

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY
APPROVING RECOMMENDED CHANGES TO THE TOWN PERSONNEL MANUAL
AND THE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES**

WHEREAS, Town Council engaged the Center for Public Safety Management, LLC (“CPSM”), an outside consultant, and Archer & Greiner, P.C. (“Archer”), labor and employment counsel, to review the Town’s current employment policies and procedures to ensure they are both legal and consistent with the employment practices of other comparable towns;

WHEREAS, as part of that effort, CPSM, Archer, and the Town Manager conducted reviews of the Town Personnel Manual as well as the Police Department Standard Operating Procedures (“SOPs”) with respect to any SOPs that dealt with employment and Human Resources topics;

WHEREAS, as a result of those reviews, CPSM and Archer have recommended that Town Council take the following actions:

1. Revise certain language contained in the SOPs that relates to non-operational Human Resources topics.
2. Move these revised SOPs from the SOPs and into the Town’s Personnel Manual.
3. Revise the Personnel Manual to bring the Town in line with best practices.

WHEREAS, Town Council believes that it is in the best interest of the Town to accept the recommendations made by CPSM and Archer referenced above;

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of South Bethany, a majority thereof concurring in Council duly met, that the recommendations made by CPSM and Archer are hereby adopted and approved.

BE IT FURTHER RESOLVED, that in accordance with the adoption and approval of the recommendations made by CPSM and Archer, the following actions are authorized:

1. The Town Personnel Manual is amended as reflected in Exhibit A.
2. The SOPs listed in Exhibit B are rescinded.

3. The existing pay charts applicable to the Police Department and all other Town employees are rescinded.
4. SOP Chapter 11: Organization & Administration is amended as reflected in Exhibit C.
5. SOP Chapter 12: Direction is amended as reflected in Exhibit D.
6. SOP Chapter 18: Command Protocol is amended as reflected in Exhibit E.
7. SOP Chapter 23: Development & Higher Education is amended as reflected in Exhibit F.
8. The job descriptions set forth in Exhibit G for existing and new Police Department ranks are adopted and all prior revisions of such job descriptions are rescinded.

BE IT FURTHER RESOLVED, that notwithstanding the actions referenced above, all current police officers who are in a rank different than the ranks listed in the revised SOPs shall be permitted to remain in their current rank.

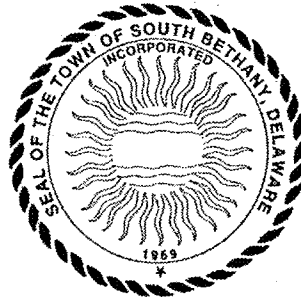
This shall certify that this is a true and correct copy of the Resolution that was duly adopted by the Town Council of the Town of South Bethany at its regular meeting held on December 8, 2017.

So certifies:

Attest: _____
Secretary

Pat Voveris, Mayor

EXHIBIT A



PERSONNEL POLICY MANUAL

AND EMPLOYEE HANDBOOK

FOR

THE TOWN OF SOUTH BETHANY, DELAWARE

Revised & Approved by Town Council: December 8, 2017

Preface

The Town of South Bethany ("Town") is an equal opportunity employer. The Town prides itself in the professional delivery of services to our citizens. The purpose of this Personnel Policy Manual and Employee Handbook ("Manual") is to improve government services and embody one of the policies of the Town: to hire the best qualified applicant for any position regardless of race, color, sex, creed, sexual orientation, religion, national origin, ancestry, marital status, veteran status, political affiliation, age, disability, and any other classification protected by applicable law. The Town seeks to provide equal opportunity to all its employees in matters of promotion, training, compensation, benefits, and all other conditions of employment. Unless otherwise dictated by law or contract, employment with the Town is on an at-will basis, which means that you, the employee, or the Town, may terminate the employment relationship at any time, for any reason, with or without cause.

The Town of South Bethany Personnel Policy Manual and Employee Handbook is intended for the use of Town employees and supervisors. Please review the policies, procedures, working conditions, and benefits described in this Handbook. You will be asked to affirm that you have read, understand, agree to abide by, and acknowledge your receipt of this Employee Handbook. Should questions arise as to the content and/or interpretation of these policies, they should be directed to the Town Manager.

Management Prerogatives

The policies outlined in this book should be regarded as guidelines. The Town, by the action of Town Council, retains the right to modify, revoke, suspend, terminate, or change any or all such policies or procedures, in whole or in part, at any time, with or without notice. The policies contained in this book are not intended to create a contract of employment and/or a warranty of benefits between the Town and one or all of its employees.

The management of Town operations and the direction of the working forces is vested exclusively with the Town Mayor and Council, and includes, but is not limited to, the right to hire, suspend, discipline or discharge for just cause or transfer, and the right to relieve employees from duty because of lack of work or for other legitimate reasons; make and enforce reasonable rules of conduct as outlined in this policy manual, select supervisory and management personnel; introduce new or improved methods, equipment, or facilities or to change existing methods or facilities; determine the total employment requirements, hours of work required for a particular operation and job assignments and job classification of personnel; establish functions, programs, budgets, organizational structure and standards of service and performance. All employees are "At Will" employees.

Equal Employment Opportunity

The employment policies and practices of the Town shall not discriminate against employees or applicants for employment due to race, color, sex, creed, sexual orientation, religion, national origin, ancestry, marital status, veteran status, political affiliation, age, disability, and any other classification protected by applicable law. All employees with disabilities qualified under the Americans with Disabilities Act shall be reasonably accommodated so long as said accommodation does not cause undue hardship to the Town.

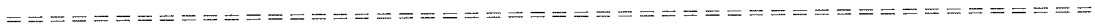
=====
Table of Contents
=====

1.	GENERAL PROVISIONS	1
2.	PERSONNEL PROCEDURES	3
2.1	Town of South Bethany Personnel System	3
2.2	Pay Plan	5
2.3	Performance Evaluations	7
2.4	Hiring Process	8
2.5	Training and Development.....	16
3.	BENEFITS	17
3.1	Benefits Table	17
3.2	Blood Bank	18
3.3	Delaware County/Municipal General and Police/Firefighter Pension Plans.....	19
3.4	Dental Insurance	21
3.5	Educational Assistance	22
3.6	Group Life and Accidental Death and Dismemberment Insurance.....	23
3.7	Group Health Insurance	24
3.8	Social Security	25
3.9	Uniforms and Equipment	26
3.10	Workmen's Compensation Insurance.....	27
4.	EMPLOYEE WORK PRACTICES AND CONDITIONS OF EMPLOYMENT.....	29
4.1	Disclosure of Information – Freedom of Information Act	29
4.2	Driver's License Requirement	31
4.3	General Employee Work Practices	32
4.4	Gifts and Favors.....	35
4.5	Hours and Days of Work	36
4.6	Motor Vehicle Operation/Accidents	38
4.7	Nepotism	41
4.8	Outside Employment.....	42
4.9	Personal Use of Town Property	43
4.10	Political Activities of Employees.....	44
4.11	Representation and Indemnification	45
4.12	Human Relations in the Work Place	46
4.13	Smoking in the Work Place.....	48
4.14	Drug and Alcohol Policy.....	49
5.	LEAVE OF ABSENCE.....	52
5.1	Civil Leave.....	52
5.2	Overtime and Compensatory Leave.....	53
5.3	Emergency Leave.....	54

Town of South Bethany Personnel Policy Manual and Employee Handbook

=====

5.4	Bereavement Leave.....	55
5.5	Holidays	56
5.6	Family and Medical Leave.....	57
5.7	Military Leave.....	59
5.8	Personal Leave	60
5.9	Service Awards	61
5.10	Sick Leave.....	62
5.11	Unpaid Leave of Absence	64
5.12	Vacation Leave	65
6.	DISCIPLINARY ACTION, GRIEVANCE, AND SEPARATION.....	66
6.1	Disciplinary Action.....	66
6.2	Grievance	68
6.3	Separation	69
7.	APPENDIX A	70



1. GENERAL PROVISIONS

Policy

1) Employees Covered

The policies herein apply to all positions in the service of the Town, except only that the terms of any collective bargaining agreement or contract of employment between the Town and any Town employee(s) shall supersede the terms of these policies when the terms of any such agreement and these policies conflict. Where no conflict exists, the terms of these policies will apply to all Town employees and supervisors.

2) Definitions

- a) "Active pay status" means when any employee is eligible for a pay check;
- b) "Appointment" means the personnel action by which an appointing authority offers employment and hires a person to work for the Town of South Bethany;
- c) "Town" means the Town of South Bethany, Delaware;
- d) "Town Council" means the Town Council of The Town of South Bethany, Delaware;
- e) "Completed month" means any month in which any employee, for all the workdays, either works, is on approved leave with pay, sick leave, is on Workmen's Compensation leave, or any combination of these;
- f) "Completed year" means a period of twelve (12) consecutive calendar months in which the employee is in active pay status or is on Workmen's Compensation leave, or any combination of these;
- g) "Department supervisor" means the person authorized to direct the work of employees of a department of the Town of South Bethany;
- h) "Employee" means an employee of the Town of South Bethany;
- i) "Employer" means the Town of South Bethany, Delaware;
- j) "Full-time Municipal General employee and Full-time Municipal Police Department employee" means an employee who is employed at least forty hours (40) per week and works a minimum of fifty-two (52) weeks per year;
- k) "Non-certified Police Department regular part-time employee" means an employee who is not a certified police officer through the Delaware Police Training Council who is employed in a position which requires at least fifty (50) hours per month for at least (9) months during a period of twelve (12) consecutive months, or is employed in a position where the part-time rate for the position is at least \$200 per month for a least (9) months during a period of twelve (12) consecutive months.
- l) Non-uniformed employee – a municipal general employee and not a sworn member of a police department.
- m) "Manual" means the Town of South Bethany Personnel Policy Manual and Employee Handbook, effective January 1, 1995 and all amendments or revisions thereof;
- n) "Regular part-time employee" means an employee who is employed in a position which requires at least fifty (50) hours per month for at least (9) months during a period of twelve (12) consecutive months, or is employed in a position where the part-time rate for the position is at least \$200 per month for a least nine (9) months during a period of twelve (12) consecutive months.
- o) "Casual/Seasonal/Temporary employee" means an employee who is not employed on a "full-time or annual basis" or as a "regular part-time" employee.
- p) "Position" means a group of duties and responsibilities requiring employment of one person, a position may be vacant or occupied.
- q) "Exempt employees" are those employees who are not entitled to overtime pay under federal or state law,

Town of South Bethany Personnel Policy Manual and Employee Handbook

=====
including but not limited to, certain employees who perform administrative, professional, supervisory or managerial responsibilities.

- r) "Non-exempt employees" are employees who are entitled by law to overtime pay for all hours worked in excess of forty (40) hours per week.
- s) Cost of Living Adjustment ("COLA") means an annual increase to compensate an employee for recognized increase in economic conditions which is typically determined by the Consumer Price Index (CPI) issued by the Federal Department of Labor.
- t) Uniformed Police Department employee – a sworn member of a police force or other law-enforcement agency of the State of Delaware.

3) Amendments

The Town Council reserves the right to amend, supplement, or otherwise revise the provisions of the Manual, in whole or in part, at any time, with or without providing notice. These actions shall supersede and replace any prior policy.

4) Personnel Administration

The Town Manager shall execute policies and procedures prescribed by the Manual and the Town Council. Notwithstanding these duties the Town Manager shall:

- a) advise the Town Council on matters related to personnel administration;
- b) prepare and recommend amendments to the Manual;
- c) publish position vacancies in accordance with the provisions of this Manual; and
- d) ensure all applications for employment are properly received, reviewed, and filed.

2. PERSONNEL PROCEDURES

2.1 Town of South Bethany Personnel System

A. **Policy**

The administration of the personnel system established in this manual shall be the responsibility of the Town Manager. The following informative documents and practices shall form the basic administrative framework of the personnel system:

1) **Personnel Policy Manual and Employee Handbook**

This Manual shall provide the practices and procedures to guide the Town Manager and other Town employees in the administration of the personnel system.

The policies outlined in this Manual shall be regarded as guidelines. The Town of South Bethany retains the right to modify, revoke, suspend, terminate or change any or all such policies or procedures in whole or in part, at any time, with or without notice. The policies contained in this Manual are not intended to create a contract of employment and/or a warranty of benefits between the Town and one or all of its employees. Employment is terminable at the will of the employee or the Town at any time, and no employee of the Town has the authority to make any contractual agreement. You are requested to read your Manual carefully and keep it for future reference. Should you have any questions concerning the policies or benefits outlined in this Manual, please ask the Town Manager or Administrative Assistant, who will be glad to help you.

2) **Dissemination of Personnel Practices and Procedures**

Each employee shall be provided with a copy of this Manual and any changes and shall become thoroughly familiar with its contents. Any questions which arise concerning personnel policies and procedures should be directed to the Town Manager or Administrative Assistant. Each supervisory employee shall review this Manual with each employee.

3) **Records**

The accurate documentation of any personnel related activity are required to ensure the fair and consistent application of the practices and procedures contained herein. An official personnel file for each employee shall be maintained containing all documentation pertaining to his or her employment. Employees, upon written request to the Town Manager, are able to view his or her personnel file. The written request shall indicate the purpose for which the inspection is requested or the particular parts of the employee record the employee wishes to inspect. The employee is not permitted under any circumstances to add contents to his/her personnel file or to remove contents from his/her personnel file. The Town may require that inspection of the employee's own file be conducted in the presence of a designated person. Each personnel file shall contain at a minimum the following documentation:

- a) original application for employment;
- b) W-4 (Employer's Withholding Allowance Certificate);
- c) I-9 (must be retained for three years from the date of hire or one year from the date of termination, whichever is longer);
- d) performance evaluations;
- e) attendance records;
- f) commendations;
- g) disciplinary actions;
- h) professional development;
- i) salary history/salary approvals;
- j) pension documents; and
- k) deferred compensation.

4) **Medical Records**

All medical records will be retained in a separate medical file, which will be for each employee. These will be retained by the Town:

- a) physician's medical verification;
- b) health enrollment forms;
- c) life insurance beneficiary designation; and

=====

- d) job-related injuries.

B. Procedure

Personnel practices and procedures have a significant impact on the performance and utilization of employees. Unsatisfactory or impractical policies are difficult to change and can have a substantial impact on the cost and effectiveness of municipal operations. Consequently, it is vitally important that a sound personnel system be established and properly administered with understanding and foresight. Such a plan should meet the Town's needs and motivate employees through the creation of a satisfying working environment, appropriate and fair compensation, and fair and consistent application of these practices and procedures. The following shall be the declared personnel practices of the Town:

- 1) employment by the Town shall be based on merit and fitness, free from favoritism or personal or political considerations;
- 2) the Town shall not discriminate in any manner against any person on the basis of race, color, sex, creed, sexual orientation, religion, national origin, ancestry, marital status, veteran status, political affiliation, age, disability, and any other classification protected by applicable law with regard to selection or employment with the Town;
- 3) just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the Town;
- 4) positions shall be compensated according to duties, responsibilities, and requirements as established by the Town Council;
- 5) appointments, promotions, and other personnel actions shall be based on merit;
- 6) the policies and procedures contained herein shall be administered with due consideration given the rights and interests of employees, the public, and the Town;
- 7) the Town shall encourage employees to be effective workers, dressed properly for their task, treat each person with consideration and respect, and provide a clean, healthy, and safe place to work.

The Town Manager is responsible for developing and implementing these personnel practices and procedures and abiding by the basic principles which are intended to be the foundation of the personnel system of The Town of South Bethany.

2.2 Pay Plan

A. Policy

The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to changes in the cost of living, to financial conditions of the Town, and other factors. To this end, the Town Manager shall review the entire salary plan annually to ensure that it is current with changing conditions. The Town Manager, following his or her review, shall make such recommendations as he/she considers necessary to the Town Council.

B. Procedure

1) Pay Day

All employees shall be paid on Friday bi-weekly (every other Friday). Employees are encouraged to sign up for direct deposit. Employees signing up for direct deposit will be given a pay statement including deductions, bonuses, merit pay, overtime, etc. If a regular pay day falls on a holiday, employees shall be paid on the last scheduled working day prior to the holiday.

2) Pay Period

Each pay period will cover two weeks, beginning on a Friday and ending on a Thursday.

3) Deductions

The Town is required by law to withhold from each pay check the following deductions:

- a) Federal Income Tax Withholding
- b) Federal Insurance Contributions Act (FICA) Taxes
- c) State Income Tax Withholding
- d) any authorized garnishments by Court of Law
- e) Pension contributions required by the Delaware County/Municipal General Pension Plan and the Delaware County/Municipal Police/Firefighter Pension Plan
- f) Health Insurance Co-Pays for plans selected by the employee

Employees are furnished with a W-2 statement in January of each year of the amount withheld during the preceding year.

4) Overtime

Overtime pay shall be provided to employees in accordance with Section 5-2 of this Manual.

5) Annual Salary Increase

Salary increases may, in the Town's sole discretion, be given annually and become effective at the beginning of the Town's fiscal year. These increases would not be related to promotions or other special considerations. Any employee who is performing at a satisfactory level could be considered for an annual salary increase.

The annual salary increase may be granted to an employee after a review of the following areas:

- a) individual work performance during the preceding year, or months in the case of a new employee;
- b) length of service;
- c) any other increase, such as a promotional increase, granted to the employee during the preceding year;
- d) any adjustment necessary to bring an individual's salary into a more equitable relationship with salaries paid to other Town employees with similar experience doing similar work; and
- e) budget and personnel guidelines.

6) Salary Increase for Economic Adjustments

A commodities and services differential Cost of Living Adjustment ("COLA") increase is designed to compensate the employee for recognized increase in Economic Conditions, as determined by the appropriate agencies within the Federal Government. This compensation may be made on an annual basis and become effective at the beginning of the Town's fiscal year.

=====
7) **Merit Awards**

Full-time employees may have an opportunity to receive a Merit Award (Recognition Award) from their supervisor. This award is presented by and at the supervisor's discretion for performance they deem as outstanding. These could include, but are not limited to, individual tasks that have been accomplished, initiatives taken or suggestions that resulted in more efficient work effort and/or greater teamwork within the Town. These awards are limited to a maximum of \$100.00 per occasion. The funding of this area will be requested of Council by each supervisor on an annual basis. The Town Council by vote may also make these awards on recommendation from supervisors and/or observation.

These awards are not automatic but are contingent on the employee's performance as well as other factors and shall be determined in the Town's sole discretion. No employee with less than six (6) months service is entitled to this award.

8) **Police Department Specific Pay Provisions**

- a) **Special Duty Pay:** May be awarded by the Chief of Police. The hourly pay rate for special duty is determined by the officer's hourly rate times one and a half.
- b) **Court Duty Pay:** Each officer shall receive two hours at regular hourly pay for Justice of the Peace Court attendance. Each officer shall receive four hours at regular hourly pay for any other court, (i.e. CCP, Family Court, Superior Court), unless there are special circumstances present. The Chief of Police may amend the allowed time with the Town Manager's approval.
 - 1. Officers should be aware that requests for compensation regarding court time will be closely monitored. Most of the time, traffic charges are plead down in CCP, so an officer should be able to be placed on "stand-by" status.
 - 2. If an officer is called as a witness for another department to CCP, Family Court, or DUI Court, a "stand-by" status would be appropriate unless the officer was directly involved in the arrest or collection of evidence.
 - 3. Officers should call JP Court prior to appearing to ascertain the status of their case.

2.3 Performance Evaluations

A. Policy

The purpose of the performance evaluation is to manage the performance and the development of employees. The objective of the performance evaluation process is to provide for constructive development of the employee by highlighting both the strengths and weaknesses observed during the measured period. This allows for both the supervisor and the employee to develop a plan by which the employee can reach his/her highest potential. It provides for written documentation on employees' job performance and development.

B. Procedure

1) **Authority and Responsibility**

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

2) **Annual Evaluation**

Each full-time employee shall receive, at a minimum, one (1) annual performance evaluation generally before the beginning of the new fiscal year. This review shall be prepared by the employee's supervisor and shall be retained in the employee's personnel file. This review shall be used to determine training requirements, pay increases, areas of development required insuring each employee's full development potential as well as the following purposes:

- a) to enable the supervisor to clarify job responsibilities and advise the employee of problem areas where improvements are needed;
- b) to enable the employer to assess the employee's work potential and whether the employee meets the minimum job requirements; and
- c) to enable the employer and employee to set performance goals for the next year.

3) **Dismissal**

Department supervisors may recommend dismissal of an unsatisfactory employee at any time. Department supervisors shall specifically recommend the retention or dismissal of the employee based on the supervisor's evaluation of the employee's performance. The department supervisor shall indicate the following in writing to the Town Manager:

- a) that the employee's supervisor has discussed the employee's progress (accomplishments, strengths, and weaknesses) with the employee;
- b) whether the employee is performing satisfactory work; and
- c) whether the employee should be retained in the present position or should be released, transferred, or demoted.

The Town Manager shall communicate this information, along with the Town Manager's recommendation, to Town Council, and Town Council shall have the final authority to approve or deny the Town Manager's recommendation.

4) **Employee Review**

The employee shall sign the performance evaluation as an acknowledgment that it has been reviewed and explained. Signing of the performance evaluation means the employee has read it but not necessarily agrees with the review. If an employee refuses to sign a performance evaluation, the evaluator should note this fact on the evaluation form.

2.4 Hiring Process

A. **Policy**

It is the policy of the Town to recruit and select employees from a field of applicants in order to ensure that the Town appoints the most qualified and competent applicants available, to provide an equal opportunity to all qualified applicants, and to base the selection of employees on valid, applicable, and job-related measures of qualifications.

B. **Procedure Pertaining to Non-Police Department Employees**

1) **Advertising**

Applications from interested individuals shall be solicited via classified ads in local newspapers and advertisements on the Town's website, social media forums, and/or via other on-line sources. College and high school placement offices may also be used in soliciting applications. In addition, employees shall be informed of employment opportunities with the Town through posted notices.

2) **Application**

All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment. Each current employee who wishes to be considered for transfer or promotion to fill an existing vacancy shall notify the Town Manager in writing prior to the application deadline.

3) **Physical Examinations and Drug Testing**

Upon offer of employment, applicants may be required to take a physical examination by a physician of the employer's choice. Applicants may also be required to take a drug and/or alcohol test in accordance with Section 4-14 Drug and Alcohol Policy of this Manual.

