duties of the position.

### ***C. Incomplete Certification***

When the number of names available on other than re-employment lists for filling any vacancy is fewer than three, the appointing authority may decline certification for the vacancy and proceed to fill the vacancy in any other manner provided by these rules.

### ***D. Certification from Related Lists***

In the absence of a register established for the class, or whenever there are insufficient names on a register to make a complete certification, the Human Resources Director may certify or augment a certification from registers for higher classes to vacancies in lower classes or from registers for one class to vacancies in another class where he/she determines that the examination conducted therefore reasonably measures the ability of the eligible to perform the duties of the class to which certification is made. However, certification from related lists shall not affect the eligibles certified from such lists as concerns the number of certifications nor the number of waivers to which they are entitled.

***E. Withdrawal of Certification***

In the event appointment is not reported within ten (10) days of the date of certification, the Human Resources Director may withdraw such certification and shall certify the names of eligibles included in such certification on the next requisition received for the appropriate class of employment.

***F. Waiver of Certification***

Eligibles who are not available for appointment when offered certification may be granted a waiver of certification for appointment for a stated period of time at or below a specific salary or in a specific location.

***G. Notice of Certification***

Eligibles shall be notified by mail of each certification made on their behalf. Eligibles who do not respond within five (5) days of mailing of notice of certification may be dropped from the eligible list. This restriction must be stated in the notice of certification sent to the eligible. Eligibles shall be responsible for keeping the Human Resources Office informed of their current addresses.

***H. Physical Examination Required***

Prior to original appointment to the Town service, applicants may be required to undergo a physical examination to be conducted by a regularly licensed practitioner of medicine or surgery, or both, of the Town's choosing, at the expense of the Town, to determine the applicant's qualifications to meet the physical requirements for employment. Continued employment in the Town service shall be contingent upon the employee meeting the physical requirements for the position.

**Section 33.1: Probationary Period and Purposes**

The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work for securing the most effective adjustment of a new employee to his/her position, and for rejecting any employee whose performance does not meet the required work standards.

**Section 34.1: Duration of the Probationary Period**

Every person, except those currently employed by the Town at the time these rules take effect, certified and appointed to a permanent position in the classified service shall be required to complete successfully a working test during a probationary period. The probationary period shall begin immediately upon appointment and shall continue:

- A. Employees shall serve a probationary period of six (6) months for original appointments and three (3) months for promotional appointment.

- B.** Extensions of the above probationary periods not to exceed two (2) months may be granted by the Human Resources Director upon request of the Department Head. In the case of promotion during the original probationary period, the employee shall, before attaining the status of a regular employee, serve either the remainder of the original probationary period or the promotional probationary period, whichever is greater. If an employee is laid off for lack of work during the probationary period and subsequently reappointed by the same appointing authority to the same class of position, he/she shall be given credit for the portion of the probationary period previously completed.

### **Section 35.1: Interruption of the Probationary Period**

No leave from service during the probationary period, with or without pay, shall be counted as a part of the total probationary service required, unless otherwise recommended by the appointing authority and approved by the Human Resources Director.

### **Section 36.1: Dismissal during Probationary Period**

At any time during the probationary period the appointing authority may remove an employee if, in the opinion of the appointing authority the working test indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit his/her continuance in the service. Upon such removal, the appointing authority shall report to the Human Resources Director and to the employee removed his/her actions and reasons therefore. No appeal is allowable from dismissal during the probationary period.

### **Section 37.1: Retention of Employee after Probationary Period**

At least fifteen (15) days prior to the expiration of an employee's probationary period, the appointing authority shall notify the Human Resources Director, in writing, and in the form designated by the Human Resources Director, either:

- A.** that the services of the employee were satisfactory and that he/she will continue the employee in his/her position; or
- B.** that the services of the employees were unsatisfactory and that he/she will not continue the employee in his/her position; or
- C.** That he/she wishes an extension of the working test period and will continue the employee in his/her position for an additional period if the extension is granted. A copy of such notice shall be given the new employee.

Upon receipt by the Human Resources Director of written notice from the proper appointing authority that the services of the employee are satisfactory and that he/she will continue the employee in his/her position, the appointment of the employee shall be deemed to be complete at the expiration of the probationary period and the employee shall receive a regular appointment.

### **Section 38.1: Restoration to Eligible List**

If an employee is removed from his/her position during or at the end of his/her probationary period for no discreditable reason, and the Human Resources Director determines that he/she is suitable for appointment to another position, his/her name may be restored to the list from which it was certified. In certifying the name of such person to any appointing authority, the Human Resources Director shall give full facts concerning the previous probationary period.

### **Section 39.1: Reinstatement to Former Class**

An employee appointed from a promotion list who does not successfully complete his/her probationary period shall be transferred to a position in the class occupied by the employee immediately prior to his/her promotion, if a vacancy exists in such class. In the event that no vacancy exists in such class, the employee shall be transferred to any position of a grade equal to that held prior to promotion wherein a vacancy exists and for which he/she is qualified. If no vacancy exists, he/she shall be transferred to any vacant position of a lower grade for which he/she is qualified or, at his/her option, his/her name shall be placed at the top of the eligible list for the class of position held immediately prior to his/her promotion.

### **Section 40.1: Promotion during Probation**

The serving of a probationary period shall not, of itself, prevent an employee from being promoted to a higher class, provided he/she is certified from an appropriate list.

### **Section 41.1: Probationary Period on Demotion**

An employee shall not be required to serve a probationary period when he/she is demoted either voluntarily or involuntarily to a position lower than the one in which he/she was previously assigned

### **Section 42.1: Hours of Work**

A. For full time salaried employees, exclusive of the uniformed forces, the regular basic work day shall be seven (7) hours from 8:30 a.m. to 4:30 p.m.

with one hour for lunch (unpaid). The basic work week shall be five days, Monday through Friday. Heads of departments whose program requires a different work day or work week may apply for and obtain, in writing, from the Human Resources Director an appropriate work schedule.

**B.** The Town shall have the right to require overtime work consistent with the demands of public service. Employees shall be granted compensation for overtime work in the following manner:

1. One and one-half times their regular rate of pay for any overtime work performed in excess of their regular work day. If the employee works less than half-hour (1/2) of overtime each day, he/she will be compensated at their regular rate of pay.
2. One and one-half (1.50) times their regular rate of pay for all work performed on Saturday.
3. Double their regular rate of pay plus holiday pay for all work performed on holidays and double their regular rate of pay for all work performed on Sunday.
4. Generally, overtime work, when required, will be offered to qualified full-time employees within an organizational unit first.

