



# Town of Veazie

## Chapter 21 - Personnel



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**21.01 PURPOSE**

The Town of Veazie's Personnel Ordinance is hereby set forth to establish the current policies and procedures applicable to the Town's employees. The Personnel Ordinance does not constitute an employment contract between the Town and any employee.

These principles and procedures are intended to give reasonable assurance to the Town of Veazie and its employees that personnel matters will be dealt with equitably, and that the citizens of the Town of Veazie may derive the benefits and advantages which can be expected to result from a competent staff of Town employees.

These rules apply to all employees unless otherwise noted. Volunteers shall be subject to only those provisions that are specifically stated to include them, if any.

**21.02 EMPLOYMENT PHILOSOPHY**

**21.02.01**

Employment with the Town shall be based on merit and shall be free of personal political consideration.

**21.02.02**

It is the policy of the Town to establish just and equitable incentives and conditions of employment with the goal of promoting efficiency and economy in the operation of the Town.

**21.02.03**

Positions having similar duties and responsibilities shall be classified and compensated for a uniform scale.

**21.02.04**

Efforts shall be made to maintain morale by fair administration of this Ordinance and by consideration of the rights and interests of the employees, consistent with the best interests of the citizens and the Town.

**21.02.05**

Continuity of employment shall be subject to satisfactory performance of work, availability of funds, and employee conduct.

**21.02.06**

The Town retains the right to determine working hours, salaries, size of its employment force, and the adoption of ordinances related to personnel matters. In the case of any unionized department, the Town retains these rights through the negotiation of a contract with the union.

**21.03 SELECTION**

**21.03.01 Recruitment**

The Town of Veazie shall employ the best-qualified persons who are available at the salary levels established for Town employment. The applicable hiring authority, with the cooperation of Department Heads, shall seek out the most desirable employees for vacant positions.

Except as provided in Section 21.03.02 Preference below, within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable.

The character of an employment search shall vary from position to position, to include, but not limited to; advertising, departmental notices, open competitive examination, and contact with State and other employment offices.

**21.03.02 Preference**

First preference in filling any vacancy shall be given to the promotion or transfer of present employees having the qualifications for the vacant position. It is recognized, however, that in order to meet specific requirements for a position, it may be necessary to hire a non-employee to fill the vacancy. Such a decision, however, shall only be made after a careful review of the qualifications of present Town employees who apply for the position. If hiring a non-employee, in cases where residents of The Town of Veazie and non-residents are equally qualified for particular vacant positions, residents shall receive first consideration. Preference will be given in the following order 1) employee, 2) resident non-employee, 3) non-resident, non-employee.

**21.03.03 Applications**

The Town Manager shall establish an employment application form, in accordance with all applicable Town, State, and Federal laws as well as Town policies. Such forms must be signed by the applicant, and may require whatever information is deemed necessary by the Town Manager for the evaluation of all applicants. The Town of Veazie relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any willful misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

**21.03.04 Interviews**

The hiring authority or his/her designee may request a personal interview with one or more applicants for any position to assist in the determination of the best candidate for employment.

**21.03.05 Recommendations**

When the hiring authority has designated another person(s) to evaluate applications and/or conduct interviews, that designee shall submit in writing a list of qualified candidates with a brief evaluation report of each and a recommendation for appointment to the vacant position. In all cases, the hiring authority shall have the final decision.

**21.03.06 Equal Employment Opportunity**

The Town of Veazie provides equal employment opportunities to all applicants and employees. This policy applies to all employment-related decisions, including recruiting, hiring, assigning, supervising, training, upgrading, transfer, compensation, benefits, discipline, discharge, promotion, and education.

The Town of Veazie shall not discriminate in employment opportunities or practices against any individual based on race, color, ancestry, national origin, religion, political affiliation, sex, marital status, age, sexual orientation, physical or mental disability, or any other status protected by law.

The Americans with Disabilities Act ("ADA") and Maine Human Rights Act ("MHRA") prohibit discrimination in employment on the basis of a physical or mental disability.

As an employer, the Town of Veazie uses non-discriminatory application procedures, qualification standards and selection criteria and all other terms and conditions of employment. The Town of Veazie shall make reasonable accommodations for applicants and qualified individuals with known disabilities unless doing so would result in an undue hardship. The ADA and MHRA make exceptions regarding employment of a person who poses a direct or significant risk to the person or to others, such as a person with a contagious disease or a person who illegally uses drugs or alcohol.