4) **Applicant Screening and Interview**

- a. After the deadline for application has expired, the Town Manager, the Mayor, and others at the discretion of the Mayor and Town Manager shall:
 - a) screen the applications or resumes submitted for the current position vacancy;
 - b) determine which applicants are to be interviewed;
 - c) contact the applicants chosen and arrange for an interview to be scheduled at a time mutually agreeable to the parties involved; and
 - d) contact references provided by contending applicants.
 - e) lifeguards are to be selected by the Beach Patrol Captain with approval by the Town Manager. All lifeguard applicants must be able to pass the physical agility test in place at the time of interviews.
- b. The Town Council will make the final approval of any full-time applicant for hire.

5) **Notification**

After the Town Council has approved the applicant to fill the vacant position, the successful applicant and all other applicants shall be notified by the Town Manager of his or her status in writing. Oral offers of employment may not be considered appointments.

6) **Closing the Position Vacancy File**

- The closed position vacancy file shall contain the following information:
- a) position vacancy notice;
 - b) advertisement;
 - c) applications/resumes;
 - d) interview schedule; and
 - e) other correspondence/documentation.

7) **Probationary Period**

Each employee hired to a full-time position shall serve a probationary period of six (6) months. An employee may be dismissed on recommendation to the Mayor and Town Council during the probationary period at any time the Town Manager finds the employee is not satisfactorily performing the assigned duties. An employee serving a probationary period following initial employment shall receive all benefits provided in accordance with this policy.

8) **Promotion**

Recommendations for promotion shall go to the Mayor and Town Council for approval. The Mayor and Town Council may, upon agreement, promote said employee. If the promotion occurs after the annual budget has been approved, the promotional raise may be deferred to the next budget year.

C. Procedure Pertaining to Police Department Employees

When vacancies occur within the Police Department, the Town Manager will announce an opening in the agency by publication in a general circulation newspaper, on the Town's website and via other online sources. The announcement should describe the application process and cutoff date to receive applications. All applications shall be submitted to the Town Manager's Office. The selection of police officer candidates will be made through an open and competitive process to select the best qualified candidate.

1) **POLICE OFFICER**

Individuals interested in sworn police officer positions with the South Bethany Police Department should submit their applications to the Office of Town Manager. To be considered for employment, applicants must meet the following minimum standards:

- a. Be at least 21 years of age by academy graduation.
- b. Have earned at least a high school degree, or a Delaware recognized GED.
- c. Have a valid driver's license with at least one year's driving experience AND no suspensions or revocations within the last three years.
- d. Not have any felony convictions
- e. Must be able to meet all Delaware Council on Police Training (COPT) guidelines.
- f. Must be available for all applicant testing, as scheduled.
- g. Must successfully complete all phases of the South Bethany police applicant process.

2) **APPLICATION PROCESS – POLICE OFFICER**

Candidates applying for the position of Police Officer will be required to actively and voluntarily participate in the application process, which will include:

- a. **EMPLOYMENT APPLICATION** – Applicants will be issued an Employment Application, which shall contain relevant information and specific instructions regarding the completion of the application and job requirements. All requirements listed in the application must be met prior to the applicant being offered employment with the South Bethany Police Department. The application will contain specific instructions, which must be complied with. Failing to properly complete the application or failure to provide all necessary documentation required in the application, will be grounds for removal from the applicant process. Applicants successfully completing the application shall be notified of the time, date and location of the written examination by mail.
- b. **PRE-EMPLOYMENT WRITTEN EXAM** - All applicants for police officer positions shall complete a pre-employment written examination. Currently, the department utilizes the IPMA PO-EL 203 –NC (TIP) Test for entry level police testing. The test includes 100 questions specifically designed to test the applicant's ability in the following categories:
 1. Observation and Memory (Wanted Posters)
 2. Ability to Learn Police Material
 3. Situational Judgment and Problem Solving
 4. Police Interest Questionnaire (Non-Cognitive)
 5. Verbal and Reading Comprehension

Examinations shall be scored, and applicants meeting the minimum passing score shall be placed on a ranked list in numerical order based upon their examination score. Applicants shall be notified by mail of their score.

Town of South Bethany Personnel Policy Manual and Employee Handbook

- c. INTERVIEW PANEL – All applicants must complete a structured interview, by a three-person panel. Initially the first ten candidates based upon their written exam score shall be interviewed. The interview is pass/fail. If less than five candidates pass the interview, the panel will conduct additional interviews until there are at least five surviving candidates. The members of the panel shall be comprised of a current or retired law enforcement officer who is not a member of the SBPD; an employee of the Town or another Delaware municipality both to be selected by the Town Manager and a citizen of the Town selected by the Mayor. Copies of the recorded structured interview document will be signed by the individual interviewer and maintained as part of the candidate's application file.
- d. CRIMINAL HISTORY CHECK – A criminal history check utilizing DELJIS and NCIC III, shall be completed on all applicants. Additionally, all applicants shall be fingerprinted. Fingerprints will be forwarded to the State Bureau of Identification (SBI) and the Federal Bureau of Investigations (FBI) for examination. The criminal history check shall include screening for evidence of a history of domestic violence.
- e. DRIVING RECORD CHECK – A complete check will be done on the applicant's driving record, to include obtaining a certified copy of the applicants driving record.
- f. PHYSICAL FITNESS EXAMINATION – Applicant will be required to undergo a physical fitness examination administered by Cardio-Kinetics of Newark, DE. The exam will include a Hear Risk Index, Exercise ECG Assessment, Abdominal Strength & Endurance Test, Upper Body Strength Test and a Body Fat Measurement Test. Passing applicant percentile is 40%.
- g. TRUTH VERIFICATION EXAMINATION – All applicants are required to successfully complete a Polygraph and/or Voice Stress Analysis. The purpose of these examinations is to determine the applicant's truthfulness and honesty as it relates to his/her potential employment with the South Bethany Police Department.
- h. SELECTIVE SERVICE REPORT – All male applicants are required to be actively registered with Selective Service. Assigned investigators will confirm the status of the applicant with Selective Service and document the applicant's Selective Service number and date of registration.
- i. CITIZENSHIP VERIFICATION – All applicants shall be legal citizens of the United States of America. Applicants must produce documentation during the employment process to confirm citizenship.
- j. CREDIT HISTORY CHECK – A credit and financial history check shall be completed on all applicants.
- k. SUBSTANCE ABUSE SCREENING – All applicants will be required to submit to and successfully pass pre-employment drug screening.
- l. PSYCHOLOGICAL SCREENING – Applicants who have received a conditional offer of employment must undergo psychological screening. Screening shall include psychological testing, completion of a social history form and participation in a clinical and stress interview. The screening shall follow guidelines established by the International Association of Chiefs of Police, Psychological Section, ADA and Delaware Council on Police Training Guidelines. All applicants must be qualified intellectually and psychologically to perform the duties of a police officer in the State of Delaware.
- m. MEDICAL EXAMINATION – Applicants who have received a conditional offer of employment must undergo a comprehensive pre-employment physical examination to include chest x-rays, EKG, and vision and hearing exams. Applicants must be free of physical defects which would make them incapable of performing all of the physical challenges required of a Delaware police officer. All applicable Delaware Council on Police Training standards must be met in order to successfully complete the medical examination.
- n. CHIEF'S INTERVIEW – Applicants shall be required, as part of the application process, to undergo a structured interview with the Chief of Police. The Chief of Police will then make a written recommendation to the Town Manager as to the appointment of the candidate to the position of Police Officer. A copy of the recorded structured interview document will be signed by the individual interviewer and maintained as part of the candidate's application file.

3) **BACKGROUND INVESTIGATION – POLICE OFFICER**

It is the policy of the South Bethany Police Department that a thorough and impartial background investigation is conducted on all potential employees of the South Bethany Police Department. Background investigations will be conducted as follows:

GENERALLY

- a. A thorough background investigation will be commenced on applicants selected for advancement following the oral board phase of the selection process.
- b. Only sworn police personnel who have been trained in collecting required information will be used as background investigators.
- c. The Chief of Police will designate an officer to complete the background investigation. The designated officer will be provided with the applicant packet containing a completed personal history questionnaire and other related documents.
- d. At least one in-person interview shall be conducted by the investigator. The investigator should analyze all of the available information prior to conducting an interview with the applicant.

INTERVIEW

- a. The investigator will notify the applicant within 72 hours of being assigned the investigation and schedule an interview at the South Bethany Police Department.
- b. During the interview the investigator will review the applicant's personal history questionnaire to make sure all questions are answered and all necessary documents are present.
- c. Upon completion of the interview, the investigator will fingerprint the applicant using live scan, under the section titled "applicant". The investigator will also take a photograph of the applicant that will be attached to the background investigation report or disqualification letter.

INVESTIGATION

- a. Investigators should, when possible, conduct all inquiries into an applicant's background in person. Letters may be sent to references/acquaintances requesting information about an applicant. However, investigators should make every effort to contact those references in person. If the investigator is unable to contact the reference/acquaintance in person, they should attempt to contact them by telephone. The investigator should make multiple attempts to contact applicants by telephone. If the investigator is unable to make contact in person or by telephone they should document the dates, times, and reasons for no contact in the investigation report.
- b. When feasible, the investigator should make a home visit with the applicant and their family. During the home visit the investigator should make note of the applicant's lifestyle and condition of the residence. The investigator should observe the neighborhood and interview the neighbors about the applicant's character and home life. These observations should be noted in the investigation report.

REPORT

- a. The investigator will complete a report of the background investigation on each applicant. The report will contain a cover sheet listing the purpose of the investigation, the applicant's name and the name of the investigator. The report will be signed by the investigator and will contain the following information:
 1. Birth and Citizenship
 2. Family
 3. Marital Status
 4. Education
 5. Employment
 6. References/Acquaintances
 7. Credit Record
 8. Neighborhood
 9. Organizational Membership
 10. Traffic and Criminal Arrest Record
 11. Military History
 12. Investigators Remarks
 13. Selective Service Record (Male applicants only)
 14. Social Security Verification
 15. Other Relevant Information

Town of South Bethany Personnel Policy Manual and Employee Handbook

- b. Investigators should pay special attention for signs of past issues involving domestic violence.
- c. Any letter or paperwork received during the investigation will be attached to the report immediately following the appropriate heading.
- d. Completed background investigations for those individuals who are hired will be forwarded to the Chief of Police and maintained in a secured file. All other background investigations will be forwarded to the Chief of Police and maintained in a secure file for a minimum of three years.

DISQUALIFICATION

- a. An applicant will be removed from further employment consideration by the South Bethany Police Department for any of the following reasons:
 - 1. Not a United States citizen.
 - 2. Eyesight / vision requirements less than the standard required by Council on Police Training.
 - 3. Has ever been convicted of, or plead no contest to any felony, serious misdemeanor, or misdemeanor involving perjury.
 - 4. Dishonorable discharge from the military.
 - 5. Any use of any illegal substance including but not limited to cocaine, heroin, LSD, Quaalude, hashish, PCP within the past ten years. Any use of marijuana within the past three years.
 - 6. Any history of illegally selling or distributing any narcotic, drug, or similar substance including marijuana.
 - 7. Used any steroids not prescribed by a physician.
 - 8. Misrepresent, falsify or omit any information from the application.
 - 9. Been fired from a police agency without exoneration through a review process. The circumstances must be resolved to the satisfaction of the prospective employer. It is the responsibility of the applicant to provide facts that support their suitability to perform as a police officer.
 - 10. Unacceptable driving history which would be indicative of a pattern of poor driving behavior, with particular regard to recent experience and seriousness of respective violations.
 - 11. Unstable work history or a pattern of unreliable work practices including frequent or serious disciplinary actions from previous employers.
 - 12. Failure to submit all required documents and to fully cooperate with all applicant testing procedures.
 - 13. Failure to meet any Council on Police Training guidelines.
 - 14. Weight not in compliance with police weight chart or maximum allowed body fat.
 - 15. Normal hearing and complete medical clearance to perform all police related duties.
 - 16. Under the age of twenty-one.
 - 17. Poor credit history with a history of failing to repay outstanding debt.
 - 18. History of domestic violence, fighting or abuse.
 - 19. No valid driver's license and/or less than 1-year of driving experience.
 - 20. Failure to appear for a scheduled appointment during any phase of the applicant process.
- b. Any investigator requesting the disqualification of an applicant from further employment consideration shall prepare a personal memorandum outlining the reason(s) the investigator feels the applicant should be disqualified. The memorandum will be forwarded to the Chief of Police who shall give final approval.
- c. An applicant may be disqualified prior to the background investigation phase of the selection process by the Chief of Police. An assigned officer shall review all applications and personal history questionnaires for disqualification criteria. In addition the assigned officer should run a criminal history and motor vehicle check on the applicant prior to the oral board phase of the selection process. Any applicant so disqualified will be advised by the Chief of Police or his designee and the application kept on file with the Department for a period of three years.

NOTIFICATION

- a. If a disqualification occurs during the background phase the applicant will be notified by the Chief of Police or his designee and a copy of the notification will be attached to the background report.
- b. The report shall be kept on file by the Department for three years.
- c. A copy of the memorandum recommending disqualification will be included in the background file.

4) **NON-SWORN POSITIONS**

Individuals interested in non-sworn positions with the South Bethany Police Department should submit their applications to the Town Manager. To be considered for employment, applicants must meet the following minimum standards:

- a. Be at least 21 years of age.

- b. Have earned at least a high school degree, or a Delaware recognized GED.
- c. Have a valid driver's license.
- d. Not have any serious misdemeanor or any felony criminal convictions.
- e. Must be able to pass an in-depth background examination.
- f. Must undergo and pass pre-employment drug screening.
- g. Must have good financial history and successfully pass a comprehensive credit check.
- h. Must successfully complete a pre-employment written examination.
- i. Must be available for all applicant testing, as scheduled.
- j. Must successfully complete all phases of the South Bethany police applicant process.
- k. Thorough knowledge of correct punctuation, spelling, sentence structure, vocabulary, and basic arithmetic.
- l. Thorough knowledge of modern office procedures, computers, and office equipment, with an emphasis on Microsoft Word and DELJIS applications.
- m. Be a US citizen.
- n. Three years of related work in a confidential work environment.

5) APPLICATION PROCESS – NON-SWORN POSITIONS

Candidates applying for non-sworn position will be required to participate actively and voluntarily in the application process, which will include:

- a. **EMPLOYMENT APPLICATION** – Applicants will be issued an Employment Application, which shall contain relevant information and specific instructions regarding the completion of the application and job requirements. All requirements listed in the application must be met prior to the applicant being offered employment with the South Bethany Police Department. The application will contain specific instructions, which must be complied with. Failing to properly complete the application or failure to provide all necessary documentation required in the application, will be grounds for removal from the applicant process.
- b. **PRE-EMPLOYMENT WRITTEN EXAM** - All applicants for non-sworn positions shall complete a pre-employment written examination. Currently, the department utilizes the IPMA CASAM-1 Test for entry level non-sworn position testing. The test includes 136 questions specifically designed to test the applicants' ability in the following categories:
 - 1. Grammar
 - 2. Punctuation
 - 3. Vocabulary
 - 4. Spelling
 - 5. Basic Filing Skills
- c. **INTERVIEW PANEL** – All applicants must complete a structured interview, conducted by a person(s) selected by the Town Manager. The interview is pass/fail.
- d. **CRIMINAL HISTORY CHECK** – A criminal history check utilizing DELJIS and NCIC III, shall be completed on all applicants. Additionally, all applicants shall be fingerprinted. Fingerprints will be forwarded to the State Bureau of Identification (SBI) and the Federal Bureau of Investigations (FBI) for examination. The criminal history check shall include screening for evidence of a history of domestic violence.
- e. **DRIVING RECORD CHECK** – A complete check will be done on the applicant's driving record, to include obtaining a certified copy of the applicant's driving record.
- f. **TRUTH VERIFICATION EXAMINATION** – All applicants are required to successfully complete a Polygraph and/or Voice Stress Analysis. The purpose of these examinations is to determine the applicant's truthfulness and honesty as it relates to his/her potential employment with the South Bethany Police Department.
- g. **SELECTIVE SERVICE REPORT** – All male applicants are required to be actively registered with Selective Service. Assigned investigators will confirm the status of the applicant with Selective Service and document the applicant's Selective Service number and date of registration.
- h. **CHIEF'S INTERVIEW** – Applicants shall be required, as part of the application process, to undergo a one-on-one interview with the Chief of Police. The applicant's appearance, bearing, expressions, job knowledge, motivation and personality may be examined.
- i. **CREDIT HISTORY CHECK** – A credit and financial history check shall be completed on all applicants.

- =====
- j. SUBSTANCE ABUSE SCREENING – All applicants will be required to submit to and successfully pass pre-employment drug screening.

6) **BACKGROUND INVESTIGATION – NON-SWORN POSITIONS**

It is the policy of the South Bethany Police Department that a thorough and impartial background investigation is conducted on all potential employees of the South Bethany Police Department. Background investigations will be conducted as follows:

GENERALLY

- a. A thorough background investigation will be commenced on applicants selected for advancement following the interview phase of the selection process.
- b. Only sworn police personnel who have been trained in collecting required information will be used as background investigators.
- c. The Chief of Police will designate an officer to complete the background investigation. The designated officer will be provided with the applicant packet containing a completed personal history questionnaire and other related documents.
- d. At a minimum, the investigator shall conduct one in-person interview. The investigator should analyze all the available information prior to conducting an interview with the applicant.

INTERVIEW

- a. The investigator will notify the applicant within 72 hours of being assigned the investigation and schedule an interview at the South Bethany Police Department.
- b. During the interview the investigator will review the applicant's personal history questionnaire to make sure all questions are answered, and all necessary documents are present.
- c. Upon completion of the interview, the investigator will fingerprint the applicant using live scan, under the section titled "applicant". The investigator will also take a photograph of the applicant that will be attached to the background investigation report or disqualification letter.

INVESTIGATION

- a. Investigators should, when possible, conduct all inquiries into an applicant's background in person. Letters may be sent to references/acquaintances requesting information about an applicant. However, investigators should make every effort to contact those references in person. If the investigator is unable to contact the reference/acquaintance in person, they should attempt to contact them by telephone. The investigator should make multiple attempts to contact applicants by telephone. If the investigator is unable to make contact in person or by telephone they should document the dates, times, and reasons for no contact in the investigation report.
- b. When feasible, the investigator should make a home visit with the applicant and their family. During the home visit the investigator should make note of the applicant's lifestyle and condition of the residence. The investigator should observe the neighborhood and interview the neighbors about the applicant's character and home life. These observations should be noted in the investigation report.

REPORT

- a. The investigator will complete a report of the background investigation on each applicant. The report will contain a cover sheet listing the purpose of the investigation, the applicant's name, and the name of the investigator. The report will be signed by the investigator and will contain the following information:
 - 1. Birth and Citizenship
 - 2. Family
 - 3. Marital Status
 - 4. Education
 - 5. Employment
 - 6. References/Acquaintances
 - 7. Credit Record
 - 8. Neighborhood
 - 9. Organizational Membership
 - 10. Traffic and Criminal Arrest Record
 - 11. Military History
 - 12. Investigators Remarks
 - 13. Selective Service Record (Male applicants only)
 - 14. Social Security Verification

15. Other Relevant Information

- b. Investigators should pay special attention for signs of past issues involving domestic violence.
- c. Any letter or paperwork received during the investigation will be attached to the report immediately following the appropriate heading.
- d. Completed background investigations for those individuals who are hired will be forwarded to the Chief of Police and maintained in a secured file. All other background investigations will be forwarded to the Chief of Police and maintained in a secure file for a minimum of three years.

DISQUALIFICATION

An applicant will be removed from further employment consideration by the South Bethany Police Department for any of the following reasons:

- a. Has ever been convicted of, or plead no contest to any felony, serious misdemeanor, or misdemeanor involving lying under oath.
- b. Dishonorable discharge from the military.
- c. Any use of any illegal substance including but not limited to cocaine, heroin, LSD, Quaalude, hashish, PCP within the past ten years. Any use of marijuana within the past three years.
- d. Any history of illegally selling or distributing any narcotic, drug, or similar substance including marijuana.
- e. Used any steroids not prescribed by a physician.
- f. Misrepresent, falsify, or omit any information from the application.
- g. Been fired from a criminal justice agency without exoneration through a review process. The circumstances must be resolved to the satisfaction of the prospective employer. It is the responsibility of the applicant to provide facts that support their suitability to perform as a non-sworn police employee.
- h. Unacceptable driving history which would be indicative of a pattern of poor driving behavior, about recent experience and seriousness of respective violations.
- i. Unstable work history or a pattern of unreliable work practices including frequent or serious disciplinary actions from previous employers.
- j. Failure to submit all required documents and to fully cooperate with all applicant testing procedures.
- k. Poor credit history with evidence of failing to repay debt.
- l. History of domestic violence, fighting or abuse.
- m. No valid driver's license.
- n. Failure to appear for a scheduled appointment during any phase of the applicant process.
- o. Any investigator requesting the disqualification of an applicant from further employment consideration shall prepare a personal memorandum outlining the reason(s) the investigator feels the applicant should be disqualified. The memorandum will be forwarded to the Chief of Police who shall give final approval.
- p. An applicant may be disqualified prior to the background investigation phase of the selection process by the Chief of Police. An assigned officer shall review all applications and personal history questionnaires for disqualification criteria. In addition, the assigned officer should run a criminal history and motor vehicle check on the applicant prior to the oral board phase of the selection process. Any applicant so disqualified will be advised by the Chief of Police or his designee and the application kept on file with the Department for a period of three years.

NOTIFICATION

- a. If a disqualification occurs during the background phase the applicant will be notified by the Chief of Police or his designee and a copy of the notification will be attached to the background report.
- b. The report shall be kept on file by the Department for three years.
- c. A copy of the memorandum recommending disqualification will be included in the background file.

7) Promotion

Promotion to the rank of Sergeant will be subject to an open competitive process allowing for applicants from both inside and outside the department. The promotion procedures shall align with the procedures set forth above in Section 2-4 with the exception that the exam utilized in the promotional process shall be the IMPA-HR - PSUP302v2 Exam or equivalent exam.

=====
2.5 Training and Development
=====

A. Policy

It is the policy of The Town of South Bethany to provide training and professional development opportunities for its employees. The purpose of this is to promote an efficient and adequately trained work force, to upgrade skills of employees, to ensure training in new work techniques, and to improve the performance of employees. This policy shall not apply to Police Department members; rather, training and professional development opportunities for Police Department members are addressed in the Police Department's Standard Operating Procedures Manual.