**C.** Compensatory time off will be taken at the mutual convenience of the employee and his/her department head as far as is practical. In the case of a conflict between the time convenient for the employee and the time convenient for the department head, the department head shall have the final authority, subject to the grievance procedure. Compensatory time shall not accumulate to more than fifteen (15) working days. Upon the vacancy of the full time Assistant Corporation Counsel by the person serving in such position on August 17, 2006, and whenever thereafter there is a vacancy in such position, the position shall be considered an exempt salaried position under the Fair Labor Standards Act and ineligible to receive any compensatory time or overtime. In addition, the regular work week for all full time Assistant Corporation Counsel employees hired after April 2, 2009 shall be 40 hours.

### **Section 43.1: Holidays**

The following shall constitute the holidays to be observed by the Town:

New Year's Day	Independence Day
Martin Luther King's Birthday	Labor Day
Lincoln's Birthday	Columbus Day
Washington's Birthday	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day

When one of the above holidays falls on Saturday or Sunday it shall be observed on the preceding Friday or following Monday, respective. Nothing in this rule is

to be construed as preventing the Mayor, with the approval of the Town Council, from substituting another day for one of the holidays listed above.

## **Section 44.1: Leave Policy**

### ***A. Vacation Leave***

Annual vacation leave with pay shall be earned by all classified full-time employees in the following manner:

<b><u>Full Years Of Service</u></b>	<b><u>Vacation Days</u></b>
1 to 4 years	10
5 to 9 years	15
10 to 14 years	20
15 years	21
16 years	22
17 years	23
18 years	24
19 years and over	25

1. The maximum accumulation of vacation leave will be ten weeks (50 days). Earned vacation leave will be credited to the employee's record on his/her anniversary date. No vacation beyond eight weeks (40 days) will be paid by the Town at retirement or separation.
2. The employee's anniversary date will be used to determine vacation time due.
3. Vacation schedules shall be established by department heads but if the workload of an employee's organizational unit makes adherence to this schedule impractical or undesirable, vacation leave may be postponed at the discretion of the department head.
4. In requiring such postponement, employees having the greatest length of service in their respective classifications shall be given preference over those with less service in said classification. Vacation leave so postponed shall accrue to the employee's credit notwithstanding the above provision for a maximum of such leave. For the purpose of computing vacation leave only dismissal or resignation will break the continuity of service; other leave except sick leave will defer vacation leave accrual during such leave.

5. Vacation leave shall not be granted to employees with less than six (6) months' service; however, upon completion of six months of service, employees shall have the benefit of using pro rata vacation earned from their original date of employment.
6. In the event of illness during an employee's vacation period, the employee shall be given an option of charging the sick day to his/her sick leave, provided a doctor's certificate verifies the illness. An employee leaving on vacation may be granted pay due him/her for his/her accrued vacation time, provided he/she submits a request for such pay to his/her department head not less than twelve (12) calendar days in advance; however, such accrued vacation payment shall be within the present fiscal year's budget. If a holiday occurs while an employee is on vacation, the employee shall have an additional day off with pay.
7. When an employee has no sick leave available, he/she may elect to use vacation leave in lieu of sick leave.

**B. Terminal Leave**

Employees who resign in good standing or who are laid off for lack of work after employment of six (6) months or more shall be paid for any unused vacation leave that has accrued to their last day of service. Vacation leave shall not further accrue during the period of terminal leave.

Employees entitled to vacation leave who are terminated for cause may, at the discretion of the Mayor, be granted any part or all of accrued vacation leave. Classified employees who are transferred, promoted, or demoted from a position in one department to a position in another department without a break in their continuity of service, may carry their accrued vacation leave with them to their new position. Accrued vacation leave or authorized overtime for which payment is due shall be considered to be earned and payable upon death of an employee to such person or persons entitled by law to receive any compensation due such employee.

**C. Sick Leave**

Sick leave shall not be considered as an entitlement which an employee may use at his/her discretion, but shall be allowed only in case of necessity arising from actual sickness or disability of the employee, exposure to contagious disease, to meet medical appointments, and to permit the absence of an employee for a reasonable period to make arrangements to care for a member of the immediate family. Sick leave with pay shall accrue to the credit of each classified employee as follows and subject to the restrictions listed below:

1. After completion of thirty days' employment, all employees shall earn paid sick leave at the rate of 1.25 days per month, which shall be credited to the employee on the first of each month with no maximum accumulation.

2. No provision of these rules is to be construed as preventing any department head, with the concurrence of the Human Resources Director, from withholding sick leave for just cause from any employee under his/her jurisdiction.
3. Notwithstanding the foregoing provision regarding maximum accrual of paid sick leave, any employee may be granted additional paid sick leave upon joint approval of the employee's department head, the Human Resources Director and the Mayor. Consideration of such approval shall take into account personal hardship, the nature of the illness, the employee's service record and length of service and needs of the Town service.
4. In all cases sick leave with pay in excess of five (5) consecutive work days will be granted only when a certificate from a regularly licensed practitioner of medicine or surgery, or both, verifying the need for sick leave has been submitted to the department head. However, a department head may require such a certificate for sick leave of any duration.
5. Absence for a fraction or a part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one-quarter (1/4) of a day.
6. If an employee has unused sick leave at the time of retirement under the Town Pension Plan, the employee shall be paid at his/her regular rate for each day of unused sick leave accrued to his/her credit up to a maximum of ninety (90) working days.
7. If an employee has unused sick leave at the time of his/her death, their spouse and/or dependent children shall receive, on the basis of the employee's current wages, full compensation for any of the employee's unused accumulation of sick leave up to a maximum of ninety (90) days.

***D. FMLA (Family Medical Leave Act)***

The Town will comply with the terms of the Federal Family Medical Leave Act. These terms include but are not limited to the following:

1. Employees may be eligible for up to 12 weeks of paid or unpaid family and medical leave in a twelve-month period. In accordance with Federal Law, the Town requires employees to use accrued paid leave concurrently with their FMLA leave.
2. Events which qualify employees for such leave are:

- Birth or adoption of a child or placement of a child in the employee's home for foster care.
  - A serious health condition, as defined by FMLA, of the employee, employee's spouse, employee's parent or child.
  - Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on covered active duty or notified of an impending call-up to covered active duty.
3. Employees may be eligible for twenty-six weeks of leave during a single 12-month period to care for a covered service member with a serious injury who is the spouse, son, daughter, parent, or next of kin of the employee.
  4. Employees requesting such leave must explain the reason for the leave to the Human Resources Department so that the Town can determine if FMLA qualified leave will be granted.
  5. The Town may require medical certification to document the reason for the leave, where provided by law.
  6. The Town will notify the employee in writing that the leave has been designated as FMLA leave and will be deducted from the allowable maximum.
  7. During the period of FMLA-qualified leave, the employee shall retain medical benefits at the same level as before the leave. The Town will continue to pay the premium as before the leave. The employee shall make premium share contributions for health insurance directly to the Town when on unpaid leave.
  8. Employee may be required to provide a "fitness for duty" certification upon return to work.

