

TOWN OF HENLOPEN ACRES PERSONNEL POLICIES

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RECEIPT FOR PERSONNEL POLICY MANUAL

I have received my copy of The Town of Henlopen Acres Personal Policy Manual. I agree to read this Manual and keep it for future reference. I understand this Manual is intended as a guide for personnel policies, benefits, and general information and that these guidelines are not intended to be nor should be construed as an employment contract.

I understand the policies and guidelines contained within this Manual supersede those previously written or communicated, and the Town may make changes in the policies and guidelines or their application when it is appropriate. In some cases, it may not always be possible to give advance notice of changes.

I also understand that my employment relationship with the Town is an “at-will” relationship and I may choose to end the employment relationship at any time, just as the Town may end the employment relationship at any time.

I further understand that no representative of the Town other than the person designated by the Commissioners has any authority to make any agreement to the contrary.

SIGNED: _____

DATE: _____

DEPARTMENT: _____

TOWN OF HENLOPEN ACRES PERSONNEL POLICIES

1. GENERAL PROVISIONS

A. Employees Covered.

The Provisions of this Manual shall apply to all employees on the Town payroll.

B. Definitions

- 1) "Active pay status" means when any employee is eligible for a paycheck;
- 2) "Appointment" means the personnel action by which an appointing authority offers employment and hires a person to work for The Town of Henlopen Acres;
- 3) "Town" means The Town of Henlopen Acres, Delaware;
- 4) "Commissioners" means the Town Commissioners of The Town of Henlopen Acres, Delaware;
- 5) "Completed month" means any month in which an employee, for all the workdays, either works, is on approved leave with pay, is on Workmen's Compensation leave, or any combination of these;
- 6) "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;
- 7) "Department supervisor" means the person authorized to direct the work of employees of a department of The Town of Henlopen Acres;
- 8) "Employee" means an employee of The Town of Henlopen Acres;
- 9) "Employer" means The Town of Henlopen Acres, Delaware;
- 10) "Full-time employee" means an employee who is regularly scheduled forty (40) hours or more, per seven (7) day workweek and is employed or intended to be employed on a year-round basis.
- 11) "Manual" means The Town of Henlopen Acres Personnel Policy Manual, effective as of the date approved and adopted by the Commissioners and all amendments or revisions thereof;

- 12) "Part-time employee" means an employee who is scheduled less than forty (40) hours per seven (7) day work week and is employed or intended to be employed on a year-round basis.
- 13) "Position" means a group of duties and responsibilities requiring full-time or part-time employment of one person, a position may be vacant or occupied;
- 14) "Training Period" means the duration of time specified under Section 2-3, Subsections B-2 and B-3, during which new appointees are evaluated, in terms of attitude and ability, for their suitability to serve in the positions to which they have been appointed (after the Training Period is complete, employment continues to be subject to the principle of employment at will and no specific period of employment is guaranteed);
- 15) "Temporary appointment" including "seasonal employee" means an appointment to serve in a position for an indefinite duration not exceeding six (6) months during one calendar year.

C. Amendments

The Commissioners reserve the right to amend, supplement, or otherwise revise the provisions of the Manual, in whole or in part, at any time. In the event an amendment, supplement or revision of this Manual is proposed, the proposed change shall be posted in all departments for a period of ten (10) working days prior to adoption by the Commissioners. Any amendment, supplement or revision adopted by the Commissioners shall supercede and replace any prior inconsistent policies.

2. PERSONNEL PROVISIONS

2-1. Town of Henlopen Acres 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

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

2) Dissemination of Personnel Policy Manual

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

3) Records

The Town Manager shall maintain the official personnel file for each employee containing all documentation pertaining to his or her employment. Upon request, each employee may be allowed to view the contents of his or her personnel file within the guidelines established by state law. Each personnel file shall contain the following documentation:

Part A

- a) original application for employment;
- b) W-4 (Employer's Withholding Allowance Certificate);
- c) photo copy of social security card;
- d) photo copy of driver's license;
- e) physician's medical verification;
- f) professional development;
- g) travel request and expense reports;
- h) health enrollment forms;
- i) life insurance beneficiary designation; and
- j) job related injuries

Part B

- k) performance evaluations;
- l) attendance records;
- m) commendations;
- n) disciplinary actions;

B. Procedure

The following shall be the declared personnel practices of the Town:

- 1) employment by the Town shall be based solely 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, creed, color, gender, age, religion, national origin, veteran or handicapped status, sexual orientation, , genetic information, marital status or political affiliation 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 Commissioners;
- 5) appointments, promotions and other personnel actions shall be based on merit;
- 6) the policies and procedures contained herein shall be administered fairly and consistently with due consideration given the rights and interests of employees, the public and the Town;
- 7) the tenure of any Town employee shall be subject to the employee's continued good behavior, the satisfactory performance of work, the necessity for the performance of work, and the availability of work; and
- 8) the Town shall encourage employees to become effective workers, treat each person with consideration and respect, and provide a clean, healthy and safe place to work.