B. Procedure

The following types of training and development may be provided to eligible employees by the Town upon approval of the Town Manager:

1) Professional Development

Cost of conference attendance and professional newsletter and magazine subscriptions may be reimbursed by the Town upon authorization by the Town Manager.

2) Required Seminars and Courses

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

3) On-the-Job Training

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

4) Voluntary Course Work

Employees may be eligible to receive financial assistance to pursue voluntary job-related, educational course work. More information can be found in Section 3-5 of this manual.

C. Authorization

All requests for benefits pursuant to this policy must be submitted in writing to the Town Manager for approval in advance and must include an estimate of the costs to be incurred including, but not limited to, the costs of conference attendance, seminars or coursework, subscriptions, and associated travel. In the event such estimated costs exceed \$500.00, the Town Manager shall forward the request to the Mayor and/or Town Council for consideration and ultimate approval or denial.

D. Payment and Scheduling

The Town will pay employees for training time only as required by law. To the extent possible, supervisors and employees shall strive to schedule attendance to any job-related training during regular working hours and shall rearrange the employee's schedule to avoid the scheduling of overtime work.

Employees will not be paid for voluntarily attending training outside of working hours if the training is not directly related to the employee's job and if the employee does not do any productive work relating to his or her job during the training.

3. **BENEFITS**

3.1 **Benefits Table**

The table below outlines personnel benefit programs available to employees at the time of the development of this manual. For information and eligibility requirements on each benefit, see the appropriate policy. Detailed information on these benefits can be obtained in the Town Manager's Administrative Assistant's Office.

<u>Benefit</u>	<u>Full-Time</u>	<u>Regular Part-Time</u>	<u>Casual/Seasonal/Temporary</u>
Blood Bank	Yes	Yes	No
Delaware County/Municipal General and Police/Firefighter Pension Plans	Yes	Yes	No
Dental Insurance	Yes	No	No
Educational Assistance	Yes	Yes	No
Group Life and Accidental Death and Dismemberment Insurance	Yes	No	No
Group Health Insurance	Yes	No	No
Social Security	Yes	Yes	Yes
Uniforms ¹	Yes	Yes	Yes
Workmen's Compensation Insurance	Yes	Yes	Yes

* Contract employees are subject to the terms of their contract, approved by the Mayor and Town Council.

¹ Only includes members of the Public Works, Beach Patrol and Police Department. See Section 3-9 for additional information regarding uniforms.

=====
3.2 Blood Bank
=====

A. Eligibility

The Town shall make available to eligible employees the option of joining the Blood Bank of Delaware group plan.

B. Terms

Each eligible employee will be furnished information from the Blood Bank of Delaware explaining the program. Annual dues shall be paid by the Town for eligible employees. This program provides protection for the employee and his or her dependents if the need for blood arises. Under the group plan, the employee and his or her dependents are protected in all states that honor Blood Replacement for an unlimited amount of blood. In the event the employee is not able to donate blood when called upon, the employee shall pay the fee in lieu of donating a pint of blood. The Town shall not be responsible for this fee; it is the responsibility of the employee to pay the fee, as prescribed by the Blood Bank, when they are unable to donate a pint of blood.

C. Enrollment

Any eligible employee who wishes to enroll in the Blood Bank group plan should notify the Town Office.

=====
3.3 Delaware County/Municipal General and Police/Firefighter Pension Plans
=====

A. Eligibility

Each full-time and regular part-time Municipal General employee at the time of employment shall be enrolled in the Delaware County/Municipal General Pension Plan at the rate set by the State Pension Office and in accordance with the terms thereof.

Each full-time Municipal Police Department employee at the time of employment shall be enrolled in the Delaware County/Municipal Police/Firefighter Pension Plan at the rate set by the State Pension Office. Each non-certified, Police Department regular part-time employee at the time of employment shall be enrolled in the Delaware County/Municipal General Pension Plan at the rate set by the State Pension Office.

The information set out below regarding these benefits is intended to serve as a summary only and shall not supersede the relevant plan documents or law.

B. Terms

1) **Employee/Town Contributions**

The Delaware County/Municipal General Pension Plan is a mandatory pension plan in which the individual employee shall contribute 3% of his/her annual salary, which exceeds \$6,000 per annum. Employee contributions are made through an "employer pick-up arrangement" that results in deferral of taxes on the contributions. The Town will contribute an amount set by the State Pension Office.

The Delaware County/Municipal Police/Firefighter Pension Plan is a mandatory pension plan in which the individual shall contribute 7% of his/her annual salary. Employee contributions are made through an "employer pick-up arrangement" that results in deferral of taxes on the contributions. The Town will contribute an amount set by the State Pension Office.

2) **Vesting**

Municipal General Employee

A Municipal General employee becomes fully vested after five (5) years of service. Upon terminating employment with the Town, the employee shall be fully entitled to his/her own accumulated contributions with interest; the employee's vested right to a monthly benefit shall be forfeited.

The Municipal General employee shall become eligible to receive a service pension, beginning with the month after the employee has terminated employment if:

- (a) The employee has 5 years of credited service and has attained age 62; or
- (b) The employee has 15 years of credited service and has attained age 60, or
- (c) The employee has 30 years of credited service at any age.

The Municipal General employee shall become eligible to receive an early retirement service pension, beginning with the month after the employee has terminated employment at age 55 with 15 years of credited service. However, the normal retirement benefit shall be reduced by 0.4% for each month the employee is under age 60 at the time of retirement.

For an eligible survivor of a Municipal General employee who dies in active service, the benefit is 50% of the normal retirement benefit the employee would have been eligible to receive at age 62. For eligible survivor of a pensioner who dies, the benefit is 50% of the member's pension at the time of death. Further plan provisions can be obtained from the State Pension Office.

Municipal Police Department Employee

A Municipal Police Department uniformed employee becomes fully vested after five (5) years of service. Upon terminating employment with the Town, the employee shall be fully entitled to his/her own accumulated contributions with interest; the employee's vested right to a monthly benefit shall be forfeited.

The Municipal Police Department uniformed employee shall become eligible to receive a service pension, beginning with the month after the employee has terminated employment if:

- =====
- (a) The employee has 5 years of credited service and has attained age 62; or
 - (b) The employee has 10+ years of credited service when age plus service equals 75
 - (c) The employee has 20 years of credited service at any age

For an eligible survivor of an employee who dies in active service, the benefit is 50% of final average compensation.
For an eligible survivor of a pensioner who dies, the benefit is 50% of the member's pension at time of death.

Further plan provisions can be obtained from the State Pension Office.

C. Enrollment

Municipal General Employee

All full-time and regular part-time Municipal General employees shall be enrolled in the Delaware County/Municipal General Pension Plan.

Municipal Uniformed Police Department Employee

All full-time Municipal Uniformed Police Department employees shall be enrolled in the Delaware County/Municipal Police/Firefighter Pension Plan.

Non-certified, Police Department regular part-time employees shall be enrolled in the Delaware County/Municipal General Pension Plan.

D. Additional Provisions

All employees are encouraged to contact the State of Delaware Pension Office for additional information concerning retirement and for periodic updates to both the Delaware County/Municipal General Pension Plan and Delaware County/Municipal Police/Firefighter Pension Plan. Additional online information can be found at <http://www.delawarepensions.com>.

=====
3.4 **Dental Insurance**
=====

A. Eligibility

The Town offers dental insurance for all eligible employees upon employment. Regular part-time and Casual/Seasonal/Temporary employees shall not be eligible for dental insurance.

B. Terms

1) Program Available

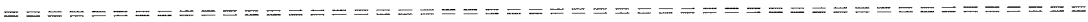
A dental plan is available through the Town's participation in the State of Delaware Group Health Insurance Program. The Town reserves the right to forgo participation in this plan at any time.

2) Contribution

The eligible employee shall pay 100% of the individual employee coverage. The employee shall have the option of covering eligible dependents under the same insurance plan, also at the employee's expense. The Town does not contribute to this benefit.

C. Enrollment

All eligible employees should complete an enrollment form upon employment. A detailed explanation of the coverage listed above and an enrollment form can be obtained in the Town Manager's Office.



3.5 Educational Assistance

A. Eligibility

The Town may provide financial assistance to any eligible employee who successfully completes a formal educational course which is not a prerequisite to employment and which is directly and demonstrably related to the improvement of the employee's ability to perform his or her assigned duties.

B. Terms

1) Costs Eligible for Reimbursement

Direct costs, such as tuition and textbooks, shall be paid by the Town upon successful completion of a pre-approved course up to a maximum of \$3,000.00 per fiscal year. All costs - such as transportation, food, or lodging - are eligible for reimbursement up to the maximum if the Town recommends the employee to attend the course. Successful completion shall mean the receipt of a "B" grade in the course. Costs incurred in the pursuit of any course for which the employee does not receive a "B" grade shall be ineligible for reimbursement.

2) Employee's Two-Year Obligation

After completing school successfully, the employee must remain with the Town for two (2) years; if the employee elects to terminate his or her employment before the two (2) years, he or she will be required to reimburse all educational costs to the Town in full. Police Officers also have a two-year obligation with the Town after graduation from the State Police Academy; otherwise, they must reimburse the Town.

C. Enrollment

Any eligible employee who wishes to apply for financial assistance according to this policy must submit a request in writing – which includes estimated expenses – to their supervisor and the Town Manager at least three months in advance of the beginning of the fiscal year in which the costs are going to be incurred such that the costs can be considered in accordance with the preparation of the Town's draft budget. The Town Manager shall forward such requests to the Mayor and Town Council for review and an ultimate determination prior to the commencement of the course. Each employee who successfully completes a pre-approved course shall submit a written request for reimbursement accompanied by documentation of all eligible expenses incurred.



3.6 Group Life and Accidental Death and Dismemberment Insurance

A. Eligibility

The Town provides group life and accidental death and dismemberment insurance for all eligible employees upon employment, at no cost to the employee. Regular part-time and Casual/Seasonal/Temporary employees shall not be eligible for these insurance benefits.

B. Terms

The information which follows is only a brief summary of the benefits which the Town offers to its employees. For a full explanation of particular benefits, employees should consult, where applicable, the specific plan documents. If the following summary conflicts with statements contained in formal plan documents, the specific plan documents supersede anything contained in the summary.

The group life coverage provides a death benefit in the amount of one and one-half (1 1/2) times employee's base annual salary (up to \$50,000), an accidental death and dismemberment coverage of one and one-half (1 1/2) times employee's base annual salary, and a short-term disability coverage of 66.67% of base weekly salary (up to \$200 weekly) not exceeding 26 weeks. The death benefit and the accidental death and dismemberment coverage reduce to 65% upon attainment of age 65 and reduce to 50% upon attainment of age 70.

C. Enrollment

All eligible employees should complete an enrollment form upon employment. There is no grace period between the time of enrollment and the time that the coverage goes into effect. A detailed explanation of the coverage listed above and an enrollment form can be obtained in the Town Office.

=====
3.7 Group Health Insurance
=====

A. **Eligibility**

The Town offers major medical insurance for all eligible employees upon employment. Regular part-time and Casual/Seasonal/Temporary employees shall not be eligible for the group health insurance benefit.

B. **Terms**

1) **Program Available**

A medical plan is offered through the Town's participation in the State of Delaware Group Health Insurance Program. The Town reserves the right to forego participation in this plan at any time. The information which follows is only a brief summary of the medical benefits which the Town offers to its employees. For a full explanation of particular benefits, employees should consult, where applicable, the specific plan documents. If the following summary conflicts with statements contained in formal plan documents, the specific plan documents supersede anything contained in the summary.

2) **Town Contribution**

The Town shall pay 95% of the individual employee coverage for employees hired prior to March 1, 2010. Employees hired after March 1, 2010, shall be eligible for the State of Delaware First State Basic Plan of which the Town will pay 95%. Employees electing to use a higher tiered plan will pay the difference in cost for any higher tiered plan and the First State Basic Plan.

The employee shall have the option of covering eligible dependents under the same insurance plan. Full-time employees hired prior to March 1, 2010, shall pay 10% of the difference between employee coverage and eligible dependent coverage. Employees hired after March 1, 2010, shall be eligible for the family plans under the State of Delaware First State Basic Plan of which the Town will pay 90%. Employees electing to use a higher tiered plan will pay the difference in cost for any higher tiered plan and the First State Basic Plan.

3) **COBRA**

Because of the Town's participation in the State of Delaware Group Health Insurance Program, all eligible employees qualify for continuation benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage"), on a self-pay basis, at group rates in certain instances where coverage under the plan would otherwise end.

C. **Enrollment**

All eligible employees should complete an enrollment form upon employment. A detailed explanation of the coverage listed above and an enrollment form can be obtained in the Administrative Assistant's Office.

=====
3.8 Social Security
=====

A. **Eligibility**

All employees of the Town shall be provided social security benefits as required by law.

B. **Terms**

The cost of the individual, matched by the Town, is scheduled by federal law as a percentage of designated base salary. These deductions are taken from each pay check. In addition to retirement, disability and survivor benefits, the Social Security program provides Medicare hospital and medical-surgical benefits.

C. **Enrollment**

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

3.9 Uniforms and Equipment

A. Eligibility

The Town shall provide uniforms and equipment for employees of the Public Works Department, Beach Patrol and the Police Department. These employees shall be required to wear uniforms while on duty so that they will be easily identified as Town employees.

B. Terms

1) **Employee Responsibility**

The employee is responsible for the uniform and equipment. Therefore, the cost of avoidable damage or loss of uniforms shall be paid by the employee. An employee shall wear his or her uniform properly, shall not allow them to be worn by other individuals, and will wear them only during working hours or to and from work. Upon separation from employment, the employee shall return his or her uniform and equipment to the Town.

2) **Provision and Cleaning of Uniforms**

a) **Public Works Department**

The Town will provide safety equipment and uniforms to the employees of the Public Works Department. The employee is responsible for cleaning of his or her uniform. The following uniform will be provided annually:

- 3 winter shirts;
- 3 summer shirts;
- 3 pair of trousers;
- 1 pair of work shoes;
- 1 jacket; and
- 1 coat

3) **Provision of Lifesaving Equipment/Uniforms**

a) **Beach Patrol**

The Town will provide lifesaving equipment/uniforms for the employees of the Beach Patrol. The following will be provided annually:

- Jackets
- Swimsuits*
- Sweatpants
- Sweatshirts
- T-Shirts*
- Bags
- Flags
- Whistles*
- First-Aid Kits
- Rescue Belts

*Will not have to be returned.

4) **Police Department Uniforms and Equipment**

All full-time sworn personnel of the Police Department shall be issued uniforms, body armor, and assorted equipment needed to perform their duties safely and efficiently. These items shall remain the property of the Town. Officers shall be required to wear issued uniforms while on duty unless otherwise approved by the Chief of Police or other unusual circumstances arise (i.e. special investigation). The Town shall provide cleaning for the uniforms at no cost to the officer. Allocation of equipment shall be determined by need and shall be approved by the Chief of Police or his designee.

3.10 Workmen's Compensation Insurance

A. Generally

The Town shall provide Workmen's Compensation benefits to all employees as required by the Delaware Workmen's Compensation Act. Generally, the Act covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. The amount of benefits payable and the duration of payment depend on the nature of the employee's illness or injury.

B. Notice

In order to protect you, it is imperative that if you are injured or have an accident while working on the job, that you immediately report the accident or injury to a supervisor or the Town Manager, no matter how minor the injury may seem. All details of the accident or injury must be reported in writing on the appropriate insurance forms. Immediate reporting of the work related accident or injury is necessary to insure your coverage under Workers' Compensation. If you fail to report the injury or accident, you may lose benefits or even be denied coverage for the injury.

C. Return to Work / Light Duty

Subject to the conditions below, an employee who is unable to perform the essential functions of his or her position as a result of a workplace injury or illness may be offered and/or required to perform light duty assignments in the Town's discretion on a limited and temporary basis provided the employee is physically able to perform the duties of such light duty assignments. The conditions pertaining to light duty assignments are as follows:

- 1) When an employee is not capable of returning to his/her normal duties as a result of a workplace injury and/or illness, but is able to perform light duty assignments, an employee will be considered by the Town for such light duty assignment, which shall be made on a limited and temporary basis only, and may be required to take on such assignment.
- 2) An employee's ability to perform the essential functions of his or her job as well as possible light duty work shall be determined by a Town-designated physician or other physician acceptable to the Town, as permitted by law. The Town retains the right to require periodic medical evaluations as permitted by law.
- 3) Light duty assignments are not transfers to existing or open positions, but are temporary assignments to perform appropriate tasks normally performed by other employees or to assist with special projects.
- 4) The Town will review the employee's physical restrictions as well as his or her education, training, experience and skills to determine whether there are appropriate light duty assignments for which the employee is qualified and physically capable of performing.
- 5) If there are no meaningful tasks available that the injured employee is capable of performing, the injured employee will be sent home subject to being called back should appropriate light duty work become available.
- 6) A light duty assignment is not guaranteed to an injured employee and in no event will a position be created for the sole purpose of utilizing the injured employee in a light duty status. No elimination of any essential job functions of any actual position will be made to allow the employee to perform such position in a light duty capacity.
- 7) An employee who is assigned to light duty shall not be assigned to any duties, even temporarily, that would require the employee to perform duties that are not within the restrictions placed by the treating physician.
- 8) No light duty assignments under this policy will be made when an employee is unable to perform the light duty tasks for at least 4 hours in a day. Depending on the nature of the available light duty work, if any, employees being given light duty assignments may need to be temporarily assigned to a shift schedule that is different from their regular assignment.
- 9) Temporary light duty status will be initially granted for a maximum period of thirty (30) days. After the initial 30 day period and after any subsequent 30 day period of temporary light duty, the employee's situation will be reviewed primarily in light of the following two factors:

Town of South Bethany Personnel Policy Manual and Employee Handbook

- =====
- A. Continuation of a favorable prognosis for full duty in the short-term future, based upon the treating physician's periodic examination and statement thereof, and
 - B. The continuation of availability of an appropriate assignment, job or duty.
- 10) Notwithstanding anything else in this policy, in the event that a medical evaluation by the treating physician determines that it is unlikely that the employee will be able to return to his or her normal position, any light duty assignment offered to the employee shall end immediately.
 - 11) In the event multiple employees are simultaneously eligible for consideration for a light duty assignment pursuant to this policy, and there is limited light duty work available, preference for any available light duty assignment shall be governed by the nature of the light duty assignment, the skillset of the employees, and seniority.
 - 12) Employees placed in a light duty assignment will remain in their current rank during such assignment and will continue to accrue all benefits and wage increases to which they are entitled during such assignment.
 - 13) Employees who are placed in a light duty assignment shall be compensated on an hourly basis for all work performed in connection with their light duty assignment.
 - 14) If and when an employee placed on a light duty assignment is released by his or her treating physician as medically capable of performing the essential functions of his or her regular position, he or she will be returned to that position immediately as required by law.

=====
4. **EMPLOYEE WORK PRACTICES AND CONDITIONS OF EMPLOYMENT**

4.1 Disclosure of Information – Freedom of Information Act

A. Policy

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

B. Procedure

1) Determination of Public Record

All requests for documentation shall be forwarded to the Town Manager to determine if the requested documents are a "public record" and fall under the purview of the Freedom of Information Act. All requests must be in writing and should use the "REQUEST FOR PUBLIC RECORDS" standard State of Delaware form. The form is available at Town Hall and on the Town website.

2) Examination and Copying of Public Records

The review of any requested documents must be performed in the Town office and in the presence of a Town employee designated by an appropriate department supervisor, in accordance with the following:

- a) no documents may be removed by the requesting party;
- b) public records shall be open to inspection if the record is in active use or in storage and, therefore, not available at the time a citizen requests access; the custodian of the record shall so inform the citizen and make an appointment for said citizen to examine the records as soon as they may reasonably be made available;
- c) all copying of requested documents shall be performed by a Town employee to be designated by the appropriate department supervisor;
- d) multiple copies of documents shall not be provided;
- e) the requesting party shall pay the Town the designated rate established by the Town for copying following State of Delaware guidelines in effect at the time of the request;
- f) the requesting party must reimburse the Town for the cost of any research by Town employees which may be needed to comply with the request. Such costs may include, but are not limited to, wages, computer time, and costs of supplies. The reimbursement will follow State of Delaware guidelines in effect at the time of the request.
- g) it is within the discretion of the Town Manager to determine what is a substantial number of copies and the amount of the staff time that will be required to honor the request. The Town Manager may present an estimate of the costs and may require a deposit to be made prior to initiation and access to the public record.

C. Prohibited Practices

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

- 1) any personnel-related documents excluded from disclosure by any State or Federal personal privacy law;
- 2) investigatory files compiled for civil or criminal law enforcement purposes including pending investigative files, pretrial and pre-sentence investigations;
- 3) criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy (any person may obtain a copy of his or her personal criminal record from the State Bureau of Identification);
- 4) intelligence files compiled for law enforcement purposes pertaining to local, state, or national welfare and security;
- 5) any records specifically exempted from public disclosure by statute or common law;

Town of South Bethany Personnel Policy Manual and Employee Handbook

- =====
6) any record which discloses the identity of the contributor of a bona fide and lawful charitable contribution to the Town whenever public anonymity has been requested by the donor;
- 7) any records pertaining to pending or potential litigation which are not public records of any court; or
- 8) any record of discussions allowed by Title 29, Delaware Code, section 10004, held in executive session.

D. Disciplinary Action

Any employee who does not comply with Town procedures when disclosing information or who discloses documents that are not a "public record" shall be subject to disciplinary action up to and including dismissal.

=====
4.2 Driver's License Requirement
=====

A. Policy

Each employee who operates any Town-owned vehicle must have a valid driver's license and must be of insurable status. Any employee who loses the right to drive is prevented from fully executing his or her duties and is thus subject to termination.

B. Procedure

1) Verification

The Town shall, on a periodic basis, verify the status of the driving privileges of those employees who are required to operate a Town vehicle.

2) Notification

Each employee whose driving privileges are suspended or revoked or who has been placed on an uninsurable status by the Town's insurance carrier shall notify his or her department supervisor immediately and shall cease operating any Town vehicle or equipment which requires a driver's license.