#### ***E. Funeral Leave***

When death occurs in the employee's immediate family, time up to three days, if required, will be granted by the employee's department head. Exceptions to this provision will be referred to the Human Resources Director.

Immediate family, for purposes of this clause, shall be construed to mean any of the following: parents, spouse, child, stepchildren, sister, brother, grandparents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or any other relative, whether by birth or marriage, actually domiciled within the household of the employee or to whose support the employee contributes a majority share. Documentation of need and propriety may be required at the discretion of the department head

**F. Other Leave**

Employees shall be granted leave with pay for the following reasons and subject to the following restrictions:

1. Jury Duty.
2. Any other required appearance before a court or other public body except where the employee is a litigant.
3. Participation in short term military training in Federal Reserve or National Guard.
4. Participation in conferences or official meetings which enhance the employee's value to the Town and approved by the appointing authority.
5. Participation in education or training courses which enhance the employee's value to the Town and approved by the appointing authority.
6. An employee shall earn personal leave on the following basis: For every calendar quarter of perfect attendance, an employee shall earn one (1) personal day. Total accumulation of personal time shall not exceed four (4) days. When an employee terminates, no payment for personal days will be made.

In case the employee receives any pay or remuneration, such as a fee for jury duty or military pay, or a scholarship or fellowship, his/her Town salary shall be reduced by that amount for the duration of the leave.

**G. Military Leave**

The Town will comply with the terms of the Uniformed Services Employment and Reemployment Rights Act.

1. The employee must notify the Town in as much advance as possible either in writing or verbally of the need for military leave. The employee must return to work within five years.
2. No employee shall lose any seniority standing because of any military service including service in the National Guard or organized Reserves.
3. Upon returning from extended active military service, an employee shall be reinstated to his/her former job, or one of like rank, and shall receive credit for the yearly increments awarded, if any, during his/her absence for military service, provided that he/she reports for work within ninety (90) days of his/her discharge from military service.
4. The Town will give credit to the employee for time spent in military service for retirement purposes.

5. The employee's accumulation of sick leave upon leaving for extended active duty in the military service shall be retained to his/her credit when he/she returns.
6. The employee has the right to elect to continue existing health plan for up to 24 months while in the military. The employee has the right to be reinstated in the health plan when re-employed without a waiting period or exclusions.

#### ***H. Other Leave without Pay***

Employees may be granted other leave without pay at the discretion of the department head with the concurrence of the Human Resources Director when, in his/her opinion, the Town Service would benefit from such leave. Such approval shall be granted only after consideration of the needs of the Town service, the service record of the employee, and the relevancy of the request to the needs of the Town.

#### ***I. Absence without Leave***

Any employee who is absent from work for three consecutive work days without notifying his/her department head or immediate supervisor of the reason for such absence shall be considered to have quit the Town Service and shall be removed from the Town payroll as the end of the third consecutive work day.

#### ***J. Conference Leave***

Employees may be granted conference leave upon recommendation of the Department Head and approval of the Mayor.

The employee will be reimbursed for the cost of attendance at such conference, provided he/she signs an agreement to refund all payments made by the Town in behalf of such attendance should the employee leave the employ of the Town within a two year period from the time of attendance.

### **Section 45.1: Workers' Compensation**

- A.** The Town shall continue to pay any employee collecting Workers' Compensation the difference between that amount and his/her regular weekly earnings.
- B.** Employees who are absent from duty through work incurred disability or work incurred illness, so recognized under the State of Connecticut Workers' Compensation Law, shall not be charged with sick leave.
- C.** In those cases wherein the disabled employee may receive damages or awards through litigation or settlement against third parties, such employee will reimburse the Town for monies received during such absence. The

Corporation Counsel is authorized by the Town to negotiate anything less than the full amount of such reimbursement subject to approval by the Town Council.

### **Section 46.1: Tenure**

Every employee who is legally appointed as a result of certification from an appropriate eligible list and who holds a regular appointment by virtue of successful completion of his/her probationary period, and every person currently employed by the Town at the time these rules take effect shall have tenure of employment in the classified service during meritorious service, except as otherwise provided in these rules.

### **Section 47.1: Layoff**

#### ***A. When Permitted***

An appointing authority may, with the approval of the Mayor, layoff an employee whenever he/she deems it necessary by reason of shortage of work or funds, the abolition of the position, material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit on the service of the employee.

#### ***B. Order of Layoff***

1. Temporary employees shall be laid off before probationary employees and probationary employees before regular employees. Regular employees shall be laid off according to seniority within their respective classes and departments, the most recently appointed employee to be laid off first. If such determination of layoff rating does not establish definite differentials for all employees in the class involved, the order of layoff shall be determined by the appointing authority in such manner as to conserve for the Town the services of the most valuable employees.
2. No employee laid off shall have any right or precedent over any other regular employee in the same class working in another department not involved in the layoff.

#### ***C. Notice of Layoff***

In every case of layoff the appointing authority shall give written notice ten (10) working days in advance of his/her action to the Human Resources Director and the employee, and shall certify therein that the layoff is for reasons not reflecting discredit on the employee.

#### ***D. Return of Layoff Names to Eligible Lists***

The names of regular employees laid off shall be placed on the appropriate re-employment lists according to seniority for the class in which the layoff occurred unless the employee indicates in writing to the Human Resources

Director that he/she is no longer interested in employment. The names of probationary employees who are laid off shall be restored to their former position on the eligible list from which certification was made and the names of such employees shall not be placed on the re-employment list.

## **Section 48.1: Disciplinary Action**

### ***A. Cause for Disciplinary Action***

The following shall be sufficient cause for disciplinary action, though such action may be for causes other than those enumerated:

1. Willful violation of the provisions of the Charter or these rules.
2. Incompetence or inefficiency in the performance of the duties of the position to which the employee has been appointed.
3. Wanton carelessness or negligence in the care of Town property.
4. Habitual tardiness or absence from duty.
5. Conviction of a felony or misdemeanor involving moral turpitude.
6. Intoxication on duty.
7. Conduct which reflects unfavorably upon the Town service.
8. Violation of any reasonable official order or failure to carry out any lawful and reasonable directions made and given by a proper supervisor.

### ***B. Types of Disciplinary Action***

Following are the types of disciplinary action which may be invoked against employees of the classified service. They may be independently invoked.

1. **Reprimand** An appointing authority shall report any verbal or written reprimand as a part of the employee's service record by the forwarding of a written memorandum to the Human Resources Director for inclusion in the employee's file. A copy of such reprimand shall be forwarded to the employee. Such reprimand shall remain a part of the employee's service record for a period of one year.
2. **Suspension** An appointing authority may, for disciplinary purposes, suspend without pay any employee under his/her control. Such suspension shall not exceed ten (10) working days for any one offense. Suspensions totaling more than thirty (30) days in any twelve consecutive months shall be deemed a dismissal and so treated. Employees will

forfeit accrual of sick time and vacation time for that month, provided the suspension is for three (3) days or more.