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 a position's job description, to changes in the cost of living, to financial conditions of the Town, and other factors. To this end, the Commissioners may consider changes in pay as it determines to be warranted.

B. Procedure

1) Pay Day

Employees are paid on Friday of each week. If a regular payday falls on a holiday, employees are paid on the last scheduled working day prior to the holiday.

2) Pay Period

a) Administrative Department

The pay period shall be from Monday through Sunday.

b) Public Works Department

The pay period shall be from Monday through Sunday

c) Security Department

The pay period shall be from Monday through Sunday.

4) Deductions

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

- a) Federal Income Tax Withholding
- b) Federal Insurance Contribution Act (FICA) Taxes
- c) State Income Tax
- d) any authorized garnishments by Court of Law

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

5) Overtime

Any overtime which employee may be due will be paid in the form of compensation at one and one-half times the employee's regular rate for time worked in excess of forty hours.

6) Annual Pay Increases

Pay increases not related to promotion may be given annually and are effective at the beginning of the Town's fiscal year, July 1. An annual pay increase granted to an employee should take into account the following factors:

- 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 pay into a more equitable relationship with pay paid to other Town employees with similar experience doing similar work; and
- e) budget and personnel guidelines.

2-3. Performance Evaluations

A. Policy

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

B. Procedure

1) Responsibilities

The Town Manager is responsible for maintaining the Town's personnel files. Each employee's supervisor is responsible for assigning work, monitoring performance and recommending appropriate personnel actions.

2) Training Period Evaluation

The Training Period evaluation occurs at the conclusion of an employee's first ninety (90) days of employment. The Training Period evaluation serves 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 serve as the final screening method in the employee recruitment process.

3) Training Period Dismissal

Department supervisors may recommend dismissal of an unsatisfactory employee at any time during the Training Period. Department supervisors shall specifically recommend the retention or dismissal of the employee or extension of the Training Period based on the supervisor's evaluation of the employee's performance during the Training Period.

4) Annual Evaluations

Each employee will be evaluated at least annually by their supervisor. This performance review will consist of a written evaluation and a meeting between the supervisor and the employee to discuss the evaluation. Each employee who disputes the comments or recommendations made by the supervisor in the performance review may request a review of the evaluation by the Town Manager and the Mayor. The annual performance review will take place before the beginning of the Town's fiscal year on July 1.

2-4. Recruitment and Selection

A. Policy

It is the policy of The Town to recruit and select employees from a field of applicants in order to assure 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

1) Personnel Requisition

a) Public Works Department

Whenever the Public Works Manager desires to fill a vacancy in any position, a request and proposal shall be submitted to the Town Manager to fill the position. This shall apply to any vacancy which may occur in any full-time, temporary or part-time position.

b) Security Department

Whenever the Chief of Security desires to fill a vacancy in any position, a request and proposal shall be submitted to the Town Manager to fill the position. This shall apply to any vacancy which may occur in any full-time, temporary or part-time position.

c) Administrative Department

Whenever the Town Manager desires to fill a vacancy in any position, the Town Manager shall complete a request and proposal to fill the position. This shall apply to any vacancy which may occur in any full-time, temporary or part-time position.

2) Request and Proposal

The request and proposal shall include the following information:

- a) position title;
- b) department;
- c) wage rate;
- d) duration of appointment;
- e) reason for vacancy;
- f) employee being replaced;

- g) date of vacancy;
- h) requested date of hire;
- i) work site;
- j) department representative for interview;
- k) additional comments; and
- l) department supervisor signature.

The Town Manager may request additional information to justify the request of the department supervisor. If the position to be filled is that of a department supervisor, the Town Manager shall submit the request to the Mayor for consideration by the Commissioners. When the request is approved by the Commissioners, the Town Manager may initiate the recruitment process under the supervision of the Mayor. For positions other than a department supervisor, the approval of the Commissioners is not required and the Town Manager may initiate the recruitment process under the supervision of the Mayor.

3) Advertising

Classified ads may be placed by the Town Manager in local and northern Delaware newspapers soliciting applications from interested individuals. In addition, employees shall be informed of employment opportunities with the Town through posted notices.

4) Position Vacancy File

Upon receipt of an approved request to fill a vacancy, the Town Manager shall establish a position vacancy file for the requested position. This file shall contain the following information:

- a) personnel requisition form;
- b) position vacancy notice;
- c) advertisement (if necessary);
- d) applicant roster;
- e) applications/resumes;
- f) written tests (if necessary); and
- g) other correspondence and documentation.