C. Disciplinary Action

Any employee who operates a Town vehicle without a valid driver's license or while on uninsurable status or who falsifies information about the status of his or her driving privileges shall be subject to disciplinary action up to and including dismissal.

4.3 General Employee Work Practices

A. Policy

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

- 1) Each employee is expected to be at his or her assigned work area ready, willing, and able to begin work at the beginning of the work day.
- 2) Except for authorized breaks and reasonable absences required to attend to personal needs, each employee is expected to remain at the assigned work area performing his or her assigned duties.
- 3) Each employee is expected to perform assigned duties and to report to his or her supervisor any conditions or circumstances, including any inadequacies in the instructions or the procedures specified for their work assignment, which will prevent or inhibit the employee from the effective performance of these duties.
- 4) Each employee is required to adhere strictly to safety rules, including the use of safety equipment when specified, and to report unsafe conditions or practices to his or her supervisor immediately. Each employee is required to follow all guidelines and practices outlined in the Town of South Bethany Safety/Risk Management Policy Manual. This manual along with Material Safety Data Sheets (MSDS), and Safety Inspection Log is available at Town Hall.
- 5) Each employee is expected to exercise reasonable care and caution in the operation of any Town equipment or property so as not to cause excessive deterioration or unnecessary damage.
- 6) Land Line Town Phones - Employees are not prohibited from making or receiving personal telephone calls while at work; however, such calls are expected to be kept to a minimum and to remain as short as possible. Employees will be required to reimburse the Town for a personal toll call; however, these calls are discouraged and should only be made if it is necessary.

Cell Phones Provided by Town - Employees who are assigned cell phones by the Town are to adhere to the Portable Electronic Device Policy as outlined in Chapter 7 of the Town of South Bethany Safety/Risk Management Policy Manual. Town phones and cell phones may only be used for Town business unless otherwise approved by the Town Manager. In addition, employees are not permitted to use hand-held cell phones while driving Town vehicles and should use discretion when using cell phones for personal reasons at work sites, to maintain the health, safety and welfare of other employees and the public.

- 7) Each employee is expected to obey and comply with all Town, State, and Federal ordinances, laws, and statutes, as well as all written and verbal Town and Department policies, procedures, and work rules.
- 8) Each employee is expected to obey and comply with the "Ethical Principles and Values for Public Servants" contained in the Appendix.
- 9) Employees are to be judicious in their discussions with residents and other individuals while conducting Town business.

Disciplinary Action

An employee who violates any of the above work practices shall be subject to disciplinary action up to and including dismissal.

B. Use of Computers/Email and Voicemail

Town Property

All electronic equipment, copiers, computers, software, data files, cell phones, and information on computers are Town property. Such property is to be used only for Town business and only information related to Town business may be stored on Town property. To ensure compliance with this policy, the Town Manager or his/her designee may monitor or review Town owned property, equipment, files, databases and any electronic or wire transmissions such as electronic mail (e-mail). Further, employees should be aware that information stored on electronic devices can often be reconstructed even after it is deleted.

Content of E-mail and Voice mail

While not all e-mail communications are records, all e-mail communications may be subject to discovery and can be used as

=====

electronic evidence in the event of litigation. Discovery is the legal process that permits parties involved in a legal proceeding to obtain records and information relevant to the proceeding that are in the possession of another party. Electronic mail messages are records that could be found in many places such as file servers, back-up tapes, and copies sent and then forwarded to others electronically even after you think you have deleted them permanently.

The Town respects the reasonable privacy expectations of its employees. Nonetheless, the Town owns its e-mail system and can limit and/or restrict access to it as deemed necessary. Title 19, Section 705 of Delaware Code, requires Delaware employers to notify employees of the possibility that their electronic transmissions may be monitored, and to obtain acknowledgment of this notice. Therefore, the Town reserves the right to do so, at any time and without further notice. The most likely circumstances in which monitoring may be necessary are troubleshooting systems, pursuing violations of Town policy, and requests from law enforcement authorities.

E-mail and voice mail messages should contain professional and appropriate business language. It is the policy of the Town that any communication by e-mail should be drafted with the same care as a formal memorandum or letter and is not to contain informal remarks. The contents of e-mail should not include anything which the sender would not want publicly disclosed.

E-mail messages must not contain offensive, insulting, or harassing material, including, but not limited to, sexist or racist references to other employees.

Software Licensing

Only properly licensed computer programs and software that are installed with authorization from the Town Manager may be used on any Town computer. If unauthorized software or shareware is found on any Town computer, it shall be investigated, and if appropriate, deleted. Employees shall not make, acquire, or use unauthorized copies of software.

External Mail Systems/Internet Access

Confidential or proprietary information should not be relayed over external mail systems such as internet e-mail. Employees are prohibited from accessing the internet during working time for non-work related purposes including, but not limited to, personal e-mail use, online shopping, or non-work related web browsing. Rather, internet access shall only be used for Town business.

C. Social Media Policy

The Town recognizes the use of online social media networks as a communication tool. This policy addresses employees' use of such networks including: personal websites, social networks, Facebook, Twitter, You Tube, blogs, virtual worlds, and any other kind of social media. The Town acknowledges the right of employees to use these mediums during their personal time. Use of these mediums during work hours or on Town equipment should be used only for Town business such as web design, Facebook postings, or email updates to property owners.

The Town takes no position on employees' decision to participate in the use of social media networks. In general, employees who participate in social media are free to publish personal information without censorship by the Town.

An employee must adhere to the following:

- When discussing Town matters, Employees are required to state in clear terms that the views expressed on any social media network are the employee's alone and that they do not necessarily reflect the views of the Town.
- Employees are prohibited from disclosing information on any social media network that is confidential or proprietary to the Town or to a third party that has disclosed information to the Town.
- Employees should not post images of co-workers without the co-workers' consent. Finally, employees are prohibited from posting any non-public images of the Town premises and property.
- Employees are prohibited from making statements about the Town, residents or vendors that are unlawfully harassing, threatening, libelous, or defamatory.
- Employees are prohibited from acting as a spokesperson for the Town or posting comments as a representative of the Town.
- Employees are prohibited from sharing any communication that engages in personal or sexual harassment, false accusations, or remarks that would contribute to a hostile work environment (racial, sexual, religious, etc.).

Employees who participate in social media may still decide to include information about their work at the Town as part of their personal profile, as it would relate to a typical social conversation. This may include:

- Work information included in a personal profile, to include company name, job title, and job duties.
- Status updates regarding an employee's own job promotion.
- Personal participation in Town sponsored events, including volunteer activities.

Town of South Bethany Personnel Policy Manual and Employee Handbook

=====
An employee who is responsible for a social media posting that fails to comply with the guidelines set forth in this policy or that otherwise causes harm to the Town may be subject to discipline, up to and including termination.

D. News Media

Employees other than the Town Manager, Chief of Police, and/or Public Information Officer, are strictly prohibited from representing the Town in any way through media such as social media, newspaper, television, and/or radio reporters.

=====
4.4 Gifts and Favors
=====

A. **Policy**

The position of the Town, as a public organization, imposes on all employees special responsibilities to assure impartiality in all matters related to business dealings.

B. **Procedure**

Any employee who receives, or anticipates the receipt of, any gift or request for favor shall immediately notify his or her supervisor.

C. **Prohibited Practices**

Each employee is prohibited, from accepting any gift, favor, gratuity, loan, or promise, the value of which exceeds \$25.00, which would have not otherwise been offered to him or her if he or she were not a Town employee. No employee shall grant, in the discharge of duties, any improper favor, service, or thing of value.

D. **Disciplinary Action**

Any employee who violates this policy shall be subject to disciplinary action up to and including dismissal.

E. **Additional Provisions**

Section 4-4 shall not pertain to gifts, bonuses, or compensation given to employees by the Town.

4.5 Hours and Days of Work

A. Policy

The work schedule of each Town employee shall be established by the employee's department supervisor, subject to the procedures contained in this policy and as approved by the Town Manager.

1) **Normal Work Day**

The normal workday of each employee is determined by the following schedule:

a) **Administrative Department**

The normal workday for each full-time employee shall consist of eight (8) hours of work. Each employee's starting and quitting times shall be established by the Town Manager allowing the Town Office and Police Department Administrative Office to be open from 8:00 a.m. to 4:30 p.m. Each employee shall be allowed an unpaid thirty (30) minute lunch break during the normal workday. Such lunch break shall not be considered time worked. Each employee shall also be entitled to a fifteen (15) minute break in the morning hours and a fifteen (15) minute break in the afternoon hours, the specific times of which shall be dictated by the employee's supervisor. Such breaks shall be paid as required by law.

b) **Public Works Department**

The normal workday for each full-time employee shall consist of eight (8) hours of work. Each employee's starting and quitting times shall be established by the Town Manager. Each employee shall be allowed an unpaid thirty (30) minute lunch break. Such lunch break shall not be considered time worked. This normal workday policy shall also apply to non-full-time Public Works Department employees. Each employee shall also be entitled to a fifteen (15) minute break in the morning hours and a fifteen (15) minute break in the afternoon hours, the specific times of which shall be dictated by the employee's supervisor. Such breaks shall be paid as required by law.

c) **Casual/Seasonal/Temporary Employee**

There shall be no normal workday for this group of employees. Each employee's starting time, quitting time, and number of hours worked shall be established by the employee's department supervisor, subject to the approval of the Town Manager. Each employee shall take the same lunch and rest breaks granted to the full-time employees of the same department if they are working a normal workday consisting of at least 8 hours.

d) **Police Department**

The Police Department operates 24-hours-a-day, seven (7) days a week, either through departmental employees, contracts with other departments, or by on call coverage, to provide citizens with law enforcement services. Patrol shifts operate on a 28-day work cycle schedule. Patrol officers generally work a minimum of two (2) to a maximum of four (4) 12-hour days of each shift on a rotating schedule, with a minimum of two to a maximum of four (4) days off between shifts. Officers are assigned to one of four patrol shifts by the Chief of Police, and are provided with a schedule in advance. This schedule establishes the frequency of rotation and enables each officer to arrange off-duty time accordingly.

2) **Normal Work Week**

The normal work week of each employee is determined by the following schedule:

a) **Administrative Department**

The normal work week for each employee shall consist of five (5) days of work, scheduled during the period Monday through Saturday. Regularly scheduled meetings and Saturday workdays shall be compensated for by adjustments in the regular work schedule.

b) **Public Works Department**

The normal work week for each employee shall consist of five (5) days of work, Monday through Sunday; however, the workweek may be scheduled as required by work availability or weather. Saturday and Sunday workdays shall be compensated for by adjustments in the regular work schedule.

e) **Beach Patrol**

Beach protection shall be provided from 10:00 a.m. to 5:00 p.m. (5:30 p.m. on weekends) and the scheduling of work hours shall be performed by the Beach Patrol Captain. Lifeguards shall be on duty from Memorial Day weekend through Labor Day weekend except as otherwise directed by the Town Manager or Mayor.

d) **Police Department**

Pursuant to Section 207(k) of the Fair Labor Standards Act and 29 C.F.R. Part 553, the Police Department has adopted a 28-day work schedule. Patrol officers generally work a minimum of two (2) to a maximum of four (4) 12- hour days of each shift on a rotating schedule, with a minimum of two to a maximum of four (4) days off between shifts. Officers are assigned to one of four patrol shifts by the Chief of Police, and are provided with a schedule in advance. This schedule establishes the frequency of rotation and enables each officer to arrange off-duty time accordingly.

3) **Lunch and Rest Breaks**

Employees are not permitted to engage in any work during scheduled lunch breaks without receiving advanced approval from their supervisor. In the event an employee engages in unauthorized work during his or her lunch break, he or she will be paid for such time but may be subject to discipline, up to and including termination. Lunch breaks shall be taken at a time to be specified by each employee's supervisor that falls after the first two hours and before the last two hours of the employee's shift. Employees may not combine rest and lunch break time nor may they combine multiple rest breaks into one break period.

4) **Inclement Weather**

- a) The Town will only close when the Governor of Delaware declares a state of emergency; which means that nonessential vehicles must stay off the road. Essential employees who must come to work will be paid at a rate of time and a half their normal hourly rate. Nonessential employees scheduled to work will receive regular pay.
- b) In case of snow or other inclement weather, the Town will follow State of Delaware closing policies. If State of Delaware offices are closed, the Town office will close. Essential employees who work will be paid at a rate of time and a half their normal hourly rate or, in the Town's discretion, shall receive compensatory time for the day. Nonessential employees scheduled to work will receive regular pay.

B. Disciplinary Action

Any deviation from these schedules without authorization shall subject the employee to disciplinary action.

4.6 Motor Vehicle Operation/Accidents

A. **Policy**

Only authorized Town employees are permitted to operate Town vehicles including operation of vehicles on the beach. Vehicles are to be used on the beach solely to conduct Town business and/or work. Only the Beach Patrol Captain, appointed Beach Patrol Lieutenants, Police, and Maintenance staff are authorized to operate Beach Patrol Vehicles. Each employee of the Town who operates any Town-owned vehicle or equipment is expected to exercise reasonable care and caution so as not to cause excessive deterioration or unnecessary damage. All full-time Town employees who operate Town vehicles will be required to take a Defensive Driving Course offered by the Town's insurance carrier.

No individual shall operate or ride in a Town vehicle except as is required for the conduct of Town business. Any employee, who permits or otherwise allows an individual(s) to operate or ride in a Town vehicle except as is required for the conduct of Town business, shall be subject to disciplinary action up to and including dismissal.

B. **Procedure**

1) **Reporting/Notification**

Each employee who is involved in an accident while operating a Town vehicle shall report such accident to the police and Town Manager immediately, regardless of the severity of the accident or the extent of the property damage. The employee shall also immediately notify his or her department supervisor. The department supervisor shall submit an incident/accident report to the Town Manager and Finance Director. The Town shall require drug and alcohol testing for any employee involved in an accident with a Town vehicle, regardless of time of day or situation. Any refusal to participate in immediate drug testing or fully cooperate with the testing procedures will lead to disciplinary action up to and including dismissal.

Any department supervisors and/or employee failing to report an accident to his or her department supervisor within twenty-four (24) hours may be subject to disciplinary action up to and including dismissal.

C. **Disciplinary Action**

If an employee of the Town is involved in an accident while operating a Town vehicle or equipment, which is the result of negligence on the part of the employee, then he or she shall be subject to disciplinary action up to and including dismissal.

D. **Driver Safety**

All employees that operate Town owned or leased vehicles are to adhere to the policies set forth in the Town of South Bethany Safety/Risk Management Policy Manual.

E. **Police Department Take Home Vehicle Program**

1) **Purpose and Eligibility**

The purpose of this policy is to provide eligible officers of the South Bethany Police with guidelines regarding the use of departmental vehicles pertaining to the "Take Home Vehicle" program. This program should result in a better maintained departmental fleet, while providing greater visibility and accessibility of officers.

The Take Home Vehicle program shall be limited to officers hired prior to December 8, 2017. Members of the Police Department hired on or after December 8, 2017 shall not be eligible for take home vehicles.

2) **Definitions**

Off Duty – Anytime an officer is not working within the town limits of South Bethany in his capacity as a police officer and is not working his scheduled shift. (i.e. traveling to/from court, traveling to/from work, traveling to/from training classes).

3) **General Vehicle Assignment**

- A. Each officer shall be assigned a specific vehicle to drive during shift. These vehicle assignments will be determined by the Chief of Police or his designee each time the

departmental fleet changes as it would when purchasing new vehicles.

- B. To the extent the officer is eligible pursuant to the terms of this police, this assigned vehicle shall be the vehicle that officer takes home as his/her "take home vehicle."
- C. An officer shall not drive a vehicle not assigned to him, unless his vehicle is inoperable, or he has been instructed by a supervisor to drive a different vehicle.

4) General Requirements

At any time an officer is off-duty and in a departmental vehicle, the officer shall:

- A. Be armed with an agency issued or approved firearm.
- B. Maintain radio contact with SUSCOM or the department dispatcher by having the radio turned on.
- C. Have proper departmental identification.
- D. Have any other necessary equipment required to perform his function as a police officer. (i.e. handcuffs, flashlight, etc.)

5) Restrictions

Eligible officers may take home their assigned vehicle during their 3 day work-cycle, pursuant to the following restrictions:

- A. Take home vehicles shall not be used to transport family or friends or to conduct personal business.
- B. When working, the "off-going" officer is to physically remain within the town limits until the "on-coming" officer arrives for duty.
- C. The patrol vehicle shall be left at the police department at the conclusion of the officer's last day of work, prior to being off.
- D. Patrol vehicles shall not be taken home when an officer is off, on regularly scheduled leave days, on vacation, or off-duty for any extended period of time.
- E. Officers that take a patrol vehicle home **shall not use the vehicle for any purpose other than for traveling directly to and from their residence** unless prior authorization has been obtained by a supervisor or the officer is conducting other department business.
- F. Effort shall be made to park the vehicle in a driveway or yard, whenever possible, and not on the street.
- G. Take home vehicles shall not be used to tow another vehicle, to jump start another vehicle unless an emergency situation exists, or by anyone other than authorized South Bethany officers.

6) Code of Conduct

- A. While driving to and from his residence, an officer shall obey all traffic codes while driving in a safe manner to avoid any unfavorable reflection on the department.
- B. Take home vehicles shall not be parked in front of any establishment where alcoholic beverages are sold or consumed.

- C. Take home vehicles shall not be used by any officer under the influence of an alcoholic beverage or who is taking medication which may impair his ability to drive.
- D. Anytime an officer of this department is in a departmental police vehicle, he represents this agency and shall conduct himself in a manner that will reflect a positive image for the department.

7) Vehicle Maintenance

Since there are two officers assigned to each patrol vehicle, those officers shall be responsible for shared maintenance.

A. Cleanliness

1. Each officer shall be responsible for keeping his assigned vehicle clean, inside and out, at least once during their dayshift (4 times per month).
2. Performed maintenance shall be logged on a monthly sheet to be kept in the station. If circumstance prevents an officer from performing this duty, it shall be documented on the log, (i.e. weather).
3. Failure to maintain vehicle appearance as required may result in the officer's removal from the vehicle take home program and/or disciplinary action.

B. Routine Equipment Check

1. Each officer shall ensure that the proper levels of oil, water, fuel, and air in the tires are maintained.
2. Should an officer become aware of a needed maintenance or needed equipment for a vehicle, he shall report this to the vehicle maintenance officer.

8) Reporting Accidents

- A. All accidents involving a departmental vehicle shall be reported as soon as possible to a supervisor.
- B. A vehicle accident report shall be filed in the jurisdiction where the accident occurred.
- C. Any officer involved in an accident, as a result of negligence or unlawful operation, shall be removed from the Take Home Program and shall be subject to disciplinary action.

9) Violation

- A. Any officer found in violation of the above direction shall be guilty of a minimum class F violation which could be upgraded to a more severe class depending on the circumstances of the violation.
- B. If found in violation, an officer could be suspended from the "take home vehicle" program for up to 30 days.
- C. Subsequent violations shall result in permanent removal from the program.
- D. Violations warranting more serious class upgrades will be handled according to the Police Department's Disciplinary Procedures.

=====
4.7 Nepotism
=====

A. **Policy**

The Town has an obligation to its employees and contractors to take reasonable and appropriate steps to assure that personnel management shall be implemented consistent with merit system principles.

B. **Procedure**

Due to the small number of Town staff and police department employees, and the potential for personal conflicts of interest, any individual who is an immediate family member of a current Town employee may not be considered to fill a vacant full-time position. For the purpose of this policy, members of the immediate family shall include the spouse/domestic partner, parent, child, grandparent, aunt, uncle, nephew, niece, first cousin, brother, sister, grandchild, in-laws, or step-family. This policy shall also apply to the currently serving Mayor and Town Council.

=====
4.8 Outside Employment
=====

A. Policy

The work of the Town will take precedence over other occupational interests of employees. All outside employment, including self-employment, must be reported to the employee's supervisor. The employee supervisor in turn will report to the Town Manager. The Town Manager will review such employment for possible conflict of interest, appearance of impropriety, or impact upon the efficiency of the employee.

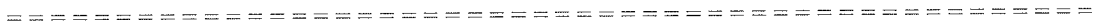
B. Prohibited Practices

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

- 1) the performance of such work is regulated by the Town, either directly or indirectly;
- 2) the employee will represent any other interests before the Town body; or
- 3) the outside employment impacts the efficiency of the employee.

C. Disciplinary Action

Outside employment which conflicts or inhibits an employee's efficiency may be grounds for disciplinary action, including dismissal.



4.9 Personal Use of Town Property

A. Policy

Town equipment, materials, tools, supplies, and vehicles shall not be available for personal use nor be removed from Town property, except in the conduct of official Town business or after receiving permission from the department supervisor or by the Town Manager.

B. Disciplinary Action

Any employee who fails to return Town equipment, vehicles, materials, tools, or supplies, or who damages Town equipment, vehicles, materials, tools, or supplies as a result of a grossly negligent or intentional act, shall be required to reimburse the Town for the cost of repairing or replacing the item. Any employee who uses Town property for his or her personal use without permission, fails to return Town property, and/or damages Town property may be subject to disciplinary action up to and including dismissal.

=====
4.10 Political Activities of Employees
=====

A. Policy

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

B. Prohibited Practices

- 1) No employee of the Town shall, directly or indirectly, contribute any money or anything of value to any candidate for nomination or election to any town office, to any town office candidate campaign or to any town office candidate political committee, or take active part in any town political campaign, except to cast a vote.
- 2) A person holding a Town position shall not, while performing official duties or while using Town equipment at the person's disposal by reason of his or her position, solicit in any manner contributions for any purpose, or engage in any activity during working hours that impairs the efficiency of the position or presence during the working hours.
- 3) A person holding a Town position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment, or advantage or employment, in any such position for the purpose of influencing the vote or political action of that person, or for any other consideration.
- 4) A person who, in any manner, supervises a Town employee shall not directly or indirectly, solicit the person supervised to contribute money or anything of value, or service, for any purpose not connected to said person's employment.
- 5) Any person holding a Town position who shall become a candidate for any elective office of the Town shall, commencing sixty (60) days prior to the date of the primary or general election, and continuing until such person is eliminated as a candidate, either voluntarily or otherwise, automatically receive unpaid leave of absence and during such period shall perform no duties connected with the office or position so held.
- 6) An employee shall terminate his or her employment with the Town if appointed or elected to an elective office of the Town. In the event the employee refuses to terminate his or her employment upon appointment or election to an elective office, the employee will be terminated from the position with the Town.