Disability Defined: Anyone with a physical or mental impairment substantially limiting one or more major life activities; has a record of such impairment; or is regarded as having such an impairment, is considered a person with a disability. In terms of employment, the law defines a "qualified individual with a disability" as an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements and who can perform the essential functions of the job with or without reasonable accommodations. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate Supervisor, Department Head or the Town Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination, including retaliation for assertion of one's legal rights, will be subject to disciplinary action, up to and including termination of employment.

#### **21.03.07 Hiring of Relatives**

It is the policy of the Town to hire and promote on the basis of an individual's merit, knowledge, skills and abilities. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. For that reason, except as may be authorized in certain circumstances by the Town Manager, such as, circumstances requiring emergency temporary staffing, employment of relatives within the same department or division where one relative would hire, supervise, discipline, conduct performance reviews or set any other conditions of employment for another relative is prohibited. These restrictions are also applicable when assigning, transferring or promoting an employee.

For the purposes of this Ordinance, relative includes the following: any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage such as domestic partners, adopted children, and foster children.

## **21.04 GENERAL RULES**

### **21.04.01 Responsibility**

The Town Manager or his/her designee shall have the responsibility for administration of the personnel program consistent with the Personnel Ordinance.

### **21.04.02 Hiring Authority**

Oversight of individual employees shall be the responsibility of the hiring authority as provided in the Town of Veazie Charter. The hiring authority is that person(s) specifically authorized by the Town Charter to hire or appoint the employee. For further detail see Veazie Charter Section 00.03.04.01.

### **21.04.03 Status**

Personnel status is the category of employment into which an employee falls based upon the method of hire and/or the nature of tenure. These classifications do not guarantee employment for any specified period of time. The following are the categories of personnel status and their definitions:

#### **21.04.03.01 Regular Employee**

Has satisfactorily completed the probationary period (only full-time and part-time employees may attain regular status).

#### **21.04.03.02 Probationary Employee**

Hired for an initial/promotional/transferral trial period of six (6) months, which may be extended to a maximum of twelve (12) months upon request of the immediate Supervisor and/or the decision of the Town Manager. During the probationary period, the employee may be removed or demoted at any time with or without cause. Such removals or demotions shall not be subject to review or appeal.

#### **21.04.03.03 Full-Time Employee**

Hired to a position requiring regularly scheduled employment of at least thirty-five (35) hours per week.

#### **21.04.03.04 Part-Time Employee**

##### **21.04.03.04.01 Regular Part-Time Employee**

Hired to a position requiring regularly scheduled employment of less than thirty-five (35) hours per week.

##### **21.04.03.04.02 Intermittent Employee**

Hired to a position, which calls for non-scheduled irregular hours of employment. (Example: reserve police officer)

##### **21.04.03.04.03 On-Call Intermittent**

Hired to a position, which may be scheduled regularly or irregularly, but calls for intermittent work as needed and is compensated only on a per-call basis. (Example: call fire fighter)

**21.04.03.04.04 Seasonal Employee**

Hired to a position established for less than full-year periods and which is expected to be of a regularly recurring nature.

**21.04.03.04.05 Temporary Employee**

Hired for work not to exceed one hundred and eighty (180) consecutive calendar days or for a particular project with a specified duration of time.

**21.04.03.04.06 Interim Employee**

Hired to a position at the administrative level for the period of time necessary to recruit and appoint a person to fill the vacant position or in the temporary absence of the employee regularly holding the position if the absence is of thirty (30) consecutive calendar days duration or longer.

Any employee who receives a promotion or a transfer shall be required to serve another probationary period.

**21.04.04 Classification**

To aid in the determination of applicability of the State and Federal wage and hour laws, each position and/or title within the Town government shall be categorized as either exempt or non-exempt. Such classification governs applicability of overtime provisions to the position. It will be the responsibility of the Town Manager, in conjunction with the preparation of the position descriptions, to determine exempt or non-exempt status.

**21.04.05 Position Descriptions**

Job descriptions for each position in the Town employment shall be developed by the hiring authority and shall be periodically updated.

**21.04.06 Evaluation**

An evaluation for purposes of this Ordinance is the examination and review of job performance for purposes of determining continuation of employment, promotion, demotion, or salary adjustment.

All employees shall be evaluated annually no matter what the status. Employees shall be evaluated at the completion of the initial probationary period and once each year thereafter.

A written evaluation shall be prepared by the immediate Supervisor in a manner prescribed by each Department Head.