3. **Dismissal** An appointing authority may dismiss for cause any employee under his/her control occupying a position in the classified service, when he/she considers that the good of the service shall be served. It shall be the responsibility of the appointing authority in any case of suspension, demotion, or dismissal, within five (5) days after the effective date of such action, to give the concerned employee a written statement setting forth in substance the reasons therefore and to file a copy of such statement with the Human Resources Director.

***C. Appeals from Disciplinary Action***

In all cases of dismissal, the employee shall have the privilege of a public hearing before the Personnel Appeals Board as hereinafter provided.

**Section 49.1: Appeals from Suspension, Demotion and Dismissal**

- A. Any employee under the classified service who shall be discharged, reduced in rank or compensation, or suspended without pay shall be presented with written reasons for such discharge, reduction or suspension within five (5) days thereafter. The employee shall have the privilege of a public hearing before the Personnel Appeals Board.
- B. Any employee who is discharged, reduced in rank or compensation, or suspended may appeal in writing to the Personnel Appeals Board within ten (10) calendar days after the effective date thereof, setting forth in substance his/her reasons for claiming that such discharge, reduction or suspensions was without just cause or because of his/her race, creed, or color, or because of his/her political, religious, or union opinions or affiliations, except affiliations with any group or organization which seeks or advocates the overthrow of the Government of the United States by force or violence.
- C. Appeals shall be addressed to the Human Resources Director for the Board. The Human Resources Director shall forward a copy to the appointing authority concerned and the appeal shall immediately be forwarded to the Board by the Human Resources Director.
- D. The Board thereupon shall set a date for a hearing of the charges, not less than five (5) nor more than fifteen (15) days after notification of such discharge, reduction or suspension of the employee has been served.
- E. All hearings shall be informal and shall not be subject to any technical rules or order or evidence except such as the Mayor may establish.

- F.* Unless incapacitated, the appellant shall appear personally and may not be excused from answering questions and supplying information. The appointing authority and the appellant may elect to have legal counsel or anyone they designate appear in their behalf at such a hearing. However, the Town shall not assume responsibility for payment to any counsel appearing in behalf of either party, except when the Corporation Counsel of the Town of any of his/her staff is called upon by the appointing authority, and this shall not affect the payment of his/her regular salary.
- G.* Hearings involving several appellants having a common issue may be considered jointly or individually, at the discretion of the Board.
- H.* Unless incapacitated, failure of the appellant to appear at the hearing shall be deemed a withdrawal of his/her appeal and the action of the appointing authority shall be final.
- I.* If the Board finds that the action appealed by the employee was taken by the appointing authority without just cause or because of his/her race, creed, or color, or because of his/her political, religious, or union opinions or affiliations, except affiliations with any group or organization which seeks or advocates the overthrow of the Government of the United States by force or violence, such employee shall be reinstated in his/her former position or a position of like status and pay and shall be reimbursed for any loss of pay.
- J.* In all cases of appeal from suspensions, demotions, and dismissals, the decision of the Board shall be final. Copies of the Board's decision shall be made available to the appointing authority and to the appellant.

### **Section 50.1: Grievance**

- A.* Whenever any employee shall feel any grievance relative to rate of pay, hours of work, or working conditions he/she shall report the matter to his/her Department Head. If such Department Head cannot or will not adjust the matter to the satisfaction of the employee, the complaint may be stated in writing, signed by the employee, and submitted to the Human Resources Director. The Human Resources Director's decision shall be submitted in writing to the employee.
- B.* If the Human Resources Director does not reply in writing within five (5) days of receipt of such written complaint, or if the employee is not satisfied with the decision of the Human Resources Director, the employee may appeal in writing to the Mayor. The Mayor shall arrange to meet with the employee, the Department Head, Human Resources Director and any other interested party within ten (10) days for the purpose of resolving the dispute.
- C.* If such grievance is not resolved by the Mayor to the satisfaction of the employee within ten (10) days from such meeting, the employee may, within ten (10) days thereafter, submit the dispute to a hearing by the Personnel

Appeals Board. Said Board shall hear and act on such dispute in accordance with its rules and shall render a decision which shall be binding on all parties.

- D. If any employee has any complaint, grievance, or problem stemming from his/her employment in the public service and wishes an informal discussion with the Human Resources Director, he/she may inform his/her department head of the intended meeting and contact the Human Resources Director's Office. In such a case, the employee may decline to inform the department head as to the nature of the problem, but he/she must be prepared to discuss it with such person or persons in the office of the Human Resources Director as the Human Resources Director may designate. Such conversation between the employee and the Human Resources Director and his/her staff will be considered confidential and will not be revealed except as the Human Resources Director may deem to be in the best interests of the public service.

**Section 51.1: Use of Privately Owned Automobiles for Town Business**

- A. Employees required to use a privately owned automobile for the conduct of Town business shall be reimbursed once a month for all mileage driven at the rate to be recommended by the Mayor and approved by the Council.
- B. An employee who uses a personally owned automobile for official Town business shall maintain appropriate insurance as prescribed by the Corporation Counsel on his/her automobile, to cover liability for personal injury and property damage.
- C. All Employees who are assigned a town-owned or leased vehicle are expected to adhere to the Town of East Hartford's Motor Vehicle Use Policy.

**Section 52.1: Longevity**

Employees hired on or after August 17, 2006 will not be eligible to receive longevity payments unless otherwise mandated by their union contract.

Employees hired prior to August 17, 2006 shall earn longevity payments on their anniversary date in recognition of their length of service on the following basis:

2-5 years	\$170
6-8 years	\$230
9-13 years	\$260
14-19 years	\$290
20 yrs &	\$330

Longevity payments are made in a lump sum to employees on the first pay period of September. Except for discharge, pro-rata longevity payments shall be

granted to employees in the event they terminate their employment with the Town.

### **Section 53.1: Retirement**

Permanent employees shall be eligible for participation in a Town retirement plan and to elect those retirement options to which they may be eligible in accordance with the plan to be administered by the Finance Department..

### **Section 54.1: Insurance Benefits**

The Town shall provide the following insurance benefits for all active full-time Town employees and their enrolled eligible dependents. Effective July 1, 2011 employees will contribute, through a weekly payroll deduction, 16%, of the premium cost of items A and B below. The premium cost sharing will be on a pre-tax basis in accordance with Section 125 of the Internal Revenue Service Code. The premium share will increase on July 1, 2012 to 17% and on July 1, 2013 to 18%.