C. Disciplinary Action

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

=====
4.11 Representation and Indemnification
=====

A. Policy

1) **Representation**

Any Town employee, Council Member or duly appointed member of a Town Commission, Board, or Committee, shall be entitled to have the Town Solicitor or insurance carrier's Attorney, if applicable, represent his or her interest in any criminal or civil action against him or her where the following elements are present:

- a) the act or omission complained of arose out of and in connection with the performance of an official duty requiring a determination of policy, the interpretation or enforcement of statutes, rules, or regulations, the granting or withholding of public created or regulated entitlement or privilege, or any other official duty involving the exercise of the discretion on the part of the employee;
- b) the act or omission complained of was done in good faith and in the belief that the public interest would best be served thereby; and
- c) the act or omission complained of was done without gross or wanton negligence.

2) **Indemnification**

In addition to representation provided in Subsection 1) of this Section, Town employees who, but for the application of any provision of the Constitutions or laws of the United States or the State of Delaware to the contrary, would be entitled to immunity with accordance with Title 10, Delaware Code, Section 4001, shall be indemnified by the Town against any expense (including reasonable attorney's fees and disbursements), judgments, fines and costs, actually and reasonably incurred by such employee in defending against the action, suit or proceeding giving rise thereto provided, however, if the person seeking indemnification chooses to retain his or her own attorney rather than using the Town Solicitor, he or she shall pay the costs incurred thereby.

3) **Procedure for Establishing Right to Indemnification**

The right to indemnification provided for in Subsection 2) of this Section shall automatically apply upon the final determination of any court or administrative tribunal of competent jurisdiction that no claim or cause of action existed, or, but for the application of the Constitutions or laws of either the United States or the State of Delaware, that no such claim or cause of action would have existed, or upon a verdict or ruling in favor of the employee. If a court or administrative tribunal shall determine that no right to indemnification exists because of the absence of 1 or more of the elements of immunity, said determination shall be final and binding at such time as any and all rights of appeal from the decision giving rise to such determination shall have been exhausted. If for whatever reason, including settlement agreed upon by the parties, the court or administrative tribunal having jurisdiction shall fail or refuse to make the determination required by this subsection, then the indemnification shall only be granted as to the employee upon the affirmative recommendation majority of Town Council.

4.12 Human Relations in the Work Place

A. Policy on Sexual Harassment and Sexual Abuse

This Policy covers all Town Employees, Appointed, and Elected Officials of the Town.

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. Each employee of the Town, regardless of sex, is entitled to a working environment which is free from intimidation and sexual harassment. The Town shall not tolerate any form of sexual harassment by any employee of either sex. Any employee who either receives or is the subject of discrimination of any nature or sexual harassment shall immediately report the details to his or her supervisor. If the supervisor is the individual who is engaged in the discriminatory or sexually harassing behavior, all details should be reported to the Town Manager.

Harassment

The Town is an equal opportunity Employer. As such, it is and shall be our policy to maintain a work environment that permits an employee to be free from harassment by a co-worker, Supervisor, or other person upon our premises. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, or religion will not be tolerated.

Allegations of harassment will be impartially and confidentially investigated. If after the investigation, it is determined that the harassment charge is valid, prompt action and disciplinary action will be taken to stop the harassment and to prevent its recurrence. Victims, witnesses, and all participants in the investigation process will be protected from retaliation.

Sexual Harassment

Any form of sexual harassment is strictly prohibited.

Sexual harassment is defined as: "Unwelcome sexual advances, request for sexual favors, and other verbal and/or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- (3) Other conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

If you have experienced what you believe to be sexual harassment or other conduct disruptive or damaging to the workplace, this should be reported promptly to the Town Manager, Mayor or Council Member.

Sexual Abuse

The Town prohibits, and does not tolerate, sexual abuse in the workplace or in any organization-related activity. No employee or volunteer, no matter his or her title or position, has the authority to commit or allow sexual abuse. Upon completion of any report or investigation regarding sexual abuse, disciplinary action up to and including dismissal of employment and criminal prosecution may ensue.

If any employee is aware of or suspects sexual abuse taking place, the employee should immediately report it to the Town Manager, Mayor, or Council Member.

The Town prohibits retaliation made against any employee or volunteer who reports a good faith complaint of sexual abuse or who participates in any related investigation. The Town prohibits making false and/or malicious sexual abuse allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including dismissal.

2) Complaint Procedure

a) Written Report

Each employee who believes that he or she is or has been the subject of harassment, sexual harassment or sexual abuse, should submit a written report of the alleged act immediately to his or her supervisor and to the

=====
Town Manager. If the complaint involves either of these individuals, the complaint shall then be filed with the Mayor or a Council Member.

b) **Investigation**

The Town Manager or a designated representative shall investigate all alleged violations of this policy. The investigation of all complaints will be handled in a manner that is both timely and that seeks to preserve confidentiality to the extent possible. Information concerning the complaint will not be released by the Town to any third party or to any Town employee who is not involved with the investigation of the complaint unless such disclosure is required by law. The purpose of this provision is to protect the confidentiality of the complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment. Each employee shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or providing information during the investigation.

B. Policy on Human Relations

The Town is committed to seeing that all personnel are provided the opportunity to work and develop to achieve their full potential. Therefore, positive steps must be taken to avoid any vestige of discrimination based on race, color, religion, gender, age, national origin, or mental or physical handicap in any thoughts or actions. In addition, we must become pro-active in working with the communities around us to ensure the smooth assimilation of all personnel. This policy is important to maintain an environment where each of us is morally committed to ensuring equality of opportunity for every individual and where we all assume a personal responsibility for assuring that this concept works throughout the municipality. This means that each of us must not only practice nondiscriminatory behavior, but we must also educate others regarding the benefits of a nondiscriminatory environment on the Town's ability to function. Let us lead by example in ensuring equal opportunity and fair treatment for all.

1) **Prohibited Practices**

- a) discrimination in hiring, evaluation, or promotion; and
- b) acts or omissions which violate the letter or spirit of the statement above.

C. Disciplinary Action

Each employee who violates this policy may be subject to appropriate disciplinary action up to and including termination of employment.



4.13 Smoking in the Work Place

A. Policy

The Town is dedicated to providing a healthful, comfortable, and productive work environment for its employees. It is the Town policy that employees have the right to work in an environment free of the hazards of tobacco and other smoke.

B. Prohibited Practices

To protect the health of all employees and visitors, and comply with applicable smoking laws, smoking, vaping, and e-cigarettes are not permitted within any Town-owned buildings, all common areas, and Town vehicles.

This policy applies to all employees and to visitors.

C. Disciplinary Action

Each employee who violates this policy may be subject to disciplinary action.

=====
4.14 Drug and Alcohol Policy
=====

A. Purpose

The Town is concerned regarding the safety, health and welfare of its employees, their families and the community. The Town Council has an obligation to its employees and the public to take reasonable steps to prevent drug and alcohol abuse by its employees in and affecting the work place and to provide for limited assistance to employees who require help in dealing with a drug or alcohol abuse problem. The Town Council has determined that the possession, use, consumption or distribution of illegal drugs or alcohol by Town employees, while on duty, poses a serious threat to the public health, safety, morals and general welfare and to the morale of all Town employees. The policy of the Town is that Town employees are expected to be free of the influence of drugs and/or alcohol while on duty. This policy applies to all Town employees.

B. Prohibited Activities

All Town employees are prohibited from the following:

- 1) possessing or consuming any illegal drugs or controlled substances while on duty.
- 2) placing, carrying or allowing the placement of any unauthorized alcoholic beverage, or any illegal drug or controlled substance, in any Town structure, vehicle or equipment.
- 3) reporting to work under the influence of illegal drugs or controlled substances.
- 4) reporting to work under the influence of alcohol; a blood alcohol concentration of five-hundredths percent (0.05%) or greater shall be conclusive evidence of a violation, but shall not preclude other evidence of being under the influence.
- 5) being under the influence of alcohol and/or illegal drugs or controlled substances while being paid to be on-call.
- 6) operating any Town vehicle, heavy equipment or potentially dangerous machinery or power equipment while under the influence of any illegal drugs or controlled substances and/or while under the influence of alcohol.
- 7) consuming any alcoholic beverage while on duty.
- 8) selling or distributing, or arranging the sale or distribution, of any illegal drug or controlled substance to any person while on duty.
- 9) refusing to submit to an alcohol and/or drug test as required by this chapter and/or as required by any governing state or federal law or regulation.

C. Disciplinary Action

Any employee who engages in any of the activities prohibited by §B above shall be prohibited from operating any Town vehicle, heavy equipment or potentially dangerous machinery. Any such employee shall also be subject to disciplinary action up to and including dismissal.

D. Testing for Drug and/or Alcohol Abuse

1) Pre-employment Testing

Any candidate who is selected for full, regular part-time, or Casual/Seasonal/Temporary employment as a police officer shall submit to and pass a drug and/or alcohol test. Candidates selected for lifeguard positions may be required to submit and pass a drug and/or alcohol test if determined to be necessary by the Beach Patrol Captain and/or Town Manager. The Town may employ said candidate pending results of the test. The results of said test shall be maintained as confidential information, available only to the prospective employee and to those Town employees and officials who have access to personnel records. The Town shall reject any applicant who does not pass such drug and/or alcohol test.

2) Random Testing

Police officers, lifeguards, and employees who operate Town vehicles may be tested for alcohol content and/or for the use of illegal drugs and controlled substances. Such tests shall be conducted on a random and unannounced basis or in accordance with any future applicable directive governing law or regulation.

3) **Incident-Driven Testing**

- a. Post-accident. Each employee who operates a Town vehicle when it is involved in a traffic accident shall, when reasonable suspicion exists, at the discretion of a supervisor, Town Manager or the Mayor, be tested for alcohol content and/or for the use of illegal drugs and controlled substances.
- b. Reasonable suspicion. Any employee shall be tested for blood alcohol content and/or for the use of illegal drugs and controlled substances if the employee's supervisor, the Town Manager or, in the case of the Town Manager, the Mayor or any Council member has reasonable suspicion that the employee is under the influence of alcohol and/or illegal drugs or controlled substances. By way of illustration and not in limitation, the following shall constitute examples of incidents which would give rise to reasonable suspicion:
 - (1) observable phenomena such as direct observation of drug use or possession of drugs and/or drug paraphernalia and/or the physical symptoms of being under the influence of a drug while on or off duty.
 - (2) a pattern of abnormal conduct, erratic behavior, or repeated unexplained behavior.
 - (3) arrest or conviction of a drug-related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking. (The term "trafficking" shall also mean distribution.)
 - (4) newly discovered evidence that the employee tampered with a previous drug test.
 - (5) observable phenomena of being under the influence of alcohol while on duty or while being paid to be on call, such as the strong odor of alcohol, bloodshot eyes, slurred speech and/or unsteady gait.
 - (6) a medical emergency, which appears to be alcohol and/or drug, related.
 - (7) The observance of open containers of alcoholic beverages or the observation of drugs or drug paraphernalia at the employee's desk, work station, locker or Town vehicle.
 - (8) Information either by reliable creditable sources or independently collaborated.

Although reasonable suspicion testing does not require certainty, mere hunches are not sufficient to meet the standard.

E. Testing Procedures

All testing required by this chapter shall be conducted in accordance with any governing state and/or federal laws or regulations. In the absence of any such governing laws or regulations, such testing shall be conducted in accordance with commonly recognized procedures utilized by other governmental agencies and shall involve balancing the employee's reasonable expectation of privacy and the promotion of the Town's legitimate governmental interests.

F. Refusal to Submit to Testing

An employee who refuses to submit to a drug and/or alcohol test as defined by this chapter shall be an employee who:

- 1) fails to provide an adequate breath sample without a valid medical explanation after the employee has received notice of the requirement for breath testing.
- 2) fails to provide an adequate urine sample for controlled substances testing without a valid medical explanation after the employee has received notice of the requirement for urine testing.
- 3) fails to provide an adequate blood sample for testing without valid medical explanation after the employee has received notice of the requirement for blood testing.
- 4) engages in conduct that clearly obstructs the testing process, as mandated by this chapter.

G. Costs of Testing and Rehabilitation

- 1) The Town shall pay the cost of testing for alcohol and controlled substances except as herein provided.
- 2) The employee shall pay the cost of any test requested by the employee to confirm the use of a controlled substance if the results of the confirmation test are positive. If the results of the confirmation tests are negative, the Town shall pay the cost of the confirmation test.

- 3) The Town shall not pay the cost of evaluating, counseling or rehabilitation, which may be required by the Omnibus Transportation Employee Testing Act of 1991 or any amendment thereto. However, the Town shall encourage those who use drugs or abuse alcohol to seek help in overcoming their problems. In this way, fully rehabilitated users who remain drug-free may have the opportunity to return to work as employees in good standing.

H. Positive Test Result for Controlled Substances

- 1) Each employee whose test indicates the use of a controlled substance shall immediately be prohibited from operating Town vehicles, heavy equipment, potentially dangerous machines or power equipment (i.e. commercial lawn mowers, power equipment, chain saws, etc.) and shall be suspended from work without pay for a period of two (2) weeks.
- 2) Each employee who has tested positive for a controlled substance shall undergo a return-to-duty test with negative result prior to being allowed to operate Town vehicles, heavy equipment, potentially dangerous machines or power equipment (i.e. commercial lawn mowers, power equipment, chain saws, etc.). This also applies to police officers and lifeguards before returning to duty.
- 3) Each employee who has tested positive for a controlled substance shall be subject to follow-up testing as directed by a substance abuse professional.
- 4) After an employee whose follow-up test reveals the presence of a controlled substance returns to work, he/she shall be terminated from employment.

I. Positive Test Result for Alcohol

Each employee whose test indicates a blood-alcohol concentration of greater than two-hundredths percent (0.02%) but less than five-hundredths percent (0.05%) shall be prohibited from operating Town vehicles for a period of twenty-four (24) hours. Such employee shall be disciplined as follows:

- 1) for the first occurrence, a suspension of eight (8) hours.
- 2) for the second occurrence, which occurs within five (5) years of the first occurrence, a suspension of forty (40) hours.
- 3) for the third occurrence, which occurs within five (5) years of the first occurrence, termination from employment.

J. Commercial Driver's License

All employees required to have a commercial driver's license (C.D.L.) are subject to the controlled substance and alcohol testing rules pursuant to Federal Motor Carrier Safety Regulations of 49 CAR Part 382. Expenses incurred from initial testing will be borne by the Town. Evaluation/ Counseling/ Treatment or additional testing cost incurred as a result of the initial test will be borne by the employee. Refer to the training guide for C.D.L. drivers for an explanation of the requirements of the alcohol and drug testing regulation.

K. Further Information

Each employee may contact the Town Manager for further information about this chapter. The Town Manager shall maintain a list of agencies that offer drug and/or alcohol counseling and/or Alcoholic Anonymous meetings in Sussex County, Delaware.

=====

5. LEAVE OF ABSENCE

5.1 Civil Leave

A. Eligibility

Any Town employee called for jury duty or as a witness in any civil or criminal legal proceeding, volunteer fire duty, or work at the polls shall receive civil leave with pay. Regular part-time and Casual/Seasonal/Temporary employees shall be eligible for time off, but shall not receive any compensation for the civil leave.

B. Terms

1) **Civil Leave Pay**

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

2) **Benefit Accrual**

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

3) **Reporting to Work**

Full-time employees shall be expected to report to work when he or she is not serving as a juror or a witness or if the case is settled or the employee is not selected to serve, on volunteer fire duty, or working at the polls. The employee may be required to provide the supervisor with proof of service as a juror or witness. In unusual cases, the Town may request that an individual be excused or deferred from jury duty for a particular period of time.

4) **Notification**

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

5.2 Overtime and Compensatory Leave

A. Overtime

- 1) All non-exempt employees, other than Uniformed Police Department employees, will be paid at the rate of "one and a half" times their regular hourly rate of pay for all time *worked* in excess of 40 hours in any one workweek unless such employee elects to receive compensatory leave in lieu of overtime as provided for below.
- 2) Pursuant to Section 207(k) of the Fair Labor Standards Act and 29 C.F.R. Part 553, the Police Department has adopted a 28-day work schedule. Thus, all non-exempt Uniformed Police Department employees will be paid at the rate of "one and a half" times their regular hourly rate of pay for all time *worked* in excess of 168 hours in any twenty-eight (28) day period unless such employee elects to receive compensatory leave in lieu of overtime as provided for below.
- 3) Overtime work requires the prior approval of a supervisor or the Town Manager. Therefore, if you are a non-exempt employee, and you believe you will need to work overtime hours, you must inform a supervisor or the Town Manager in advance. If you do not receive advanced approval, but you still work overtime, you will receive all required overtime pay, but you may also receive discipline, up to and including discharge, for violating this overtime policy.
- 4) In addition, all employees must be willing and able to work overtime to meet business needs. While the Town attempts to limit the need for overtime, each employee will be expected to work as necessary. The Town will give you as much notice as possible, and will attempt to spread such requests among employees as equitably as possible. In some cases, however, the demands of work and unforeseen circumstances will mean that no advance notice is given.

B. Compensatory Leave

1) **Accumulation - Non-Exempt Employees Only**

Subject to the restrictions set forth herein, in lieu of overtime pay, full-time non-exempt employees may elect to receive compensatory leave of one and a half hours of compensatory leave for every overtime hour for which he/she is entitled to overtime compensation up to a maximum of 40 compensatory leave hours in a single fiscal year. Once an employee has been awarded a total of forty (40) compensatory leave hours in a single fiscal year (counting both used and unused compensatory leave hours), he or she will no longer be eligible to make such elections in that year.

Additionally, accrued but unused compensatory leave may not be carried over from year to year. Rather, all accrued but unused compensatory leave shall be paid out following the conclusion of the fiscal year. The Town Finance Director shall retain an official record of earned compensatory time for each employee.

2) **Separation from Employment**

Upon separation from employment, non-exempt employees shall be paid for all accrued but unused compensatory time.

4) **Benefit Accrual**

While an employee is on compensatory leave, benefits shall continue as though on regular duty. When the employee returns from such leave, the time spent on leave shall be considered as continuous service in computing vacation and sick leave. Employees may not earn compensatory time while on paid leave (sick, vacation, personal, etc.).

C. Authorization

Accumulated compensatory time should be used as soon as possible after accrual provided such usage does not disrupt the operations of the Town. Compensatory leave can be taken only when authorized by the Chief of Police for the uniformed Police Department employees and Department dispatcher and the Town Manager for all other employees. Due consideration shall be given to the efficient operation of the Town, the employee's personal desires, and length of service.

5.3 Emergency Leave

A. **Eligibility**

Each full-time employee may be eligible for emergency leave with pay with the approval of their immediate supervisor for the following reasons:

- 1) the serious illness or death of a member of the employee's immediate family or guardian (The immediate family shall include the employee's spouse, domestic partner, children, parents, parents-in-law, brother, brother-in-law, sister, sister-in-law, grandchildren, grandparents, grandparents-in-law, daughter-in law, son-in-law and step family); or
- 2) to attend to emergency situations which require the employee's immediate attention.

Probationary, regular part-time and Casual/Seasonal/Temporary employees shall be eligible for time off for the above two reasons but shall not receive any compensation for the emergency leave.

B. **Terms**

1) **Duration**

Each employee may be allowed up to a maximum of sixteen (16) hours of emergency leave for one of the above reasons. If an employee wishes to extend the leave beyond the maximum sixteen (16) hours allowed, he or she may request an extension of the leave and, if granted in the Town's sole discretion, will be permitted to deduct any additional days of approved leave from accumulated vacation, holiday, and compensatory leave.

2) **Emergency Leave Pay**

All emergency leave for an eligible employee shall be on a time-off-with-pay-basis and pay shall be computed at the employee's then current regular pay rate.

3) **Benefit Accrual**

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

4) **Notification**

Each employee who will be absent from work on emergency leave must notify his or her supervisor as soon as is reasonably possible, but in no event later than the first day of leave. The employee shall state the reason and expected duration of such absence.

5) **Availability**

The emergency leave with pay will only be available once in any twelve (12) month period.

5.4 Bereavement Leave

A. Eligibility

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

B. Terms

1) **Duration**

Bereavement leave shall be granted and paid as follows:

- Immediate Family – Up to five (5) *consecutive* days paid leave (Immediate Family is defined as a spouse/domestic partner, parent, child, sibling/sibling-in-law, daughter/son-in-law, grandchild).
- Next of Kin – Up to three (3) *consecutive* days paid leave (Next of Kin is defined as father or mother-in-law, grandparent or grandparent-in-law, step or half sibling).

Bereavement leave shall not be compensated to employee if not used, nor can it be banked and used later, if the maximum amount of time is not utilized for bereavement. Employees will not be compensated for bereavement leave on normal days off, holidays or weekends. The employee must be in compensable status to receive bereavement pay. If an employee wishes to extend the leave beyond the maximum allotted days allowed, he or she may request an extension of the leave and, if granted in the Town's sole discretion, will be permitted to deduct any additional approved leave from accumulated vacation, holiday, or compensatory leave.

2) **Bereavement Pay**

All bereavement leave for eligible employees shall be on a time-off-with-pay-basis and pay shall be computed at the employee's then current regular pay rate.

3) **Benefit Accrual**

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

4) **Notification**

Each employee who will be absent from work on bereavement leave must notify his or her supervisor as soon as is reasonably possible, but in no event later than the first day of leave. The employee may be required to provide the supervisor with proof of death and relationship.

5.5 Holidays

A. Eligibility

The Town observes twelve (12) holidays. All full-time employees are eligible to receive their straight time rate of pay for eight hours for the following holidays. Regular part-time and Casual/Seasonal/Temporary employees shall be eligible for time off, but shall not receive any compensation for the holiday.

- 1) New Year's Day
- 2) Martin Luther King's Birthday
- 3) President's Day
- 4) Good Friday*
- 5) Memorial Day
- 6) Fourth of July
- 7) Labor Day
- 8) Veteran's Day
- 9 & 10) Thanksgiving Day and the Day after
- 11 & 12) Christmas Day and the Day before or after

* On Election Year, the employee has the option to take a ½ day for Good Friday and a ½ day for Returns Day. Please check with your supervisor if you elect to take these days off.