Employees shall be afforded the opportunity to review and discuss their written evaluation with their immediate Supervisor, and shall sign their evaluation as proof of discussion and understanding although they may not necessarily agree with the evaluation. An employee may prepare a written response to any item included in the evaluation. This response shall be submitted to the evaluator, attached to and become part of the evaluation. A copy of the complete evaluation shall be provided for the employee and placed in his/her personnel file.



**21.04.07 Personnel Files**

Personnel files are maintained by the Town of Veazie. Insofar as permitted and/or required by law, all personnel records shall be confidential.

During regular business hours an employee may inspect his/her personnel file. Requests to inspect a personnel file shall be made to the Town Manager, or his/her designee. No personnel file shall be removed from the Town Office. An employee may receive a copy of any document contained within their personnel file upon request.

**21.04.08 New Hire Training Requirements**

All newly hired employees shall meet with their direct Supervisor to schedule mandatory training as soon as practicable.

**21.05 Compensation**

**21.05.01 Salaries & Wages – General**

It is the objective of the Town of Veazie to pay employees commensurate with salaries and wages for municipalities of the same approximate size, and for comparable private work in the area, and at rates that will attract and retain well-qualified and responsible employees. Classification of a position and specific duties and responsibilities of a position as set forth in job descriptions shall be the primary considerations in determining the rate of compensation. A wage and salary schedule for all positions including Department Heads shall be maintained by the Town Manager and issued to each Department Head. The Wage and Salary Schedule referred to in this Ordinance is attached hereto for the convenience of the reader, shall not be considered to be part of this Ordinance and, from time to time, will be amended and/or updated.

New employees shall be hired at the minimum rate for the position as specified in the Wage and Salary Schedule, except that in circumstances where qualifications and training indicate, a higher starting rate may be authorized.

In the case of two or more positions and/or titles being held by one employee, the rate of compensation shall be determined by the job requirements of the combination of positions and not by the number of positions. In the event of reorganization or reassignment of duties causing the combination of positions to change, the rate of compensation shall be adjusted if necessary or appropriate. In the event of transfers, the current rate as specified in the Wage and Salary Schedule for the new position shall apply unless a higher starting rate is indicated and authorized.

**21.05.02 Overtime**

A non-exempt employee shall be paid an hourly wage rate, and shall be paid at one and one-half (1½) times their regular hourly rate for all hours worked over forty (40) hours within the regular workweek. Paid holidays, paid leave, and bereavement leave shall not be considered as time worked for the purpose of computing overtime or compensatory time. Law enforcement officers and fire fighters have different workweeks and have provisions for computing overtime eligibility under the Fair Labor Standards Act. Overtime must be authorized in advance by the employee's Supervisor. Employees whose positions are classified as exempt are not eligible to receive overtime pay.

**21.05.03 Compensatory Time**

In lieu of overtime pay, a non-exempt regular full time employee may be compensated with one (1) hour of compensatory time for each hour worked in excess of their regularly scheduled workweek up to forty (40) hours and one and one-half hour (1½) for work in excess of forty hours per week. Award of compensatory time shall require prior approval from the Town Manager or designee. Such compensatory time shall be recorded and may be taken at the time of the employee's choice, provided it does not interfere with the operational needs of the department or office and has been approved by the Town Manager or designee.

No employee shall accumulate more than one (1) week's normally scheduled hours of compensatory time. Beyond that, any overtime shall be compensated at time and ½ rates pursuant to the Overtime Policy. Upon separation of employment, the employee shall be compensated for any earned and unused compensatory time.

**21.05.04 Expense Reimbursement**

**21.05.04.01 Mileage/Tolls/Parking**

Town owned or rental vehicles provided by the Town shall be made available to employees needing to travel on Town business. Employees provided the use of a Town owned vehicle or a vehicle rented to the Town will not receive mileage allowances. In the event a rental vehicle is available to an employee but the employee chooses instead to utilize his/her personal vehicle, mileage reimbursement will be permitted only up to an amount equal to the cost to the Town of the rental vehicle. In the event no rental vehicle is available, and an employee uses his or her personal vehicle, the employee will be reimbursed for mileage based on the actual mileage necessary. The reimbursement will be the rate set by IRS regulations, and shall be reviewed annually during the budget process. Use of an employee's personal vehicle must be previously authorized by the direct Supervisor or designee. Tolls and parking fees shall be reimbursed with submission of a receipt.