- A. High Deductible Health Plan with HSA/HRA
- B. Prescription Drug Coverage
- C. Three-Tier Dental Program
- D. Vision care rider for employee and enrolled dependents
- E. Employees may select, in lieu of the Plan described above and subject to availability, membership in a Preferred Provider (PPO) or Health Maintenance Organization (HMO). The premium share will be 40% of the fully insured equivalent rate.
- F. The Town shall provide and pay for a Fifty Thousand (\$50,000) Life Insurance policy for each employee, with Accidental Death and Dismemberment coverage in the principal sum with double indemnity in the event of accidental death. A Ten Thousand (\$10,000) Life Insurance policy will be provided for each Town retiree.
- G. The Town reserves the option to change insurance carriers from time to time, but not more than once in any calendar year, through competitive bidding, for all insurance benefits.
- H. Current and new employees may choose not to enroll in items A, B, and E, and receive a monetary payment instead. The Town of East Hartford will implement a "Health Benefit Opt-Out Incentive Program." This plan will offer employees a financial incentive to drop Town-sponsored health insurance (excluding Dental) if they have or can get health benefits through another

plan. The other health plan must not be a Town or East Hartford Board of Education sponsored plan.

1. Effective April 2, 2009, the payments to be made to employees who drop their Town-sponsored health insurance plan, excluding Dental, will be as follows:

<b>Coverage Type</b>	<b>Payment Amount</b>
Individual	\$775
Individual plus one dependent	\$1275
Individual plus two or more dependents	\$1775

No payment will be made for a reduction in the number of dependents. The employee's entire contract must be canceled by the employee to qualify for payment.

2. One-quarter of the above amounts (\$193.75, \$318.75, \$443.75, respectively) will be paid at the end of the fiscal quarter for which the plan is canceled. Prorated payments will be made if an employee's plan is canceled partway through a quarter. The Mayor reserves the right to reduce or eliminate any of the above payments for any quarter due to lack of funds.
  3. Employees wishing to take advantage of this option will fill out the change form provided by their plan and the "Health Benefit Opt-Out Form," and will provide written evidence of health insurance coverage by another plan.
  4. Current employees who are eligible but are not now on a Town-sponsored insurance plan will be qualified for this incentive upon presentation of proof of coverage by another health insurance plan.
  5. New employees who are eligible for Town coverage upon employment but choose not to enroll will be eligible for this incentive upon presentation of written evidence of health insurance coverage by another plan. Prorated payments will be made to new employees if they begin employment partway through a quarter.
  6. Employees who opt-out of their Town-sponsored plan and then find that the other source of coverage is no longer available may re-enroll in a Town plan subject to the rules of that plan.
- I. The term "retiree" will mean a former employee who has met the requirements of the retirement plan to receive Normal, Early or Disability Retirement benefits from the Town and is receiving such benefits.

**J. For all employees who are eligible to retire before January 1, 2012:** The Town shall provide and pay for the insurance benefits listed in Section 54.1 B, E and F.

1. For retirees who are eligible for Social Security Parts A & B, Supplemental coverage shall be provided in place of the foregoing coverage.
2. The Town shall provide and pay for the insurance benefits described in Section 54.1 B and E for the retiree's spouse under the following conditions:
  - a. The retiree must attain age 60 before his/her spouse will be eligible for this coverage.
  - b. If the retiree remarries, the new spouse will not be eligible for this coverage.
  - c. The term "spouse" shall mean the retiree's spouse who shall have been married to and living with the employee as his/her spouse at the time of the employee's retirement. When the retiree dies, all coverage to his/her spouse shall cease, unless such spouse elects to continue this coverage by the deduction of 100% of the monthly cost from their pension check.
  - d. In order for the spouse coverage to be effective, the retiree must pay to the Town 50% of the monthly cost, as determined by the Town. This contribution shall be deducted from the retiree's monthly pension check. If such deduction is not made continuously from the retiree's monthly pension check commencing with his/her 60<sup>th</sup> birthday, all coverage for the spouse shall cease and not be reinstated.
  - e. When the retiree's spouse reaches age 65 and enrolls in Medicare, the Town will pay 100% of the cost for Parts A & B Supplemental coverage.

**For all employees who are eligible to retire after January 1, 2012:** The Town shall provide and pay for the insurance benefits listed in Section 54.1 F. The Town shall offer the insurance benefits listed in Section 54.1 B and E under the following terms:

1. Employees who retire at 55 years of age or under will pay 50% of the cost of employee-only coverage until the retiree becomes eligible for Medicare.
2. Employees who retire at 56 through 59 years of age will pay 25% of the cost of employee-only coverage until the retiree becomes eligible for Medicare.
3. Employees who retire at 60 through 64 years of age will pay 0% of the cost of employee-only coverage until the retiree becomes eligible for Medicare.

4. The Town shall cease providing and/or paying for any and all health insurance coverage when the retired employee becomes eligible for Medicare.

**For employees who are eligible to retire on or after January 1, 2012:** the Town shall offer the same medical benefits to the spouse, subject to the following:

1. Employees who retire at 55 years of age or under will pay 100% of spousal coverage until the spouse becomes eligible for Medicare.
2. Employees who retire at 56 through 59 years of age will pay 75% of spousal coverage until the spouse becomes eligible for Medicare.
3. Employees who retire at 60 through 64 years of age will pay 50% of spousal coverage until the spouse becomes eligible for Medicare.
4. The Town shall cease providing and/or paying for any and all health insurance coverage when the employee's spouse becomes eligible for Medicare.

### **Section 55.1: Promotional Procedure - Public Safety Divisions (Police & Fire)**

Whenever a permanent vacancy occurs or is created in a promotional classification in the Public Safety Divisions' Bargaining Units, and an eligibility list established in accordance with Section 55.3 is in effect for such classification, the Chief of the appropriate division may, prior to the date when such permanent vacancy occurs or is created, request the Human Resources Director to certify the names of the three highest earned ratings on such eligibility lists as well as the name appearing on the top of the departmental re-employment list for that classification. Within ten (10) days after the Human Resources Director receives either request, he/she shall certify such names to the Chief of the appropriate division. After the Chief receives such certification, but no earlier than the date on which such permanent vacancy occurs or is created, said Chief shall appoint the person from the three highest earned ratings certified to fill such permanent vacancy.

### **Section 55.2:**

Whenever such a permanent vacancy occurs or is created in a promotional classification in the Public Safety Divisions' Bargaining Units, and no eligibility list established in accordance with Section 55.3 is in effect for such classification, the Human Resources Director may, prior to the date when such permanent vacancy occurs or is created, conduct or cause to be conducted a promotional examination for the purpose of establishing an eligibility list for such classification.