B. Terms

1) **Holiday Pay**

All holidays shall be on a time-off-with-pay-basis for eligible employees and pay shall be computed at the employee's current regular pay rate for eight hours of work.

2) **Holiday Falling on Unscheduled Workday**

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

3) **Holiday Falling During Leave of Absence**

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

5) **Work Required on Holiday**

Double pay shall be paid to Non-Uniformed Police Department employees who are required to work during their off-duty hours on Thanksgiving Day, Christmas Day and New Year's Day that are caused by an emergency and a call to work order from the Town Manager.

Uniformed Police Department employees may be required to work on the holidays observed by the Town in order to maintain public safety. Such employees required to work on any of these holidays shall receive their regular rate of pay for all hours worked and also can elect to either retain the holiday to be taken at a later date or to receive their holiday pay in an amount equal to their regular pay rate for eight hours of work.

5.6 Family and Medical Leave

A. Policy

Certain of the Town employees are entitled by law, the Family and Medical Leave Act (“FMLA”), to an unpaid leave of absence, for up to twelve (12) weeks in any twelve (12) month period, for the birth, adoption or foster placement of a child, or the serious health condition of the employee or a family member (i.e., child, parent, or spouse) or, for any qualifying exigency (pertaining to the active duty military service or call of certain relatives) as described below.

Employees may also be eligible for up to 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. Such leave shall be referred to as Service Member Caregiver Leave. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member’s office, grade, rank or rating. The provisions of the FMLA detailed below will apply to this type of FMLA leave, including employer coverage, employee eligibility requirements, health insurance continuation, and reinstatement rights. During the single 12-month period in which an employee may use Service Member Caregiver Leave to care for an injured service member, the combined total of FMLA leave that may be taken by the employee for any reason is 26 weeks.

Eligible employees may be entitled to take FMLA leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in the Armed Forces of the United States in support of a “contingency operation.” The term “any qualifying exigency” and “contingency operation” shall have the meanings set forth in the regulations promulgated by the Secretary of Labor. Pursuant to these regulations, the term qualifying exigency includes: issues that arises from short-notice deployment; military and activities related to call to active duty; childcare and school activities; make or update financial and legal arrangements; counseling; rest and recuperation (limited to five days per leave, up to 12 weeks in a 12-month period) to spend with military member on short-term leave); post-deployment activities, defined as up to 90 days following termination of active duty status; and additional activities which may be agreed to by the Town.

B. Eligibility

Not all of the Town’s employees are eligible for this leave benefit. New hires and some part time employees cannot be covered by this policy. Some key employees may not be subject to reinstatement under the law. Generally speaking, the Town’s employees who have been with the Town for at least one (1) year, and have worked one thousand two hundred fifty (1,250) hours in the twelve (12) months preceding the leave request, are eligible for FMLA leave.

C. Application and Approval

Eligible employees must provide thirty (30) days advance written notice for leave due to the birth, adoption or foster placement of a child, the employee’s own serious medical condition, or FMLA service member caregiver leave. Where the need for leave is not foreseeable or where the leave is for a qualifying exigency under the FMLA, an employee should give notice of the need for FMLA leave as soon as practicable, with the expectation that such notice will be given the same or next business day of learning of the need for leave absent extraordinary circumstances. Where written notice is not practicable, employees should provide oral notice, and later, as soon as possible, confirm the notice in writing. This notice must be provided to the Town Manager or Police Chief, who shall deliver same to the Town Manager.

Other than for qualifying exigency leave, employees must provide a certification issued by a licensed health care provider (a military or veterans authorized health care provider in the case of service member caregiver leave) demonstrating the need for leave, prior to the start of leave, where possible. For qualifying exigency leave, the certification form must be completed and signed by the employee. The failure to provide such certification may result in the denial of leave. The Town may require periodic re-certifications for longer leaves. The Town may also require, at the Town’s expense, a second or third opinion concerning the need for leave.

D. Exhaustion of Other Accrued Leave

Employees must use any available unused paid time off (such as vacation, sick or personal time) during a family or medical leave (including any qualifying exigency leave and service member caregiver leave). However, for periods during which an employee is actually receiving Worker’s Compensation or Temporary Disability Benefit payments, this requirement does not apply. Further, paid sick time will be applied concurrently with FMLA leave only where the reason for such leave is covered by the Town’s sick leave policy. Vacation and sick time or any other form of paid time will not accrue during any period of unpaid leave under this policy.

=====

E. Returning from Leave

While on leave, employees are requested to report periodically (at least monthly) to the Town Manager regarding their intent to return to work. Employees taking leave under this policy will be returned to their former positions or a substantially equivalent position upon return from leave, to the extent required by law. Employees taking leave for their own serious health condition will be required to present a fitness for duty report prior to being returned to work. The failure to return from leave at the leave's expiration may result in termination of employment. An employee requesting an extension of leave must give at least two business days' notice when possible.

F. Schedule and Timing of Leave

The Town shall measure leave entitlement by using a rolling twelve (12) month period, beginning on the date the employee uses any leave and looking back through the preceding twelve (12) months. An employee may only take the maximum twelve (12) weeks during this rolling period (or up to a total maximum of 26 weeks inclusive of service member caregiver leave under the FMLA).

Leave granted due to the serious health condition of the employee or a family member, service member caregiver leave or for any qualifying exigencies may be taken consecutively, intermittently, or on a reduced leave (part time) schedule with certain restrictions.

Leave granted due to the birth, adoption or foster placement of a child must be taken in full consecutive weeks unless otherwise agreed to by the Town and must commence within one year of the birth, adoption or foster placement.

An employee may be automatically placed on FMLA leave (without first completing an FMLA Request Form or FMLA Certification Forms) if the Town has reason to know that the employee's absence is due to an FMLA-qualifying condition (e.g. employee undergoes emergency surgery or suffers a work-related injury that is a serious health condition or the employee presents a doctor's note which, in the Town's sole discretion and judgment, demonstrates that the absence was due to an FMLA-qualifying reason). In such cases, the Town will unilaterally designate the leave as FMLA leave to the extent permitted by law. In addition, the Town will subsequently provide written notification of the designation of FMLA leave to the employee.

G. Moonlighting

An employee on family or medical leave shall not perform services on a full-time basis for any person whom the employee did not perform such services immediately prior to the commencement of the leave. Acceptance of a full-time position with another employer while on family or medical leave will be regarded as a voluntary termination of employment with the Town. For purposes of this section, "full-time basis" shall mean regularly working more than 30 hours per week.

H. Employee Benefits

The Town will continue to provide workers taking family and medical leave under the FMLA with health insurance benefits as if those employees had continued to work during the leave period. Employees on leave will be responsible for their co-pays and other insurance costs as if they had remained working. If the co-payment for the health insurance is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. However, an employee who fails to return from leave will generally be required to reimburse the Town for the costs of benefits continued during leave unless the failure to return to work was caused by the continuation, recurrence, or the onset of a serious health condition or certain other circumstances beyond the employee's control.

For more details about the type of leave, eligibility requirements, the type of certification needed, or any other aspect of the family and medical leave laws, please contact the Town Manager.

5.7 Military Leave

A. Eligibility

Military leaves of absence shall be granted as required by law to all employees who are members of the National Guard or Armed Forces Reserve, and are drafted, enlist, or called to active duty, or who are otherwise eligible for such leave by law.

B. Terms

1) **Notification**

Employees requiring military leave should inform the Town Manager of the necessity for leave as soon as practical and should provide a copy of the military orders necessitating the leave.

2) **Duration of Military Training Leave**

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

3) **Military Training Leave Pay**

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

4) **Reinstatement of Employees who Enlist, are Drafted, or Called to Active Duty**

Employees who enlist, are drafted, or called to active duty for more than fifteen (15) days in a calendar year in U.S. Armed Forces will be terminated from employment, but have reinstatement rights as provided by the Uniformed Services Employment and Reemployment Rights Act or other applicable law. Employees are entitled to be reinstated with full seniority rights for military time served. To be so entitled, however, the individual must apply for reinstatement within the timelines prescribed by law. Questions regarding these timelines, as well as any other questions regarding military leave, should be directed to the Town Manager.

=====

5.8 Personal Leave

A. Eligibility

Throughout the year, as personal, urgent, and compelling circumstances may occur, permission for personal leave may be allowed. All full-time employees are eligible to begin accrual of personal leave upon employment. Regular part-time and Casual/Seasonal/Temporary employees are not eligible for personal leave.

B. Terms

1) Accrual

Each non-exempt employee shall earn personal leave of 24 hours per year. Personal leave will be granted at the beginning of each fiscal year in anticipation of continued employment. However, although granted at the beginning of each fiscal year, personal leave will accrue on a pro-rated basis per year.

2) Accumulation

An employee may not carry over accrued personal leave from one year to the next.

3) Personal Leave Pay

Personal leave for an eligible employee shall be on a time-off-with-pay-basis and pay shall be computed at the employee's then current regular pay rate.

4) Separation from Employment

An employee giving at least two (2) weeks' notice of separation from employment shall be paid for all accrued but unused personal leave. An employee who is discharged or does not give at least two (2) weeks' notice will not be paid for any accrued but unused personal leave.

=====

5.9 Service Awards

A. Eligibility

In recognition of employee service to the Town of South Bethany, full-time employees will be given a service award. Regular part-time and Casual/Seasonal/Temporary employees shall not be eligible.

B. Terms

Service awards will be given as of the following anniversary dates:

5 years of service	\$500.00
10 years	\$750.00
15 years	\$1,000.00
20 years	\$1,500.00
25 years	\$2,000.00

An employee will be given \$2,000.00 at the end of each additional five (5) years of service, after completing 25 years of employment with the Town.

5.10 Sick Leave

A. **Eligibility**

All full-time employees are eligible to begin accrual of sick leave upon employment. Regular part-time and Casual/Seasonal/Temporary employees shall not accrue sick leave but shall be eligible for time off, but shall not receive any compensation for the sick leave.

B. **Terms**

1) **Accrual**

Each eligible employee shall earn sick leave at the rate of twelve (12) **work** days per completed year, prorated at the rate of one (1) day for each completed month of service. An employee shall begin utilization of accumulated sick leave at the completion of his or her first completed month of service. For purposes of this policy only, "work day" shall be defined as the number of hours for which the employee is regularly scheduled.

2) **Accumulation**

Effective December 8, 2017, employees may not accumulate more than 200 days of sick leave. Notwithstanding, any employee who has more than 200 days of accumulated sick leave as of December 8, 2017 shall not be required to forfeit such days. If sick leave has not been accrued for an employee, it cannot be advanced.

3) **Sick Leave Pay**

Sick leave may be charged in minimum increments of one hour and may be used for the following purposes:

1. Personal illness, physical incapacity, or non-compensable bodily injury or disease.
2. To meet medical and dental appointments when an employee has made reasonable efforts to secure appointments outside normal working hours provided the Supervisor is notified at least two days in advance of the day on which the absence is to occur.

Employees may not use sick leave in place of vacation, personal, or compensatory time. Employees may not use sick leave to care for other family members.

Sick leave for an eligible employee shall be on a time off with pay basis and pay shall be computed at the employee's current regular weekly salary rate or based on 40 hours for hourly paid employees. Each employee who has exhausted all accrued sick leave shall be eligible to take accumulated vacation or compensatory leave or be placed in a leave-without-pay status. Each regular part-time and Casual/Seasonal/Temporary employee who is unable to report to work due to a personal illness or injury may be allowed time off work without pay during such absence.

4) **Separation from Employment**

An employee giving at least two (2) weeks' notice of separation from employment shall be compensated up to twenty (20) days of their accumulated sick leave. Employees hired after October 25, 2012, must have completed five (5) years of continuous employment with the Town to be eligible for this benefit. No accumulated sick leave shall be paid to any employee who is discharged, laid off, or deceased.

5) **Benefit Accrual**

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

6) **Notification**

Each employee who will be absent from work due to a personal illness or injury shall report such absence to his or her supervisor no later than one-half hour before the employee's scheduled starting time.

Each employee who fails to provide the Town with the required notice without good reason shall be considered absent from work without approval, shall receive no compensation while absent, and may be subject to discipline, up to and including termination, for such unapproved absence.

7) **Verification**

=====

The employee shall be required to provide the supervisor with medical verification documenting that the absence is the result of a personal illness or injury if it is for more than three (3) consecutive days. Each employee who knowingly falsifies information provided to the Town regarding any personal illness, injury, or absence related thereto shall receive no compensation while absent, and may be subject to discipline for such falsification of information, up to and including termination.

The Town may require the employee to submit to an independent medical evaluation by a physician of the Town's own choosing at the Town's expense, as permitted by law.

8) Leave Donation Program

Employees may donate leave to eligible employees for medical purposes. Only regular full-time employees who are not in a probationary status and who otherwise satisfy the requirements of this policy are eligible to receive such donations. Donated leave shall only be utilized for medical issues pertaining to the employee receiving the donation. Leave cannot be donated to the employee due to illness of a family member. The following applies:

- a) Employee receiving leave has completed a medical request form which has been signed by their physician, and
- b) Employee has no available leave including sick leave, vacation leave, personal leave, and compensatory leave.

Any employee donating sick leave must have a balance of at least 240 hours after donation.

Medical leave utilizing the Leave Donation Program, is considered terminated on the date the leave recipient no longer has a medical emergency, upon termination or suspension from Town employment, during an approved unpaid leave of absence, or upon a determination that the employee has abused or misused any of the rules of procedure established for the Leave Donation Program.

=====

5.11 Unpaid Leave of Absence

A. Eligibility

Full-time employees may be granted, in the Town's sole discretion, an unpaid leave of absence for, in most cases, one of the following reasons:

- 1) personal or family disability;
- 2) continuation of education;
- 4) special work that will permit the Town to benefit by the experience gained or the work performed; or
- 4) any reason considered by the Town Manager to be in the best interest of the Town on recommendation of the employee's immediate supervisor.

B. Terms

1) Duration

Full-time employees may be granted an unpaid leave of absence for up to six (6) months by the Town Manager, in the Town Manager's sole discretion and provided the employee has exhausted all other appropriate leaves of absence. An extension of leave may be granted by the Town Manager; however, no unpaid leave of absence shall exceed a total of one (1) year.

2) Benefit Accrual

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

3) Reinstatement

Upon returning to duty, the employee may be entitled, if such position is available, to return to the same position held at the time leave was granted or to one of like classification, seniority or pay including any cost of living adjustments or salary range adjustments that may have occurred during said leave. If the employee decides not to return to work, the Town Manager should be notified immediately. In addition, if the Town learns that an employee is no longer using the leave for reasons originally stated in the leave request, then the employee will be terminated unless otherwise required by law.

C. Authorization

Unpaid leaves of absence may be granted only after the employee exhausts all other paid leaves of absence. Each request for unpaid leave of absence must be submitted to the Town Manager for advance approval with concurrence of Town Council.

5.12 Vacation Leave

A. Eligibility

All full-time employees with at least one year of completed service with the Town are eligible to begin accrual of vacation time to be used for rest and relaxation, vacations, illness, when sick leave is exhausted, and other times as approved by the Town Manager. Regular part-time and Casual/Seasonal/Temporary employees are not eligible for vacation leave.

B. Accrual

Vacation time will be granted at the beginning of each fiscal year in anticipation of continued employment. However, although granted at the beginning of each fiscal year, vacation days will accrue on a pro-rated basis per year. Accrual of vacation leave shall be determined with length of continuous service. An employee is eligible for vacation leave according to the following schedule.

<u>Years of Employment</u>	<u>Vacation Days Earned</u>
1	40 hours
2 through 4	80 hours
5 through 9	120 hours
10 or more	160 hours

C. Terms

1) Accumulation and Use

Effective December 8, 2017, accrued but unused vacation leave may be carried over from one year to the next, provided that under no circumstances may an employee accrue more than a maximum of 240 vacation hours. Notwithstanding, any employee who has more than 240 hours of accumulated vacation leave as of December 8, 2017 shall not be required to forfeit such days.

Employees may request vacation time in increments of not fewer than two (2) hours.

2) Vacation Pay

All vacations shall be on a time-off-with-pay-basis for eligible employees, and pay shall be computed at the employee's then current regular pay rate.

3) Benefit Accrual

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

4) Pay in Lieu of Vacation

An employee may, prior to their anniversary date of hire, receive pay for unused vacation of the current year at the rate of forty (40) hours per year. In addition, upon termination or retirement from employment with the Town, employees will receive pay for maximum permitted unused vacation. In the event of death of an employee, the full amount of vacation due, plus any vacation carry-over reduced by any hours taken as vacation, shall be paid to the beneficiaries or the estate of the deceased employee.

5) Holiday Falling During Vacation

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

D. Authorization

Requests for vacation leave shall be submitted in writing and can be taken only upon written authorization by the Chief of Police for the Police Department and the Town Manager for all other employees. The Town Manager and the Chief of Police shall submit their requests for vacation leave to the Mayor. The amount of time required to submit a request for vacation leave is established by the employee's department supervisor. Due consideration shall be given to the employee's personal desires, length of service, and the efficient operation of the Town.

=====

6. DISCIPLINARY ACTION, GRIEVANCE, AND SEPARATION

6.1 Disciplinary Action

A. Policy

It is the Town's policy to establish disciplinary policies and procedures which are effective, fair, and consistently applied to all employees. The severity of the disciplinary measure applied will be related to the seriousness of the offense committed and may take a variety of forms ranging from a verbal warning to termination from employment, in the Town's sole discretion. This policy does not pertain to the uniformed Police Department employees. The Police Department has a "Standard Operating Procedures" (SOP) Manual, which covers their disciplinary action.

B. Procedure

1) Types of Disciplinary Measures

a) Counseling

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

b) Oral Reprimand

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

c) Written Reprimand

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

d) Loss of Increment

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

e) Suspension Without Pay

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

f) Demotion

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

g) Dismissal

Dismissal is termination from employment with the Town. In general, any employee may be dismissed for no reason or for any lawful reason, including, but not limited to, the inability to perform required work or for misconduct, negligence, inefficiency, insubordination, repeated unauthorized absence or the

Town of South Bethany Personnel Policy Manual and Employee Handbook

=====

commission of other offenses in the opinion of the Town Council when, given the nature of the offense, other personnel actions would be inappropriate. The following list, while not inclusive, also may be cause for dismissal. While the following list is not all inclusive, some of the violations which result in disciplinary action (including discharge) are:

- (1) inefficiency, unsatisfactory performance, or lack of application or effort on the job;
- (2) committing acts which affect the safety of equipment or fellow workers;
- (3) violating a safety rule or safety practice;
- (4) knowingly falsifying a time record;
- (5) being late for work without proper notice or excuse;
- (6) being absent one (1) day without proper notice or excuse;
- (7) being absent two (2) consecutive days without proper notice or excuse;
- (8) loafing or spending unnecessary time away from job station;
- (9) leaving your job station or regular working place during working hours for any reason without authorization from your supervisor, except for lunch;
- (10) leaving work before the end of your regularly scheduled workday or not ready to work at the normal starting time;
- (11) unauthorized use of Town property such as telephones, cell phones, email, internet, computers, equipment, and vehicles;
- (12) possession or consumption of alcohol or illegal drugs on Town premises, or reporting to work under the influence of intoxicants or drugs. Under the influence means not only obvious impairment, it also means physical evidence that a substance has been consumed on or off company premises;
- (13) disorderly conduct on Town property;
- (14) immoral or indecent conduct on Town property;
- (15) unauthorized possession of firearms, fireworks, or explosives on Town property;
- (16) insubordination (refusal to follow instructions or an order);
- (17) dishonesty or removal of another person's property or Town property without permission;
- (18) misrepresentation of physical condition or other facts in seeking employment.
- (19) engaging in a private business or in a trade or occupation, the nature of which interferes with the proficient performance of duties for the employer or which could be a conflict of interest pursuant to Section 4-8 of this manual;

The Town Manager reserves the right to enter into any level of disciplinary action or dismissal depending on the circumstances.

6.2 Grievance

A. Policy

Legitimate problems and differences of opinions will arise between the employer and its employees. It shall be the responsibility of all department supervisors and other administrators to establish and maintain a work climate within which an employee's grievance may be identified, presented, discussed, and given fair, prompt consideration. In presenting a grievance, an employee must be assured freedom from restraint, interference, coercion, discrimination, and reprisal. Employees have the right to representation, of their own choosing and expense, at any level of review. A grievance is a formal written complaint by an employee arising out of a misunderstanding or disagreement between an employee and supervisor, which expresses dissatisfaction concerning a condition of employment or treatment by management, supervisors, or other employees. This policy does not pertain to the uniformed Police Department employees. The Police Department has a "Standard Operating Procedures" (SOP) Manual, which covers its grievance procedure.

B. Procedure

1) Filing a Grievance

In the event a problem cannot be settled informally through oral discussions with an employee's supervisor, a grievance may be filed if an employee alleges that they are adversely affected as a result of:

- a) violation, misinterpretation or improper application of established laws, regulations, procedures or policies.
- b) improper or unfair act by a supervisor or other employee, which may include coercion, restraint, reprisal, harassment, or intimidation;
- c) improper, inequitable, or unfair act in the administration of the merit system, which may include promotional opportunities, selection for training, duty assignments, work schedules, transfers, and reductions in force;
- d) improper, inequitable, or unfair application of compensation policies and employee benefits, which may include salary, pay differentials, awards, overtime pay, leave, insurance, retirement, and holidays; or
- e) disciplinary actions, which may include written reprimands, demotions and/or suspensions.

2) Grievance Procedure

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

- a) An employee with a grievance may, within ten (10) working days of the cause of the grievance, present the grievance in writing to his or her department supervisor. The supervisor shall, within three (3) working days of receiving an employee's written grievance, meet and discuss the grievance with the employee and then reply to the employee in writing within three (3) working days of their meeting. The grievance and the answer shall be reported to the Town Manager.
- b) In the event the immediate supervisor's decision is not satisfactory to the employee, the employee may, within five (5) working days of receiving the supervisor's written reply, present the grievance in writing to the Town Manager. The Town Manager shall confer with the employee and the department supervisor about the grievance within five (5) working days after the grievance is presented and shall present his or her decision to the employee within ten (10) working days after the conference is held. The Town Manager's decision shall be final, unless an appeal is filed with the Mayor or Town Council. A hearing shall be scheduled within a reasonable period of time from the alleged incident, but in no event more than 30 days following the conclusion of the internal investigation.