**21.05.04.02 Meals/Lodging**

Employees shall be entitled to reimbursement of a reasonable amount for and expenses for lodging provided those expenses are necessitated directly by the performance of duties as a Town employee. Reimbursement applies only to Town employees. Reimbursement will be calculated using General Services Administration (GSA) Per Diem Rates located at [www.gsa.gov](http://www.gsa.gov). No expenses for alcoholic beverages will be reimbursed. All reimbursement requests must receive approval from the employee's Supervisor.

**21.05.04.03 Telephone**

Employees shall be entitled to reimbursement for telephone toll charges incurred in the conduct of Town business, so long as the employee could not reasonably have made such toll calls during the regular workday and on regular business telephones. Such reimbursements shall be only as authorized by the employee's Supervisor.

**21.05.04.04 Training**

The Town Council believes that both the Town and its employees benefit from training and educational opportunities.

Employees required or approved to attend seminars or training courses may be eligible for expenses incurred for same. Should such training occur during normal working hours, the employee may also be eligible for regular salary or wages for the duration of the training. Eligibility for such training expenses shall be determined by the individual's Department Head.

Following completion of any seminar or training course, the employee must submit proof of expenses accompanied by approval of the Department Head in order to be reimbursed.

An employee may receive an "advance" of expenses provided departmental approval is received and application for same is made to the Town Manager or his/her designee.

Any unused portion of the advance and all coinciding receipts must be turned into the Town Office within one week after the training session or seminar.

## **21.06 CHANGES IN STATUS**

### **21.06.01 Seniority**

Seniority, for purposes of this Ordinance, shall be determined based on length of continuous service in a particular status within a particular department and may be the governing factor in all matters of shift assignments, layoffs, recall, vacation preference or overtime work provided all other qualifications are equal. Probationary employees shall not be afforded any seniority. Once the probationary period is completed, seniority shall be retroactive to the date of initial hire. The seniority rules apply to regular full-time employees only. A break in service shall only be caused by resignation, dismissal, retirement or failure to report for work within five (5) workdays of being recalled from layoff. Transfer or promotion to another department will not constitute a loss of seniority. Demotion, for any reason, shall not constitute a loss of seniority.

Seniority lists shall be established and maintained for each department by the Department Head or their designee.

### **21.06.02 Promotion Policy**

The Town encourages employees to develop skills, attain greater knowledge of their work, and make known their qualifications for promotion to more responsible positions. No Department Head shall prevent an employee from applying for a promotional opportunity in any Town department, but no such promotion is guaranteed. When the hiring authority determines that an insufficient number of well qualified employees are available from within the Town's ranks, he/she may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration.

### **21.06.03 Standards for Promotion**

The hiring authority shall apply the following standards with respect to promotions and the filling of job vacancies within the Town's service: The job-related skills, knowledge, ability, experience, education and past performance which will contribute to the satisfactory performance of duties of the position.

### **21.06.04 Demotion**

An employee may be demoted to a lower position for which he/she is qualified for any of the following reasons:

**21.06.04.01**

When an employee would otherwise be laid off because his/her position is being abolished, lack of work, a cut-back in Town personnel due to the Town's financial condition or because of the return to work from authorized leave of another employee to such position in accordance with these rules (leave of absence).

**21.06.04.02**

When an employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds. A demotion under this provision shall be rendered pursuant to the procedures contained in Section 21.08.

**21.06.04.03**

When an employee does not render satisfactory service after being advised of his/her shortcomings and given ample opportunity to improve his/her performance. A demotion under this provision shall be rendered pursuant to the procedures contained in Section 21.08.

**21.06.04.04**

When an employee voluntarily requests such demotion.

**21.06.05 Resignation**

An employee may resign from the Town in good standing by submitting in writing the reasons thereof and the effective date to the hiring authority at least fourteen (14) calendar days in advance. The hiring authority may permit a shorter period of notice if extenuating circumstances exist. The resignation may be accompanied by a statement by the Department Head as to the resigned employee's service performance and pertinent information concerning the cause of resignation. Failure to comply with this rule may be cause for denying future employment with the Town. Although not the preferred method, a verbal resignation may be provided by a Town employee and will be considered effective immediately unless a mutually agreed upon date is determined between the employee and the Supervisor. Any verbal resignation received by a Supervisor or Department Head must be relayed to the Town Manager immediately.

**21.06.06 Layoffs**

Any employee may be laid off by the Town whenever necessary due to a shortage of funds, lack of work, or related reasons, which do not reflect discredit upon the employee. Work record and seniority in each particular case shall be the basis for determining layoffs. If rehired within two years of the date of layoff, the employee will retain all accrued benefits.