### **Section 55.3:**

Each promotional examination conducted pursuant to Section 55.2 shall be open only to those employees of the Public Safety Divisions' Bargaining Units who, on the date of such examination, have the qualifications and meet the requirements set forth in the class specifications for the classification for which the examination is being conducted. At least fifteen (15) days in advance of the date when such an examination is scheduled to take place, the Human Resources Director shall cause written notice of such examination to be posted to all employees (i.e. via e-mail, Town and/or Department website, bulletin board, etc.). Such notice shall describe the place, date and time of such examination and the qualification which the candidates must have and the requirements which they must meet in order to qualify to compete in such examination and, as determined by the Human Resources Director, the passing grade or minimum rating which a candidate must achieve in such examination in order to be placed on the eligibility list of the classification for which such examination is being conducted. When an examination is contracted by any agency, public or private, the minimum rating by which eligibility may be achieved shall be established by the agency conducting the examination.

The final earned rating of each applicant competing in any promotional test shall be determined by the weighted average of the earned ratings on all phases of the test, according to weights for each phase established by the Human Resources Director, in advance of the giving of the test and published as part of the announcement of the test.

All candidates who achieve the passing grade or who meet the minimum rating in each such examination shall be placed on the eligibility list of the classification for which the examination is being conducted, arranged in order of final weighted ratings received. Each eligibility list, established in accordance with the provisions of Section 55.3 shall be made available in the Human Resources Director's Office and each candidate notified by the Human Resources Director, in writing, concerning his/her rating in such examination and his/her place, if any, on such eligibility list no later than ninety (90) days after the date of the examination.

Such eligibility list may not be used or considered to be in effect until it has been posted for fifteen (15) days or until the Board of Appeals has rendered a decision, whichever comes later.

In computing a candidate's seniority for each examination, all service shall be included which he/she has had in each classification that is eligible to compete in such examination.

### **Section 55.4:**

Within fifteen (15) days of the date when such an eligibility list is posted, any candidate in such examination may appeal his/her grade or rating in such examination or his/her place or position on such eligibility list, or the fact that

his/her name does not appear on such eligibility list. Such appeal shall be in writing and shall be submitted to the Personnel Appeals Board. Said Appeals Board shall conduct a hearing on such appeal, render a decision which shall be final and binding, provided however, that no such decision shall conflict or inconsistent with the provisions of Section 55.1 through 55.8 inclusive.

**Section 55.5:**

Whenever an eligibility list is established in accordance with the provisions of Section 55.3 and a vacancy in the promotional classification for which such list was established is in existence on the date that such list takes effect or may be used within ten (10) days after such date, the Chief of the appropriate division shall request the Human Resources Director to certify the names of the employees having the three (3) highest earned ratings on such eligibility list. Within ten (10) days after the Human Resources Director receives such request, he/she shall certify such names to the Chief. Within five (5) days after the Chief receives such certification, he/she shall appoint the person from such list certified or from the certified re-employment list.

**Section 55.6:**

Within ninety (90) days of the date when this amendment to the Personnel Rules takes effect, the Human Resources Director, after consultation with the duly authorized representative of the Public Safety Divisions' Bargaining Units, shall reaffirm, amend, modify or establish as the case may be, class specifications for each classification in the Public Safety Divisions' Bargaining Units.

**Section 55.7:**

For purposes of Sections 55.1 through 55.8 inclusive, the term "promotional classification in the Public Safety Divisions' Bargaining Units" shall mean and include all classifications which, on the effective date of this amendment to the Personnel Rules, are covered by the collective bargaining contracts and which have a salary range that is higher than the salary range for the Police Officer and/or Fire Fighter classification.

**Section 55.8:**

Any other provision of the Personnel Rules which is inconsistent or in conflict with Section 55.1 through 55.8 inclusive, shall not apply to employees, positions, or classifications covered by said collective bargaining contract.

## **Section 56.1 Additional Fringe Benefits as Defined by Position**

### ***A. All Sworn Classified Non-Bargaining Employees (Police Department)***

In addition to the benefits provided for herein and by Town Charter, the above employees, hired into these positions on or after August 17, 2006, shall enjoy the following additional fringe benefits<sup>1</sup>:

1. **Salary**: As defined within the salary schedule approved annually by Town Council. The Mayor, however, shall have the discretion to implement an annual salary within the salary range designated for the position of Police Chief, Deputy Chiefs and Commanders.
2. **Workweek**: The workweek is a minimum of 40 hours (daily 1 hour unpaid lunch). However, the Police Chief, Deputy Chiefs and Commanders are expected to work in excess of 40 hours as necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, budget workshops, etc., or as deemed necessary by the Mayor.
3. **Compensatory Time**: The Police Chief, Deputy Chiefs and Commanders are considered exempt salaried professional employees under the Fair Labor Standards Act. Accordingly, these positions are ineligible to earn any compensatory time or overtime. The Police Chief, Deputy Chiefs and Commanders will need to account for their use of sick days and vacation days.
4. **Sick Days**: It is acknowledged that from time to time, sickness, family emergency, or medical treatment will cause the Police Chief, Deputy Chiefs and Commanders to miss time from work. When such a situation exists, the Police Chief shall promptly notify the Office of Mayor of such absence, and subsequently, communicate the absence to the Human Resources Department for attendance tracking purposes.

On an annual basis, the Mayor shall review the absences taken by each Director as provided by the Human Resources Department and in the event of abuse; the Mayor shall take the necessary administrative action, up to and including termination.

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<sup>1</sup> The Police Chief and Deputy Chiefs currently serving in such position on August 17, 2006, shall continue to have their current benefits and working conditions. However, whenever the position becomes vacant thereafter, such position shall be considered an exempt salaried position under the Fair Labor Standards Act and ineligible to receive any compensatory time or overtime.

5. **Retirement:** Enrollment in the Town's 457 Plan whereby the Town contributes 8.5% and the Police Chief, Deputy Chiefs and Commanders contribute 4% of salary. Current employees promoted to the position of Police Chief or Deputy Chief or Commander shall have the one time irrevocable choice of maintaining their current pension between the Town of East Hartford and Police Union or enrolling in the Town's 457 Plan. Any person hired into the position of Police Chief, Deputy Chief or Commander after April 2, 2009 shall only have the option of enrolling in the Town's 457 Plan under the above referenced terms.
6. **Vacation:** A minimum of 15 annual days of vacation effective upon initial date of appointment. At the Mayor's discretion, an additional 10 annual vacation days may be granted to the Police Chief, Deputy Chiefs or Commanders. The Police Chief, Deputy Chiefs and Commanders are eligible to accumulate up to 75 vacation days, payable upon separation.
7. **Separation from Service:** The Police Chief, Deputy Chiefs and Commanders shall not be terminated without cause, as defined by Connecticut Statute or Town of East Hartford Charter.
8. **Miscellaneous Benefits:**
  - a. ***Health Insurance:*** Refer to Section 54.1 A-E and 54.1 G-H.
  - b. ***Health Insurance for Retirees:*** The term "retired employee" will mean a former Police Chief, Deputy Chief or Commander who has been continuously employed by the Town for a period of at least 10 years and obtained the minimum age of 55 years old. For benefits, refer to Section 54.1 J.
  - c. ***Long Term Disability Insurance:*** The Police Chief, Deputy Chiefs and Commanders may choose to purchase Long Term Disability Insurance through the Town's designated provider. The Police Chief, Deputy Chiefs and Commanders will have a 90 day waiting period and will receive 60% of pre-disability earnings to a maximum of \$5,000 per month.
  - d. ***Life Insurance:*** The Police Chief, Deputy Chiefs and Commanders shall receive life insurance coverage at the rate of 2.5 times their total compensation to the nearest \$1,000 to a maximum of \$250,000 as funded by the East Hartford Town Council.
9. At the Mayor's sole discretion, the Police Chief, Police Deputy Chiefs and Police Commanders shall have use of a Town of East Hartford motor vehicle provided that they follow and adhere to the Town of East Hartford's Motor Vehicle Use Policy.