6.3 Separation

A. Policy

All separations of employees from positions in the service of the Town shall be designated as one of the following types: resignation, reduction in force, retirement, dismissal, or death.

B. Procedure

All separations shall be accomplished in the manner indicated below:

1) Resignation

In order to resign in good standing, an employee shall give two (2) weeks' notice of his or her intention to terminate employment. Such notice should be given in writing by the resigning employee to his or her department supervisor. Employees are encouraged to inform their supervisor as far in advance of separation as possible to enable the supervisor to prepare for the position vacancy.

2) Reduction in Force

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

3) Retirement Separation Bonus

Full-time employees hired prior to October 24, 2013, who have had continuous service with the Town and who retire in good standing shall receive:

- a. after fifteen (15) continuous years of service-----one (1) month's pay
- b. after twenty (20) continuous years of service-----two (2) month's pay
- c. after twenty-five (25) continuous years of service-----three (3) month's pay
- d. after thirty (30) continuous years of service-----four (4) month's pay

For purposes of this section, an employee shall be deemed retired who, at the time of his/her separation from the Town, (A) has attained the age of 60 and has at least 15 years of continuous service with the Town, or (B) has 30 years of continuous service with the Town. To retire in good standing, an employee must have given sufficient notice of a minimum of two (2) weeks prior to retirement and returned all town property issued to them during their employment with the Town.

4) Death

All compensation due in accordance with Section 3-6 of this policy manual will be paid to the estate of a deceased employee when any/all Town property is returned. The date of death shall be recorded as the separation date for computing compensation due.

5) Dismissal

Separation from service due to dismissal is described in Subsection B of Section 6-1 of this policy manual.

7. APPENDIX A

ETHICAL PRINCIPLES AND VALUE FOR PUBLIC SERVANTS

- Honesty*** Public servants should be scrupulously and consistently honest by: (1) being truthful, sincere, forthright and, unless professional duties require confidentiality or special discretion, candid, straightforward and frank; (2) not cheating, stealing, lying, deceiving, acting deviously, nor intentionally misleading another by omission, half-truth or other means.
- Integrity*** Public servants should demonstrate integrity by: (1) acting in ways that are consistent with core beliefs and assuring that practices are congruent with principles; (2) honoring and adhering to the principles of public service ethics, the mission and values of their organizations, and their own moral beliefs with courage and character regardless of personal, political, social and economic pressures; (3) expressing and fighting for their concept of what is right and upholding their convictions to the best of their ability.
- Promise-keeping*** Public servants should demonstrate trustworthiness by: (1) keeping promises, fulfilling commitments and abiding by the letter and spirit of agreements which bind them; (2) interpreting contracts and other commitments in a fair and reasonable manner and not so as to rationalize noncompliance or create justification for escaping a commitment; (3) exercising prudence and caution in making commitments, considering that unknown or future factors might arise which could make fulfillment of them impossible, difficult or undesirable; (4) seeking to assure that when commitments are made, the nature and scope of the obligations undertaken are clear to all parties.
- Fairness*** Public servants should demonstrate fairness by: (1) making official and managerial decisions with impartiality and professional objectivity based on consistent and appropriate standards; (2) demonstrating a commitment to justice, the equitable treatment of individuals and an appreciation for diversity in all official and managerial actions; (3) exercising official and managerial authority with open mindedness and a willingness to seek out and consider all relevant information, including opposing perspectives; (4) voluntarily correcting personal or institutional mistakes and improprieties and refusing to take unfair advantage of mistakes or ignorance of citizens; (5) scrupulously employing open, equitable, and impartial processes of gathering and evaluating information necessary to decisions.
- Caring*** Public servants should demonstrate a concern for the well being of all those affected by their actions by: (1) striving to carry out official and managerial responsibilities with a firm commitment to maximize benefits and minimize harm; (2) being caring, considerate, compassionate and generous while carrying out their office.
- Respect For*** Public servants should demonstrate respect for others by: (1) acknowledging and honoring the right of the affected by official and managerial decisions to autonomy, privacy, and dignity; (2) treating others with courtesy and decency; (3) exercising official and managerial authority in a way that provides others with the information they need to make informed decisions about their own lives, about matters within the scope of their professional duties, and information necessary to the exercise of citizenship responsibilities.
- Responsible Citizenship*** Public servants should act as responsible citizens and uphold the rule of law by: (1) honoring and respecting the principles and spirit of representative democracy and setting a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules; and (2) exercising their civic duties and rights by voting and, to the extent compatible with official duties, expressing informed views and demonstrating social consciousness and a commitment to public service.
- Pursuit of Excellence*** Public servants should seek to perform their duties with excellence by: (1) being diligent, reliable, careful, prepared, and informed; (2) giving a full day's work for a full day's pay; (3) continually seeking to develop knowledge, skills and judgment necessary to the performance of their duties.
- Personal Accountability*** Public servants should be accountable by: (1) accepting personal responsibility for the foreseeable consequences of actions and inactions; (2) recognizing their special opportunity and obligation lead by example; (3) making decisions that take into account long-term interest and the need to exercise leadership for posterity.
- Loyalty*** Public servants should demonstrate loyalty by: (1) advancing and protecting the interests of those with legitimate moral claims arising from personal and institutional relations; (2) safeguarding confidential and proprietary information; (3) resolving conflicting loyalty obligations to various parties by placing obligations in the constitution, the institution of government and fundamental principles of representative democracy above their duty to individuals; (4) refusing to subordinate other ethical obligations such as honesty, integrity, fairness and the obligation to make official and managerial decisions on the merits, without favoritism, in the name of

Town of South Bethany Personnel Policy Manual and Employee Handbook



loyalty.

- Public Interest*** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- Objective Judgment*** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influence.
- Public Accountability*** Public servants should assure that government is conducted openly, efficiently, equitably and honorably and in a manner that permits the citizenry to make informed judgments and hold government officials accountable.
- Democratic Leadership*** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- Respectability*** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.

Taken from the Johnson Institute

213612068v1

EXHIBIT B

List of Rescinded Police Department Standard Operating Procedures

1. Chapter 16: Allocation of Personnel
2. Chapter 21: Classification
3. Chapter 22: Compensation & Benefits
4. Chapter 34: Promotions
5. Chapter 41.1: Take Home Cars
6. Chapter DCPA 1.4.1 Direction
7. Chapter DCPA 1.5.1 Hiring

EXHIBIT C

3. Each employee will be provided a description and copy of the department's current organizational chart.

- B. The **Chief of Police** is the chief executive officer of the department, and as such has the responsibility to provide efficient and effective police service to the citizens of and visitors to the Town of South Bethany. The Town Council shall establish a Police Department consisting of a Chief of Police and such police officers and subordinates as the Town Council shall determine. The Town Council shall from time to time make such administrative rules and regulations as may be necessary for the staffing, organization and operation of the Police Department. The Chief of Police shall be appointed by the Mayor subject to ratification by the Town Council and shall serve at the pleasure of the Town Council.

- C. Police Department operation control. Staffing shall be determined by the Town Council, and operation control of the Police Department shall be the responsibility of the Chief of Police. The Chief of Police shall be answerable to the Town Manager for all administrative duties and responsibilities, but he or she shall be subordinate to the Mayor and Town Council.

- D. The department's organizational structure is depicted in the **Departmental Organizational Chart. (11.1.2)** that is updated periodically to reflect the chain of command, lines of authority, and communication, rank, and personnel authorization. It will be permanently maintained in the office of the Chief of Police and is accessible to all employees.

Unity of Command (II.2)

II. UNITY OF COMMAND

- A. All officers including supervisors shall report to and be accountable to the Chief of Police. **(11.2.1)**

- B. The Town Administrative Assistant, in addition to the specific tasks contained in his/her regular job descriptions with the town, shall be responsible for support services to the department.

- C. Each patrol shift is commanded by a Shift Commander or Officer in Charge and is responsible for the goals and functions of patrol during each patrol shift, as contained in Directive, #41, Part I.

- D. All sworn and seasonal police personnel on each shift will report to and be accountable to the on-duty Shift Commander. The Shift Commander shall be responsible for the assignment and utilization of the total available uniform personnel and equipment in such a manner as to facilitate and

expedite the attainment of specific law enforcement objectives in an efficient and effective manner. In the absence of the Chief of Police the on duty Shift Commander shall serve as Acting Chief of Police, unless an officer has been otherwise designated to serve in that capacity.

- E. The Chief of Police may assign certain employees to coordinate a particular functional area (i.e., vehicle maintenance, Quartermaster). Some functional areas may be so broad that they overlap. The Chief of Police or his designee will be personally responsible for assuring appropriate coordination at the points where functional areas overlap.
- F. In situations wherein personnel from different shifts are participating in a single operation, the plan prepared for that operation will specify command relationships, while adhering to the general command philosophy as stated in Directive #41, Part I. The Chief of Police will normally command any major operation involving personnel of the entire department. (11.2.2)

III SPAN OF CONTROL

- A. To achieve effective direction, coordination and control, the number of employees; under the immediate control of a supervisor should not be excessive.
- B. For any major event in which large numbers of department personnel will be on duty, plans for the event shall clearly delineate the command structure and consider span of control.

IV. DELINEATION OF RESPONSIBILITY

- A. Written job descriptions for all positions within the police department are contained in the Town of South Bethany Classification Plan.
- B. Certain tasks may be assigned to individual employees for some period of time by the Chief of Police. Unless, a new full-time position is authorized by the Town Council, such special tasks will be in addition to those duties and responsibilities prescribed for an employ4e in current job description, and shall not entitle the employee to additional monetary compensation, unless specifically authorized by the Town Council or the additional compensation is funded by a grant.

Authority and Responsibility (11.3)

V. AUTHORITY AND RESPONSIBILITY

- A. At every level of the department, employees have the authority to make decisions necessary for the effective execution of their responsibilities, within the limits of law, departmental directives, town administrative policies, and training. An employee may seek the advice of his shift commander or other persons within the criminal justice system who possess the expertise needed. Each employee, however, shall be held accountable for the decision made. **(11.3.1)**
- B. Every employee will be held fully accountable for the use of or failure to use delegated authority. Any employee who has questions should bring such concerns to the attention of their supervisor or the Chief of Police for prompt resolution.
- C. Employee acceptance of, and proper use of, authority will be evaluated annually during the performance evaluation process. Any gross improper use of authority or failure to accept authority will be reported through the chain of command as rapidly as possible.
- D. A shift commander has responsibility and accountability for every aspect of his command. Commensurately, within police guidelines and legal constraints, he has the authority to coordinate and direct personnel and resources in achieving his organizational objectives. **(11.3.2)**

General Management and Administration (11.4)

VI. GENERAL MANAGEMENT AND ADMINISTRATION (11.4.1)

- A. Monthly or on a demand basis, certain administrative reporting shall be necessary under the supervision of the Chief of Police. The Chief of Police shall designate the officers responsible for such reporting.
- B. On a monthly basis, a police activity report shall be compiled and forwarded to the Town Manager, Mayor and Town Council to read at the regularly scheduled town meetings. This report shall contain statistical information only in an effort to keep the public and the town administration abreast of town activity.
- C. The Chief of Police may also be called upon to report on specific information such as manpower hours, traffic counts, etc.

- D. All regularly used reports shall be standardized and maintained by the Forms Systems Coordinator. **(11.4.2)**

EXHIBIT D

12 : DIRECTION

Standards in this chapter relate to direction and supervision. They are concerned with chain of command, chief executive officer authority, supervisory accountability, and a written directive system.

Direction (12.1)

I. COMMAND AND SUPERVISOR RESPONSIBILITIES AND AUTHORITY

- A. **Chief of Police:** The Chief of Police shall be appointed by and directly responsible to the Mayor and Town Council for the administration of all departmental programs aimed at providing maximum protection of life and property through the prevention and detection of crime, and through such measures as will ensure prompt and vigorous enforcement of all statutes, laws, regulations, and ordinances which come within the scope of police power. In fulfillment of his responsibilities, the Chief of Police shall: (12.1.1)
1. Direct, coordinate, control, and staff all activities of the department for its continued and efficient operations.
 2. Be responsible for the formulation and enforcement of rules, regulations, procedures, and directives within the department.
 - a. In matters requiring disciplinary action against sworn members covered by the Police Bill of Rights, he shall, in compliance with 11 Del. C., Chapter 92, recommend disciplinary action to be taken by the Mayor and Town Council who has the final responsibility to approve, reject, or modify the action recommended by the Chief.
 3. Supervise and assign personnel and equipment to those duties relevant to department operations.
 4. Complete and forward such reports as may be required by appropriate authority.
 5. Be responsible for the department's relations with the citizens of South Bethany, the town government, and other agencies.
 6. Evaluate and record the job performance of all personnel directly under his immediate authority, and review, sign, and record the job performance evaluations of all other department personnel.
 7. Develop and propose such major programs and policies to the Town Council, as he deems necessary to maintain a modern, efficient, and effective police department.

8. Develop, propose, and justify new and revised ordinances to the Town Council.
9. Develop, propose, and justify annual budget estimates for department operations and improvements.
10. Supervise the expenditure of department appropriations within budgetary limitations.
11. Maintain high standards of competence through such instruction and training for and by members of the department, as he may deem necessary.
12. Maintain discipline through the orderly and efficient operation of the department, and esprit de corps through personal contact and prompt, full investigation of all complaints by employees concerning its operation.

B. ABSENCE OF THE CHIEF OF POLICE 12.1.2)

1. **Planned Absence:** The Chief of Police may appoint a Sergeant to serve as Acting Chief of Police during absences for extended scheduled vacation, training, etc. Such appointment will be in writing and distributed to all personnel in a timely fashion. The Sergeant, so appointed, will serve with all the responsibility and authority of the Chief of Police.
2. **Unplanned Absence:** When the Chief of Police has not designated an Acting Chief during an unplanned absence or disability, the officer with the most seniority by grade shall be the Acting Chief for the duration of the absence, or until an appointment is made by the Chief of Police or Town Council.

C. LINES OF AUTHORITY

1. Lines of authority shall be based on rank in each organizational component in the following order:
 - a. Chief of Police
 - b. Sergeant
 - c. Police Officer
 - d. Probationary Police Officer
 - e. Seasonal or Part-time Personnel
2. Sworn personnel of the same position shall rank according to seniority determined by time in service.
3. Under certain circumstances, direction and orders shall flow through the chain of command. Under emergency conditions, the senior ranking on-duty officer present will assume responsibility for the department's actions, until relieved by a superior officer.

D. **Supervisory Accountability:** Supervisors are accountable for the performance of all employees under their direction. This will ensure that the goals and direction of the department are achieved.

E. **Shift Commanders:** Subject to direction from the Chief of Police, a Shift Commander has direct control over all employees within his command, and has the same responsibilities as the Chief of Police. In addition to the general and individual responsibilities of all employees, a Shift Commander shall:

1. Be responsible for command; organize, assign, direct, and control on-duty personnel under his direction to the proper performance of duties and adherence to established rules, regulations, policies, and directives in a manner that insures good order, conduct, discipline, and efficiency of subordinates.
2. Provide for the continuation of command and/or supervision in his absence. In the absence of the Shift Commander, the senior on-duty sworn member of the shift is in charge, unless otherwise provided.
3. Be responsible for the development and maintenance of esprit de corps and loyalty to the department.
4. Be responsible for the maintenance of discipline and morale within his shift.
5. Promote harmony and cooperation with other divisions and shifts of the department.
6. Initiate proper action in cases not regularly assigned to him when delay to inform the proper shift may result in failure to perform a police duty.
7. Prepare required correspondence, and reports; maintain records relating to the activities of his shift.
8. Ensure that information is communicated up and down the chain of command as required.
9. Provide leadership, to include on-the-job training as needed for the efficient operation and coordination of effort when more than one employee is involved.
10. Enforce department rules, regulations, policies, and directives.
11. Be responsible for the inspection of activities, personnel, and equipment under his supervision, and the initiation of suitable action in the event of failure, error, violation, misconduct, or neglect of duty by a subordinate.
12. Having a working knowledge of the duties and responsibilities of his subordinates, he shall respond as often as practical during his tour of duty on complaints, and closely supervise the

activities of his subordinates. He shall observe contacts made with the public by his subordinates, be available for assistance or instruction as may be required, and take active charge where necessary.

13. Advise the Chief of Police concerning all matters of importance, and apprise him of conditions on his shift, particularly when it becomes evident that on-duty shift personnel are insufficient for the proper protection of life and property.
14. Be responsible for complying with the provisions of Departmental Directives relative to his position.
15. He shall personally bring to the Chief of Police the details of any significant or unusual event.
16. Review for accuracy and completeness all reports, required forms, and summonses submitted by his subordinates. He shall ensure that all reports, assigned or initiated, during his tour of duty are completed in a timely manner and forwarded to the proper supervisor in charge of reports.
17. Ensure all memoranda, special orders, and training information pertaining to the work of the department are read and initialed.
18. Report to the Chief of Police all complaints made by citizens concerning the conduct of members of his shift.
19. Permit no poster or placards other than those relating to or essential for police purpose to be placed or hung anywhere in the police station, EXCEPT, by permission of the Chief of Police.
20. Permit no part of the police station or other police facilities to be used for other than police business, EXCEPT, by express permission of the Chief of Police. No person other than employees of the department, those calling on police business and those under arrest or detained shall be allowed to remain in the police station.
22. Permit no person in the police station for the purpose of selling or offering for sale, goods of any description or to solicit for any purpose whatsoever without permission of the Town Manager or the Chief of Police.

F. **On -Scene Commander:** In case of a major crime, unusual incident, or disaster, The Shift Commander shall immediately proceed to the scene with all available personnel, and direct the efforts of officers in protecting property and preserving the peace.

1. A Shift Commander at an emergency scene who chooses not to take command may be held accountable for unfavorable developments that could have been prevented by assuming control.

2. The senior ranking on-duty officer shall assume and exercise the responsibility of field command, until relieved of such responsibility by a superior officer. The mere presence of a superior officer, including the Chief of Police at the scene shall not indicate his assumption of command.
3. **Being Relieved of Command:** An officer of higher rank may assume field command at any time. However, the initial on-scene commander must be specifically informed that he has been relieved of command. This shall not be interpreted as preventing or excusing senior officers from assuming command in any situation. Ranking officers of the department are required to assume command whenever circumstances indicate; however this will establish one field commander and fix that responsibility.

G. **Duties of Initial Field Commander:** Utilizing the checklist (Attachment "A") as a guide, the initial field commander shall be responsible for the following:

1. Establishing a radio vehicle as a "Field Command Post@ out of the line of fire.
2. Advising communications of the location of the field command post and ordering all officers to respond to that location.
3. As appropriate, ensuring that traffic is diverted; spectators are kept at a safe distance; and residents, if in immediate danger, are evacuated.
4. Coordinating the response of reporting officers and their vehicles so as not to obstruct the access to the area by other emergency vehicles.
5. Providing communications with situation reports as needed.
6. **Barricaded Subjects:** Once it has been determined that a barricade situation exists, evaluating the situation and requesting assistance through the Sussex County Emergency Operations Center from the DSP Special Operations and Response Team.
7. Establishing police lines beyond which only police personnel will be permitted to operate.
8. Designating a "Staging Area" for the purpose of equipping, organizing, and instructing members of SORT and other police and emergency service agencies sent to assist. The staging area should be a location other than the field command post, but close enough to ensure unity of action.

II. DIRECTION AND OBEDIENCE TO ORDERS

A. The most desirable means of obtaining compliance are recognition and reward for proper performance, and the positive encouragement of a willingness to serve. However, negative discipline may be necessary where there is a willful disregard of lawful orders, commands, or directives.

B. **Lawful Orders:** Employees shall obey all lawful orders and instructions issued by a superior or relayed from a supervisor by an employee of the same or lesser rank. Deliberate failure or refusal of any employee to obey a lawful order by a superior officer shall constitute

insubordination. Ridiculing a superior officer or his orders, whether in or out of his presence, may also constitute insubordination. (12.1.3)

1. Orders posted on an official department bulletin board or distributed through any other official channel shall have the same effect as these directives.
2. Written or oral orders shall be given in clear, comprehensive, understandable language, civil in tone, and issued in pursuit of departmental business, policies, goals, and objectives.

C. **Conflicting Orders:** Upon receipt of an order conflicting with any previous order or instruction, the employee affected will advise the person issuing the second/last order of the conflict. The last order shall prevail unless the issuing officer rescinds it. Responsibility for countermanding the original order lies with the officer who issued the conflicting order, and the subordinate will not be held responsible for disobeying the original order. (12.1.3)

D. **Unlawful orders:** No command or superior officer shall intentionally and knowingly issue an order which is in violation of any law, ordinance, or Departmental Directive.

1. If an employee is given an order which he should reasonably know is a violation of Federal, State, or local law, he shall refuse to obey such order and will immediately submit a written report of the incident to the Chief of Police. Responsibility of refusal to obey rests with the employee, who shall be required to justify his action.
2. If an employee is given an order which he believes is unjust or contradictory to Department Directives, he shall first obey the order to the best of his ability, and then, submit a written report of the incident to the Chief of Police through the chain of command.

E. **Departmental Meetings:** Department meetings attended by all employees will be held monthly or on an as-needed basis.

1. Attendance will be voluntary or mandatory as determined by the Chief of Police.
2. Employees may submit agenda items to be discussed prior to the meeting the Chief of Police.