**21.06.07 Unapproved Absences**

An employee absent from work for five (5) consecutively scheduled work days without approval shall be deemed to have resigned after written notice, by the hiring authority, to the employee (or to the employee's last known address).

**21.06.08 Severance Pay**

The Town will pay severance pay equal to two (2) weeks of regular compensation, in addition to accumulated paid leave to employees leaving service for the following reasons;

**21.06.08.01**

Retirement from service provided employee is immediately eligible for benefits under the Maine State Retirement System or other Town's adopted qualified Retirement Plan,

**21.06.08.02**

Layoff,

**21.06.08.03**

Death of the employee (payment will be made to the employee's estate).

If an employee retires from service, and then decides to return to active employment, as far as the Town is concerned that employee will start again as a NEW hire, with the wage and benefits of a new hire, and no seniority. The time previously employed may count towards FMLA eligibility or as otherwise required by law. The employee retiring must also follow any rules that the retirement plan they contribute to requires. For example, re-hire date, benefit eligibility etc.

**21.07 DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE**

**21.07.01 Disciplinary Action**

Disciplinary action will be handled in accordance with the procedures set forth herein. Nothing in this Chapter shall limit the Town of Veazie's right to suspend or discharge a probationary employee during the employee's probationary period with or without cause.

**21.07.01.01 Levels of Discipline**

The Town of Veazie subscribes to the concept of "progressive discipline." Under normal circumstances, instances of minor misconduct or poor performance will result in oral or written reprimands. Subsequent misconduct or poor performance by the same employee may result in increasing levels of disciplinary severity, including suspension and ultimately discharge. Notwithstanding the policy of progressive discipline, the Town Manager or his/her designee may take disciplinary action at whatever level he/she deems appropriate to the circumstance, including, for example, termination for a significant single instance of misconduct. Possible disciplinary actions include the following:

- Oral Reprimand
- Written Reprimand
- Suspension without Pay
- Dismissal

Informal counseling shall not be considered discipline and is not subject to this Section.

**21.07.01.02 Procedure**

Whenever a Department Head has cause to believe that disciplinary action may be appropriate, the Department Head shall give reasonable notification to the employee concerning the time and place of a disciplinary hearing. If appropriate, an employee may be placed on paid administrative leave pending the disciplinary hearing.

The purpose of the disciplinary hearing is to inform the employee of the facts that are believed to warrant possible disciplinary action and to give the employee the opportunity to respond.

If the Department Head determines that discipline is warranted, the Department Head shall determine the appropriate level of discipline. A Department Head may issue an oral reprimand, written reprimand, or suspension of up to five (5) days, or may recommend dismissal to the Town Manager, or his or her designee.

**21.07.01.02.01**

If an oral reprimand is warranted, the Department Head shall document the oral reprimand with a "counseling memo" placed in the employee's personnel file.

**21.07.01.02.02**

If a written reprimand is warranted, the Department Head shall prepare the written reprimand, review it with the employee, have the employee sign it (to acknowledge that the employee has received and reviewed the reprimand, even if the employee disagrees with the reprimand), and place it in the employee's personnel file.

**21.07.01.02.03**

If suspension without pay is warranted, the Department Head shall prepare a memorandum to be placed in the employee's personnel file and shall designate on which days the suspension will be served. The Department Head may allow the suspension to be served as a block or as individual days over the course of a number of weeks.

**21.07.01.02.04**

If a Department Head recommends termination, the Town Manager, or his/her designee, shall review the matter and determine whether termination is appropriate, and either terminate the employee's employment or institute some lesser form of discipline, as the Town Manager deems appropriate.

An employee who receives disciplinary action may grieve the action within five (5) work days as provided in Section 2, Grievance Procedure below, except that a grievance of disciplinary action shall begin at Step 2 for non-termination discipline or Step 3 for cases of termination. The disciplinary action shall be stayed pending outcome of the grievance.