**B. Chief of Police**

In addition to the benefits provided for herein and by Town Charter, the Chief of Police shall enjoy the following additional fringe benefit:

**Training and Professional Development:** Maintain current budget level of \$2,500 for Chief's travel and training account.

***C. Acting Police Chief, Acting Deputy Chief, Acting Commander***

The temporary appointment of an employee to the position of Acting Police Chief, Acting Deputy Chief or Acting Commander from a bargaining unit position shall be subject to the terms and conditions of employment set forth in this Section, and not Section 56.1 A. During such temporary service, the employee also shall enjoy all of the other applicable benefits provided by these Rules and by Town Charter.

1. **Salary:** As defined within the salary schedule approved annually by Town Council. The Mayor, however, shall have the discretion to implement an annual salary within the salary range designated for the position of Acting Police Chief, Acting Deputy Chief or Acting Commander
2. **Workweek:** A standard workweek is 40 hours (daily 1 hour unpaid lunch). However, an Acting Police Chief, Acting Deputy Chief or Acting Commander shall work additional hours as necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, budget workshops, etc., or as deemed necessary by the Mayor.
3. **Compensatory Time and Overtime:** An Acting Police Chief, Acting Deputy Chief or Acting Commander is considered an exempt salaried employee and is ineligible to earn any compensatory time or overtime. An Acting Deputy Police Chief or Acting Police Commander will need to account for their use of sick days and vacation days.
4. **Retirement:** Retirement benefits are subject to the terms and conditions of the *Retirement Plan for Full-Time Employees of the Police Department of the Town of East Hartford*.
5. **Miscellaneous Benefits:** An Acting Police Chief, Acting Deputy Chief or Acting Commander will receive the following benefits, applicable to his/her regular bargaining unit position, subject to the terms and conditions in the current collective bargaining agreement between the Town of East Hartford and East Hartford Police Officer's Association:
  - a. Sick Leave;
  - b. Injury Leave;
  - c. Vacation;
  - d. Funeral Leave;
  - e. Holidays;
  - f. Insurance; and

g. Flexible Spending Accounts.

6. **Termination of Employment:** The employee shall serve in the position of Acting Police Chief, Acting Deputy Chief or Acting Commander at the discretion of the Mayor or Police Chief, respectively, subject to Section 30.1(D)(3) of the personnel rules, and may be removed from that temporary position at any time, for any reason, with or without prior notice.
7. **Motor Vehicle:** At the Mayor's sole discretion, an Acting Police Chief, Acting Deputy Chief or Acting Commander may have use of a Town of East Hartford motor vehicle provided that they comply with the Town of East Hartford's Motor Vehicle Use Policy.

## **Section 56.2: Additional Fringe Benefits as Defined by Position**

### ***A. All Sworn Classified Non-Bargaining Employees (Fire Department)***

In addition to the benefits provided for herein and by Town Charter, the above employees, hired into these positions on or after August 17, 2006, shall enjoy the following additional fringe benefits<sup>2</sup>:

1. **Salary:** As defined within the salary schedule approved annually by Town Council. The Mayor, however, shall have the discretion to implement an annual salary within the salary range designated for the position of Fire Chief and the Assistant Fire Chiefs.
2. **Workweek:** The workweek is a minimum of 40 hours (daily 1 hour unpaid lunch). However, the Fire Chief and the Assistant Fire Chiefs are expected to work in excess of 40 hours as necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, budget workshops, etc., or as deemed necessary by the Mayor.
3. **Compensatory Time:** The Fire Chief and the Assistant Fire Chiefs are considered exempt salaried professional employees under the Fair Labor Standards Act. Accordingly, these positions are ineligible to earn any

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<sup>2</sup> The Assistant Chief currently serving in such position on April 2, 2009, shall continue to have his current benefits and working conditions. However, whenever the position becomes vacant thereafter, such position shall be considered an exempt salaried position under the Fair Labor Standards Act and ineligible to receive any compensatory time or overtime.

compensatory time or overtime. The Fire Chief and the Assistant Fire Chiefs will need to account for their use of sick days and vacation days.

4. **Sick Days**: It is acknowledged that from time to time, sickness, family emergency, or medical treatment will cause the Fire Chief and the Assistant Fire Chiefs to miss time from work. When such a situation exists, the Fire Chief or the Assistant Fire Chiefs shall promptly notify the Office of Mayor of such absence, and subsequently, communicate the absence to the Human Resources Department for attendance tracking purposes.

On an annual basis, the Mayor shall review the absences taken by the Fire Chief and the Assistant Fire Chiefs as provided by the Human Resources Department and in the event of abuse, the Mayor shall take the necessary administrative action, up to and including termination.

5. **Retirement**: Enrollment in the Town's 457 Plan whereby the Town contributes 8.5% and the Fire Chief and the Assistant Fire Chiefs contribute 4% of salary. Current employees promoted to the position of Fire Chief and/or Assistant Fire Chief shall have the one time irrevocable choice of maintaining their current pension between the Town of East Hartford and Firefighter's Union or enrolling in the Town's 457 Plan. Any person hired into the position of Fire Chief or Assistant Fire Chief after April 2, 2009 shall only have the option of enrolling in the Town's 457 Plan under the above referenced terms.
6. **Vacation**: A minimum of 15 annual days of vacation effective upon initial date of appointment. At the Mayor's discretion, an additional 10 annual vacation days may be granted to the Fire Chief and the Assistant Fire Chiefs. The Fire Chief and the Assistant Fire Chiefs are eligible to accumulate up to 75 vacation days, payable upon separation.
7. **Separation from Service**: The Fire Chief and the Assistant Fire Chiefs shall not be terminated without cause, as defined by Connecticut Statute or Town of East Hartford Charter.
8. **Miscellaneous Benefits**:
  - a. ***Health Insurance***: Refer to Section 54.1 A-E and 54.1 G-H.
  - b. ***Health Insurance for Retirees***: The term "retired employee" will mean a former Fire Chief or Assistant Fire Chief who has been continuously employed by the Town for a period of at least 10 years and obtained the minimum age of 55 years old. For benefits, refer to Section 54.1 J.
  - c. ***Long Term Disability Insurance***: The Fire Chief and/or Assistant Fire Chiefs may choose to purchase Long Term Disability Insurance through the Town's designated provider. The Fire Chief and/or Assistant Fire Chiefs will have a 90 day waiting

period and will receive 60% of pre-disability earnings to a maximum of \$5,000 per month.