Written Directives (12-2)

III. WRITTEN DIRECTIVE SYSTEM (12.2.1)

A. The written directive system of the d South Bethany Police Department is designed to ensure that employees have a clear understanding of the expectations and constraints relating to performance in departmental activities and duties. It ensures uniformity in departmental

activities and duties. It ensures uniformity in the provision of police services. The written directive system is comprised of the following components:

1. **Departmental Directives Manual:** This document contains the rules, regulations, policies, and procedures governing all employees of the South Bethany Police Department.
 - a. **Rules:** Relate to the conduct of an individual, in that they indicate what must not be done.
 - b. **Regulations:** Define to some extent the duties and responsibilities of the individuals, or what they must do.
 - c. **Policies:** Are broad statements of department principles. They contain such words as "may" or "should" and provide a framework for the development of procedures, rules and regulations.
 - d. **Procedures:** Are guidelines for carrying out department activities, and may be made mandatory in tone through the use of "shall" rather than "should" or "must" rather than "may". Procedures sometimes allow latitude and discretion in carrying out an activity.
2. **Interoffice/Departmental Memorandum:** are generally addressed to "All Personnel" or "All Sworn Members" and signed by the Chief of Police or his designee, aimed at providing information, opinions, guidance, or orders concerning a particular subject or event. Those having general application will remain in effect until rescinded by the Chief of Police, or included in a subsequent revision to a Departmental Directive.
3. **Other inter-departmental memos, letters, routing slips, training materials, etc.** are used within the department to communicate orders, instructions, inquiries, and information among and between units, shifts, or individuals.
 - B. **Issuing Authority:** The Chief of Police is responsible for developing, modifying, indexing, purging, updating, revising, and issuing all new or existing documents for inclusion in the Departmental Directive Manual. The Chief of Police and Shift Commanders will review directives, periodically, or when circumstances, statutes, or policies of the Attorney General change significantly which make a directive or a portion thereof obsolete. The Chief of Police will review the index at least once each year and update it as needed. The Chief will maintain a master file of original material pertaining to each directive.
 - C. **Directive Format:** All references in the South Bethany Police Department Manual shall be made to the male gender, but shall include the female gender in all applicable cases. Each directive will, in most cases, contain the following:
 1. Subject

2. Number
3. Effective date
4. Discussion
5. Policy
6. Purpose
7. References

D. **Staff Review:** All proposed new directives or major revisions and modifications to current directives shall be prepared in draft form, and shall be submitted to all affected department personnel through the chain of command. Generally, 7-14 calendar days shall be allowed for the review and comment process. (12.2.2)

E. **Distribution and Receipt of Directives and Directive Changes (12.2.2)**

1. All new and updated Departmental Directive Manuals and interoffice memoranda will be issued to all personnel through the chain of command.
2. A signed receipt will be required from each employee for each directive or directive change within seven (7) calendar days.
3. The Chief of Police or his designee shall discuss the contents of new or revised directives within one week after distribution of the document to ensure that personnel have a clear understanding of any new requirements in policy, procedure, or department operations.
4. The South Bethany Standard Operating Procedures Manual shall be maintained on CD, the Officer's Office PC hard drive and in hard copies. Hard copies shall be distributed to each officer, however any officer may request a CD.

F. **Employee Responsibilities**

1. It shall be the responsibility of each employee to know, apply and, at all times, comply with all written policies, rules, regulations and directives contained in the Standard Operating Procedures Manual and all other formats as designated by the Chief of Police. Violation of any policy, procedure, rule, regulation, or directive shall be grounds for disciplinary action, as provided in Directive #26.
2. Every new employee, when issued a manual, shall sign and date a receipt indicating that he has received a manual, and shall read and understand the contents of the same within thirty (30) calendar days of receipt.
3. Employees shall keep their manual secure. No copies of any portions of the manual shall be reproduced and released to any person outside the department, unless specifically authorized by the Chief of Police.

4. Employees will be responsible for maintaining their manual in up-to-date condition by making changes, additions, or deletions as directed. They shall be required to read and familiarize themselves with the contents of all changes, additions, or deletions within 48 hours of receipt.
5. In addition to the manual, employees shall familiarize themselves with all official department publications, including special orders and interoffice memoranda issued by the Chief of Police. These documents should be kept in the back of the manual, and shall be held to the same standards as the manual regarding maintenance, updating and security.

EXHIBIT E



SOUTH BETHANY POLICE

POLICY

Effective Date: 12/08/2017	{ } Rescinds Policy #	Number: 17
Review Date:	{ } Amends	
Subject: Command Protocol		

THIS POLICY CONSISTS OF THE FOLLOWING:

1. PURPOSE
2. POLICY
3. DEFINITIONS (OPTIONAL)
4. PROCEDURES

1. PURPOSE

The directive establishes the command protocol and procedures, at a minimum, for the South Bethany Police for the following situations:

1. absence of the Chief of Executive Officer;
2. exceptional situations;
3. situations involving personnel of different functions engaged in a single operation; and
4. routine day-day operations.

Written Directive

12.1.1, 12.1.2 Pages 2-6

Policy

Command Protocol

I.. COMMAND AND SUPERVISOR RESPONSIBILITIES AND AUTHORITY

- A. **Chief of Police:** The Chief of Police shall be appointed by and directly responsible to the Mayor and Town Council for the administration of all departmental programs aimed at providing maximum protection of life and property through the prevention and detection of crime, and through such measures as will ensure prompt and vigorous enforcement of all statutes, laws, regulations, and ordinances which come

within the scope of police power. In fulfillment of his responsibilities, the Chief of Police shall:

1. Direct, coordinate, control, and staff all activities of the department for its continued and efficient operations.
2. Be responsible for the formulation and enforcement of rules, regulations, procedures, and directives within the department.
 - a. In matters requiring disciplinary action against sworn members covered by the Police Bill of Rights, he shall, in compliance with 11 Del. C., Chapter 92, recommend disciplinary action to be taken by the Mayor and Town Council who has the final responsibility to approve, reject, or modify the action recommended by the Chief.
3. Supervise and assign personnel and equipment to those duties relevant to department operations.
4. Complete and forward such reports as may be required by appropriate authority.
5. Be responsible for the department's relations with the citizens of South Bethany, the town government, and other agencies.
6. Evaluate and record the job performance of all personnel directly under his immediate authority, and review, sign, and record the job performance evaluations of all other department personnel.
7. Develop and propose such major programs and policies to the Town Council, as he deems necessary to maintain a modern, efficient, and effective police department.
8. Develop, propose, and justify new and revised ordinances to the Town Council.
9. Develop, propose, and justify annual budget estimates for department operations and improvements.
10. Supervise the expenditure of department appropriations within budgetary limitations.
11. Maintain high standards of competence through such instruction and training for and by members of the department, as he may deem necessary.
12. Maintain discipline through the orderly and efficient operation of the

department, and esprit de corps through personal contact and prompt, full investigation of all complaints by employees concerning its operation.

II. ABSENCE OF THE CHIEF OF POLICE (12.1.2)

- A. **Planned Absence:** The Chief of Police may appoint a Sergeant to serve as Acting Chief of Police during absences for extended scheduled vacation, training, etc. Such appointment will be in writing and distributed to all personnel in a timely fashion. The Sergeant, so appointed, will serve with all the responsibility and authority of the Chief of Police.
- B. **Unplanned Absence:** When the Chief of Police has not designated an acting chief during an unplanned absence or disability, the officer with the most seniority by grade shall be the acting chief for the duration of the absence, or until an appointment is made by the Chief of Police or Town Council.

III. LINES OF AUTHORITY

- A. Lines of authority shall be based on rank in each organizational component in the following order:
 - a. Chief of Police
 - b. Sergeant
 - c. Police Officer
 - d. Probationary Police Officer
 - e. Seasonal or Part-time Personnel
- B. Sworn personnel of the same position shall rank according to seniority determined by time in service.
- C. Under certain circumstances, direction and orders shall flow through the chain of command. Under emergency conditions, the senior ranking on-duty officer present will assume responsibility for the department's actions, until relieved by a superior officer.
- D. **Supervisory Accountability:**
Supervisors are accountable for the performance of all employees under their direction. This will ensure that the goals and direction of the department are achieved.
- E. **Shift Commanders:**
Subject to direction from the Chief of Police, a Shift Commander has direct control over all employees within his command, and has the same responsibilities as the

Chief of Police. In addition to the general and individual responsibilities of all employees, a Shift Commander shall:

1. Be responsible for command; organize, assign, direct, and control on-duty personnel under his direction to the proper performance of duties and adherence to established rules, regulations, policies, and directives in a manner that insures good order, conduct, discipline, and efficiency of subordinates.
2. Provide for the continuation of command and/or supervision in his absence. In the absence of the Shift Commander, the senior on-duty sworn member of the shift is in charge, unless otherwise provided.
3. Be responsible for the development and maintenance of esprit de corps and loyalty to the department.
4. Be responsible for the maintenance of discipline and morale within his shift.
5. Promote harmony and cooperation with other divisions and shifts of the department.
6. Initiate proper action in cases not regularly assigned to him when delay to inform the proper shift may result in failure to perform a police duty.
7. Prepare required correspondence, and reports; maintain records relating to the activities of his shift.
8. Ensure that information is communicated up and down the chain of command as required.
9. Provide leadership, to include on-the-job training as needed for the efficient operation and coordination of effort when more than one employee is involved.
10. Enforce department rules, regulations, policies, and directives.
11. Be responsible for the inspection of activities, personnel, and equipment under his supervision, and the initiation of suitable action in the event of failure, error, violation, misconduct, or neglect of duty by a subordinate.
12. Having a working knowledge of the duties and responsibilities of his subordinates, he shall respond as often as practical during his tour of duty on complaints, and closely supervise the activities of his subordinates. He shall observe contacts made with the public by his subordinates, be available for assistance or instruction as may be required, and take active charge where necessary.

13. Advise the Chief of Police concerning all matters of importance, and apprise him of conditions on his shift, particularly when it becomes evident that on-duty shift personnel are insufficient for the proper protection of life and property.
14. Be responsible for complying with the provisions of Departmental Directives relative to his position.
15. He shall personally bring to the Chief of Police the details of any significant or unusual event.
16. Review for accuracy and completeness all reports, required forms, and summonses submitted by his subordinates. He shall ensure that all reports, assigned or initiated, during his tour of duty are completed in a timely manner and forwarded to the proper supervisor in charge of reports.
17. Ensure all memoranda, special orders, and training information pertaining to the work of the department are read and initialed.
18. Report to the Chief of Police all complaints made by citizens concerning the conduct of members of his shift.
19. Permit no poster or placards other than those relating to or essential for police purpose to be placed or hung anywhere in the police station, EXCEPT, by permission of the Chief of Police.
20. Permit no part of the police station or other police facilities to be used for other than police business, EXCEPT, by express permission of the Chief of Police. No person other than employees of the department, those calling on police business and those under arrest or detained shall be allowed to remain in the police station.
22. Permit no person in the police station for the purpose of selling or offering for sale, goods of any description or to solicit for any purpose whatsoever without permission of the Town Manager or the Chief of Police.

F. **On -Scene Commander:** In case of a major crime, unusual incident, or disaster, the Shift Commander shall immediately proceed to the scene with all available personnel, and direct the efforts of officers in protecting property and preserving the peace.

1. A Shift Commander at an emergency scene who chooses not to take command may be held accountable for unfavorable developments that could have been prevented by assuming control.
2. The senior ranking on-duty officer shall assume and exercise the

responsibility of field command, until relieved of such responsibility by a superior officer. The mere presence of a superior officer, including the Chief of Police at the scene shall not indicate his assumption of command.

3. **Being Relieved of Command:** An officer of higher rank may assume field command at any time. However, the initial on-scene commander must be specifically informed that he has been relieved of command. This shall not be interpreted as preventing or excusing senior officers from assuming command in any situation. Ranking officers of the department are required to assume command whenever circumstances indicate; however this will establish one field commander and fix that responsibility.

G. **Duties of Initial Field Commander:** Utilizing the checklist (Attachment "A") as a guide, the initial field commander shall be responsible for the following:

1. Establishing a radio vehicle as a "Field Command Post@ out of the line of fire.
2. Advising communications of the location of the field command post and ordering all officers to respond to that location.
3. As appropriate, ensuring that traffic is diverted; spectators are kept at a safe distance; and residents, if in immediate danger, are evacuated.
4. Coordinating the response of reporting officers and their vehicles so as not to obstruct the access to the area by other emergency vehicles.
5. Providing communications with situation reports as needed.
6. **Barricaded Subjects:** Once it has been determined that a barricade situation exists, evaluating the situation and requesting assistance through the Sussex County Emergency Operations Center from the DSP Special Operations and Response Team.
7. Establishing police lines beyond which only police personnel will be permitted to operate.
8. Designating a "Staging Area" for the purpose of equipping, organizing, and instructing members of SORT and other police and emergency service agencies sent to assist. The staging area should be a location other than the field command post, but close enough to ensure unity of action.

EXHIBIT F



SOUTH BETHANY POLICE

POLICY

Effective Date: 12/08/2017 { } Rescinds Policy #	Number: 23
Review Date: { } Amends	
Subject: Career Development and Higher Education	

This policy consists of the following:

1. Purpose
2. Directive
3. Definitions (Optional)
4. Procedures

Policy

#23 Career Development and Higher Education

1. PURPOSE

South Bethany Police Department's Career Development Program is designed to provide, on a voluntary basis, career opportunities for all personnel thus improving their job skills, knowledge, and abilities.

I. **IN-SERVICE TRAINING**

Traditionally, in-service training has ensured that an individual has a minimum of proficiency in an assigned job, although such training has not been included as a part of career development. The concept of in-service training presented within the framework of these standards embraces more than the traditional definitions. It calls for providing an advance level of instruction that enhances an employee's overall potential for upward mobility and/or job satisfaction. This concept of in-service training as a component of an accredited career development program has two aspects: proficiency and career specialty.

- A. Proficiency in-service training both maintains and enhances the skills, knowledge, and ability needed to perform the duties and responsibilities of the assigned task.

- B. Career specialty in-service training stimulates personnel to (1) improve the skills, knowledge, and ability required in specialized areas, and (2) compete for new areas of interest and specialization that may enhance their potential for upward mobility.

II. CAREER DEVELOPMENT PROGRAM

- A. Under this program the department provides career counseling for its members by:
 - 1. Providing information needed to make career choices,
 - 2. Reviewing course requirements,
 - 3. Providing requirements for career paths,
 - 4. Monitoring officer's progress,
 - 5. Recommending how to improve performance,
 - 6. And, guiding members through corrective suggestions.
- B. Temporary duty assignments will be considered to train prospective candidates and to meet operational needs. These assignments will give the candidate a view of his chosen field and the administration a view of the prospective candidate.
- C. When available, the department will provide tuition for approved or required courses offered outside this department or the Delaware State Police Academy. This payment will be made directly to the institution. All tuition requests must be approved, in advance, by the Town Manager.
- D. This department shall provide sworn members with a list of available in-service training courses provided by the Delaware State Police Training Academy.
 - 1. Officers will select courses they wish to attend to enhance their proficiency and specialized skills.
 - 2. The Training officer will be responsible for scheduling the training classes and rearranging the officer's work schedule.
 - 3. Once scheduled for a course, attendance is mandatory, unless excused by the Chief of Police.
- E. Upon promotion to Sergeant, officers will be scheduled to attend a supervisory/management class when available preferably within one year.
(33.8.2)

- F. The Training officer as appointed by the Chief of Police shall maintain documentation of all department training. A record shall be kept for each individual officer of the department.

EXHIBIT G

SERGEANT

ORGANIZATION

1. Serves under the broad general supervision of the Town Manager, Town Council, and the Chief of Police.
2. Assists the Chief of Police in the supervision of the department.
3. In the absence of the Chief of Police is responsible for the operational services of the Department.
4. Assist in all general police duties to provide for the safety and welfare of the Town.
5. Serves all citizens as a public servant in official Town matters.

QUALIFICATIONS:

- A. In addition to minimum requirements of the Department, the applicant must have satisfactory service with a law enforcement agency for at least two years.
- B. The applicant must be recommended by the Town Manager and approved by the Town Council.

REQUIRED SKILLS AND ABILITIES

- A. In addition to satisfactory minimum qualifications of the Department, the applicant must have the ability to understand and to follow oral and written orders and instruction from superior officers.
- B. The applicant must maintain the ability to uphold and to carry out departmental policy as set forth in the Departmental Standard Operating Procedures, a copy of which is available to the applicant.
- C. The applicant must have satisfactorily demonstrated exceptional qualities of leadership and initiative in carrying out duties and responsibilities as a police officer.
- D. Applicant must have demonstrated exceptional interest in operations, a willingness to assist, and advise junior officers, and to support decisions of senior officers.
- E. Applicant must have demonstrated an active interest in advancing and improving the effectiveness of all aspects of law enforcing agencies, particularly with regard to the South Bethany Police Department.

DESCRIPTION OF DUTIES:

- A. Upholds the laws of the United States, the State of Delaware, and the ordinances, codes, and regulations of the Town of South Bethany.
- B. Assists in all calls of alarm.
- C. Answers complaints and inquiries.
- D. Performs patrols according to schedule or orders of the Chief inspecting vacant housing, and property, observe conditions of the roads, beachfront, and other public property and report all hazardous conditions.

- E. Carries out all appropriate orders of the Chief and assists the Chief in the supervision of the department.
- F. In the absence of the Chief of Police, assumes the responsibility effective operation of the department, and monthly reports to the Town Council on Department activity.

CORPORAL/MASTER CORPORAL

ORGANIZATION

1. Serves under the broad general supervision of the Town Manager, the Town Council, and the Chief of Police.
2. Keeps records and prepare necessary reports.
3. Carry out all appropriate orders and perform other related duties as required by superior officers.
4. Assists in all general police duties to provide for the safety and welfare of the Town.
5. Serves all citizens as a public servant in official town matters.

QUALIFICATIONS:

- A. In addition to minimum requirements of the Department, an applicant must have been a member of the South Bethany Police Department for a minimum of four (4) years, at least two of which is served as Patrolman First Class, and has performed satisfactory service during that time.
- B. The applicant must meet or exceed all requirements of Patrolman First Class and to be recommended by the Chief of Police and approved by the Mayor.

REQUIRED SKILLS AND ABILITIES:

- A. In addition to minimum requirements of the Department, the applicant must have the ability to understand and to follow oral and written orders and instructions from superior officers.
- B. Must maintain the ability to uphold and to carry out departmental policy as set forth in the Department Statement, a copy of which is available to the applicant.
- C. Must have demonstrated the ability to deal effectively with the public in a courteous and helpful manner and to conduct himself so as to reflect credits on the Department at all times.
- D. Must have demonstrated the ability to work effectively with others of the Department, both subordinate and superiors, and to demonstrate a continuing interest in assigned duties and responsibilities.
- E. Must demonstrate initiative and willingness to assist fellow officers of the Department at all times.

DECRPTION OF DUTIES:

- A. Upholds the laws of the United States, the State of Delaware, and the ordinances, codes and regulations of the Town of South Bethany.
- B. Assists in all calls of alarm.
- C. Answers complaints and inquires.
- D. Performs patrols according to established schedules, inspects vacant homes and property, observes condition of roads, beachfront, and other public property and reports all hazardous conditions.

- E. Carries out all appropriate orders and performs other related duties as required by superior officers.
- F. Keeps records and prepares reports of activities and actions as required by the Department.

PATROLMAN/PATROLMAN FIRST CLASS

ORGANIZATION:

INCUMBENT:

1. Serves under the broad general supervision of the Town Manager, the Town Council, and the Chief of Police.
2. Records and prepares reports.
3. Carry out all appropriate orders.
4. Performs other related duties as required by superior officers.
5. Assists in all general police duties to provide for safety and welfare of the Town.
6. Serves all citizens as a public servant in official Town matters.

QUALIFICATIONS:

- A. **Patrolman** In addition to minimum requirements of the Department, he applicant must attend and successfully complete the training course given by the Delaware State Police Training Academy or submit proof of satisfactory completion of equivalent training acceptable to the Delaware Police Training Council. Failure to meet this qualification without adequate explanation shall result in suspension without pay, or removal from the Department. Officer shall also successfully complete one (1) year of probation.
- B. **Patrolman 1/C** In addition to the above, the applicant must have satisfactorily completed a minimum of two (2) years continuous service with the South Bethany Police Department.

REQUIRED SKILLS AND ABILITIES

The applicant must possess a thorough knowledge of police methods, practices and procedures; he must possess a thorough knowledge of the geography of the city and location of important buildings; he must possess a thorough knowledge of the rules and regulations of the police department; he must possess a thorough knowledge of the principals and techniques of emergency care; he must possess the ability to understand and carry out oral and written instructions and prepare clear comprehensive reports; he must possess the ability to deal courteously but firmly with public; he must possess the ability to analyze situations and adopt quick, effective and reasonable courses of action with due regard to the surrounding hazards and circumstances; he must possess the ability to use firearms and operate motor vehicles; and he must be physically agile.

DESCRIPTION OF DUTIES:

- A. Uphold the laws of the United States, the State of Delaware, and the ordinances, codes and regulations of the Town of South Bethany.

- B. Assists in all calls of alarm.
- C. Answers complaints and inquires.
- D. Performs patrols according to established schedules, inspect vacant homes and property, observe condition of roads, beachfront, and other public property and report all hazardous conditions.
- E. Carries out all appropriate orders and performs other related duties as required by superior officers.
- F. Keeps records and prepares reports of activities and actions as required by the Department.

POLICE OFFICER

ORGANIZATION:

1. Serves under the broad general supervision of the Town Manager, the Town Council, and the Chief of Police.
2. Records and prepares reports.
3. Carry out all appropriate orders.
4. Performs other related duties as required by superior officers.
5. Assists in all general police duties to provide for safety and welfare of the Town.
6. Serves all citizens as a public servant in official Town matters.

QUALIFICATIONS:

In addition to minimum requirements of the Department, he applicant must attend and successfully complete the training course given by the Delaware State Police Training Academy or submit proof of satisfactory completion of equivalent training acceptable to the Delaware Police Training Council. Failure to meet this qualification without adequate explanation shall result in suspension without pay, or removal from the Department. Officer shall also successfully complete one (1) year of probation.

REQUIRED SKILLS AND ABILITIES

The applicant must possess a thorough knowledge of police methods, practices and procedures; he must possess a thorough knowledge of the geography of the city and location of important buildings; he must possess a thorough knowledge of the rules and regulations of the police department; he must possess a thorough knowledge of the principals and techniques of emergency care; he must possess the ability to understand and carry out oral and written instructions and prepare clear comprehensive reports; he must possess the ability to deal courteously but firmly with public; he must possess the ability to analyze situations and adopt quick, effective and reasonable courses of action with due regard to the surrounding hazards and circumstances; he must possess the ability to use firearms and operate motor vehicles; and he must be physically agile.

DESCRIPTION OF DUTIES:

- A. Uphold the laws of the United States, the State of Delaware, and the ordinances, codes and regulations of the Town of South Bethany.
- B. Assists in all calls of alarm.
- C. Answers complaints and inquires.
- D. Performs patrols according to established schedules, inspect vacant homes and property, observe condition of roads, beachfront, and other public property and report all hazardous conditions.
- E. Carries out all appropriate orders and performs other related duties as required by superior officers.

F. Keeps records and prepares reports of activities and actions as required by the Department.

213573564v1