**21.07.01.03 Cause for Discipline**

Causes for disciplinary action include, but are not limited to:

**21.07.01.03.01**

Misconduct, indolence, or insubordination, such as failure to obey a department rule or lawful and reasonable direction from a Supervisor;

**21.07.01.03.02**

Inefficiency, incompetence, or unsatisfactory work performance;

**21.07.01.03.03**

Excessive absenteeism, tardiness, or early departure from work;

**21.07.01.03.04**

Misuse of sick time;

**21.07.01.03.05**

Malfeasance or conviction of any criminal offense;

**21.07.01.03.06**

Violation of Personnel Rules or Conduct of Employees as outlined in employee handbook;

**21.07.01.03.07**

Violation of the Code of Ethics;

**21.07.01.03.08**

Finding by a Court of a violation of any other Town ordinance;

**21.07.01.03.09**

Engaging in off-duty employment or other activity that is incompatible with the employee's duties, functions, and responsibilities as a Town employee;

**21.07.01.03.10**

Engaging in physical violence or threatening violence;

**21.07.01.03.11**

Failure to maintain a polite and cooperative attitude; and

**21.07.01.03.12**

Any other action that reflects poorly on or negatively impacts the Town of Veazie.

**21.07.01.04 Causes for Discipline**

Causes for disciplinary action include, but are not limited to:

**21.07.01.04.01**

Misconduct, indolence, or insubordination, such as failure to obey a department rule or lawful and reasonable direction from a Supervisor;

**21.07.01.04.02**

Inefficiency, incompetence, or unsatisfactory work performance;

**21.07.01.04.03**

Excessive absenteeism, tardiness, or early departure from work;

**21.07.01.04.04**

Misuse of sick time;

**21.07.01.04.05**

Malfeasance or conviction of any criminal offense;

**21.07.01.04.06**

Violation of Personnel Rules or Conduct of Employees as outlined in employee handbook;

**21.07.01.04.07**

Violation of the Code of Ethics;

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Finding by a Court of a violation of any other Town ordinance;

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Engaging in off-duty employment or other activity that is incompatible with the employee's duties, functions, and responsibilities as a Town employee;

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Engaging in physical violence or threatening violence;

**21.07.01.04.11**

Failure to maintain a polite and cooperative attitude; and

**21.07.01.04.12**

Any other action that reflects poorly on or negatively impacts the Town of Veazie.

**21.07.02 Grievance Procedure**

Any employee shall have the right to present a grievance in any matter, which directly affects his/her condition of employment according to the following procedures:

Step 1: The grievance shall first be discussed with the employee's Department Head. The Department Head shall then take such steps as are advisable, including consultation with the employee's immediate Supervisor in an effort to resolve the grievance informally.

Step 2: If the grievance is not resolved within five (5) workdays of initial discussion in Step 1, the grievance may then be submitted in writing to the Town Manager who shall provide the employee with a decision in writing within five (5) workdays of submission.

Step 3: If the grievance is not resolved within five (5) workdays after the receipt of the written decision from the Town Manager at Step 2, the grievance, if it involves a matter of policy or termination of employment, may then be submitted in writing to the Town Council. The Town Council, or a sub-committee of the Council established to hear the grievance, shall call and conduct a hearing of all parties involved within thirty (30) days after submission. The Town Council, or subcommittee, shall provide the employee with a written decision within ten (10) workdays of the hearing.



## **21.08 ADDITIONAL PROVISIONS**

### **21.08.01 Interpretation of Language**

The masculine pronoun, wherever used, is interpreted to include the feminine pronoun as well.

### **21.08.02 Review and Amendments**

This Personnel Ordinance shall be reviewed periodically by the Town Manager and proposed changes to the Ordinance shall be submitted to the Town Council. An amendment to this Ordinance may be adopted by a majority vote of the Town Council.

### **21.08.03 Severability**

If any article, section or provision of this Ordinance should be found to be invalid or unenforceable by decision of the courts, only that article, section or provision specified in such decision shall be of no force and effect and such decision shall not invalidate any other article, section or provision.

### **21.08.04 Applicability and Inconsistency**

Except where enumerated in this section, this Ordinance shall apply to all Town employees, including those covered by collective bargaining agreements.

- Where the specific language in a collective bargaining agreement conflicts with the language in a section of this Ordinance, the collective bargaining agreement language shall prevail.
- Where the Town Council has voted to adopt a different policy for individual cases, the Town Council vote shall prevail.

Provisions of this Ordinance shall be applicable to employees of collective bargaining units to the extent that they are not inconsistent with the language contained within those agreements. In the event that sections of the Personnel Ordinance conflict with provisions of collective bargaining agreements, the Town shall negotiate the impact of the Personnel Ordinance language or allow the collective bargaining agreement language to prevail. Any provisions of this Ordinance that are found to be inconsistent with other general policies or contractual agreements approved by the Town Council shall be automatically amended to be consistent.