- d. **Life Insurance:** The Fire Chief and/or Assistant Chiefs shall receive life insurance coverage at the rate of 2.5 times their total compensation to the nearest \$1,000 to a maximum of \$250,000 as funded by the East Hartford Town Council.

9. At the Mayor's sole discretion, the Fire Chief and the Assistant Fire Chiefs shall have use of a Town of East Hartford motor vehicle provided that they follow and adhere to the Town of East Hartford's Motor Vehicle Use Policy.

### ***B. Chief of the Fire Department***

In addition to the benefits provided for herein and by Town Charter, the Chief of the Fire Department shall enjoy the following additional fringe benefit:

**Training and Professional Development:** Maintain current budget level of \$3,000 for Chief's travel and training account.

### ***C. Acting Assistant Fire Chief***

The temporary appointment of an employee to the position of Acting Fire Chief or Acting Assistant Fire Chief from a bargaining unit position shall be subject to the terms and conditions of employment set forth in this Section, and not Section 56.2 A. During such temporary service, the employee also shall enjoy all of the other applicable benefits provided by these Rules and by Town Charter.

1. **Salary:** As defined within the salary schedule approved annually by Town Council. The Mayor, however, shall have the discretion to implement an annual salary within the salary range designated for the position of Fire Chief or Assistant Fire Chief.
2. **Workweek:** A standard workweek is 40 hours (daily 1 hour unpaid lunch). However, an Acting Fire Chief or Acting Assistant Fire Chief shall work additional hours as necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, budget workshops, etc., or as deemed necessary by the Mayor.
3. **Compensatory Time and Overtime:** An Acting Fire Chief or Acting Assistant Fire Chief is considered an exempt salaried employee and is ineligible to earn any compensatory time or overtime. An Acting Assistant Fire Chief will need to account for their use of sick days and vacation days.

4. **Retirement:** Retirement benefits are subject to the terms and conditions of the *Retirement Plan for Full-Time Employees of the Fire Department of the Town of East Hartford*.
5. **Miscellaneous Benefits:** An Acting Fire Chief or Acting Assistant Fire Chief will receive the following benefits, applicable to his/her regular bargaining unit position, subject to the terms and conditions in the current collective bargaining agreement between the Town of East Hartford and Local 1548 of the International Association of Firefighters.
  - a. Sick Leave;
  - b. Injury Leave;
  - c. Vacation;
  - d. Funeral Leave;
  - e. Holidays;
  - f. Insurance;
  - g. Wellness Program; and
  - h. Flexible Spending Accounts.
6. **Termination of Employment:** The employee shall serve in the position of Acting Fire Chief or Acting Assistant Fire Chief at the discretion of the Mayor or Fire Chief respectively, subject to Section 30.1(D)(3) of the personnel rules, and may be removed from that temporary position at any time, for any reason, with or without prior notice.
7. **Motor Vehicle:** At the Mayor's sole discretion, an Acting Assistant Fire Chief may have use of a Town of East Hartford motor vehicle provided that they comply with the Town of East Hartford's Motor Vehicle Use Policy.

**Section 56.3: Additional Fringe Benefits as Defined by Position**

***A. All Sworn Full Time Appointed Directors and the Position of "Assistant to the Mayor"***

In addition to the benefits provided for herein and by Town Charter, the above employees shall enjoy the following additional fringe benefits:

1. **Salary:** As defined within the salary schedule approved annually by Town Council. The Mayor, however, shall have the discretion to implement an annual salary within the salary range designated for each Director's respective position.
2. **Workweek:** Workweek is a minimum of 40 hours (daily 1 hour unpaid lunch). However, Directors are expected to work in excess of 40 hours as

necessary to fulfill and maintain the workload of the department. This may include working evenings and/or weekends to attend meetings, hearings, and budget workshops, etc. or as deemed necessary by the Mayor.

3. **Compensatory Time:** All Directors are considered exempt salaried professional employees under the Fair Labor Standards Act. Accordingly, Directors are ineligible to earn any compensatory time or overtime. Directors will need to account for their use of sick days and vacation days.
4. **Sick Days:** Effective January 1, 2006, the accrual of sick time for Directors will cease, and the sick days accrued to date shall be eliminated. In lieu of a sick day accrual system, the following Director Sick Time Policy shall be implemented.
5. **Director Sick Time Policy:** It is acknowledged that from time to time, sickness, family emergency, or medical treatment will cause a director to miss time from work. When such a situation exists, the director shall promptly notify the Office of Mayor of such absence, and subsequently, communicate the absence to the Human Resources Department for attendance tracking purposes.  
  
On an annual basis, the Mayor shall review the absences taken by each Director as provided by the Human Resources Department and in the event of abuse; the Mayor shall take the necessary administrative action, up to and including termination.
6. **Retirement:** Enrollment in the Town's 457 Plan whereby the Town contributes 8.5% and the Director contributes 4% of salary.
7. **Vacation:** A minimum of 15 annual days of vacation effective upon initial date of appointment. At the Mayor's discretion, an additional 10 annual vacation days may be granted to each Director. Directors are eligible to accumulate up to 75 vacation days, payable upon separation.
8. **Miscellaneous Benefits:**
  - a. ***Health Insurance:*** Refer to Section 54.1 A-E and 54.G-H.
  - b. ***Health Insurance for Retirees:*** The term "retired employee" will mean a former Director who has been continuously employed by the Town for a period of at least 10 years and obtained the minimum age of 55 years old. For benefits, refer to Section 54.1 J.
  - c. ***Long Term Disability Insurance:*** Directors may choose to purchase Long Term Disability Insurance through the Town's designated provider. Directors will have a 90 day waiting period and will receive 60% of pre-disability earnings to a maximum of \$5,000 per month.

- d. ***Life Insurance:*** Directors shall receive life insurance coverage at the rate of 2.5 times their total compensation to the nearest \$1,000 to a maximum of \$250,000 as funded by the East Hartford Town Council.

#### **Section 56.4**

9. **Separation from Service:** All Directors and the position of Assistant to the Mayor, who are not reappointed or who are terminated without cause shall receive salary continuation for six (6) weeks. In addition, all full-time appointed Directors and the position of Assistant to the Mayor shall continue to receive health insurance, at the Town's expense, for three (3) additional months. Directors who voluntarily resign or are terminated for just cause are ineligible to receive the additional benefits outlined in this section.