Upon selection of the applicant to fill the vacant position, the name of the successful applicant and the date the position was filled shall be noted on the applicant roster. Applications of all unsuccessful applicants who are not Town employees shall be placed in an inactive reserve file for a period of one (1) year. To the extent that it is practical, reference to this file shall be made periodically in connection with the Town's employment requirements to insure that equal consideration is given to all applicants. Applications of all unsuccessful

applicants who are Town employees shall be placed in the employee's personnel file.

5) 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.

6) Physical Examinations

Upon offer of employment, applicants may be required to take a physical examination by a physician of the employer's choice. In the event this examination is required, the examination shall be at the expense of the Town.

7) Applicant Screening

After the deadline for application has expired, the Mayor and designated members of the Commissioners, the Town Manager and the appropriate department supervisor shall:

- 1) screen the applications or resumes submitted for the current position vacancy;
- 2) determine which applicants are to be interviewed;
- 3) contact the applicants chosen and arrange for an interview to be scheduled at a time mutually agreeable to the parties involved; and
- 4) contact references provided by contending applicants.

After the Mayor and designated members of the Town Commission, the Town Manager and department supervisor have chosen the applicant to fill the vacant position, any member of the Commissioners may review and/or interview the applicant. For department supervisor positions, the applicant must be approved by the Commissioners unless the Commissioners delegate the selection to the Mayor and/or other Commission members. The successful applicant and all other applicants shall be notified of their status in writing by the Mayor. Oral offers of employment may not be considered appointments.

8) Notification

After an applicant has been chosen to fill the vacant position and has accepted an offer of employment all other applicants shall be notified of their status in writing.

9) Closing the Position Vacancy File

The closed position vacancy file shall contain the following information:

- a) personnel requisition;
- b) position vacancy notice;
- c) advertisement;
- d) applicant roster; and
- e) other correspondence/documentation.

10) Training Period

Each employee appointed to a full-time or part-time position shall serve a Training Period of ninety (90) days. Before completion of the Training Period, the department supervisor shall give a performance evaluation in the manner prescribed in this Manual. An employee serving a Training Period following initial employment in a regular position shall receive all benefits provided in accordance with this policy, with the following exceptions:

- a) employees may accumulate sick leave but shall not be permitted to take sick leave during the Training Period unless the denial of such leave will create an unusual hardship; and
- b) employees serving a Training Period following a promotion shall continue to receive all benefits provided in accordance with this Manual.

2-5. Training and Development

A. Policy

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

B. Procedure

The following types of training and development may be provided by the Town upon prior approval of the Mayor:

1) Professional Development

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

2) Required Seminars and Courses

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

3) On-the-Job Training

On-the-job training will be provided to introduce, reinforce or improve essential job skills for employees. Department supervisor 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.

C. Authorization

All requests for subscriptions, seminars, or courses shall be submitted in writing to the Town Manager for approval by the Mayor prior to participation.

3. BENEFITS

3-1. Benefits Table

The table below outlines personnel benefit programs available to full-time, temporary, part-time, and temporary employees. For information and eligibility requirements on each benefit or program, see the appropriate policy. Detailed information on these benefits and/or programs can be obtained from the Town Manager. From time to time the Town may participate in voluntary programs for the benefit of employees by providing payroll deduction service.

Benefit	Full-time	Part-time	Temporary
Group Medical Insurance	Yes	No	No
Group Dental Insurance	Yes	No	No
Group Vision Coverage	Yes	No	No
457(B) Governmental Plan*	Yes	Yes	No

***Revised January 1, 2015**

****Revised August 2015**

3-2. Group Medical Insurance

A. Eligibility

The Town offers major medical insurance for all full-time employees upon completion of the Training Period as specified in Section 2-3.B(2) of this Manual. Temporary or part-time employees shall not be eligible for the group medical insurance benefit.

B. Terms

1) Program Available

State of Delaware

2) Town Contribution

The Town shall pay 100% of the individual employee coverage. The employee shall have the option of covering eligible dependents under the same insurance plan, and the Town shall also pay 100% of the dependent coverage for eligible employees.

3) COBRA - Continued Coverage

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), an employee who is covered by the Town's group medical insurance is entitled to choose "continued coverage", or a temporary extension of health coverage, on a self-pay basis, if coverage ceases because:

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

4) COBRA - Continued Coverage of Spouse and/or Dependents

The employee's election of continued coverage may also include a covered spouse and dependent children. The maximum period of continued coverage is 18 months. A spouse or dependent covered by the Town's group medical insurance is also entitled to purchase continued coverage if loss of group coverage occurs because of:

- a) death of the spouse or parent (employee);

- b) termination (for reasons other than gross misconduct) or a reduction of hours of the spouse or parent's employment;
- c) divorce or legal separation from spouse or of parents; or
- d) the spouse or parent becomes eligible for Medicare.

A dependent also has the right to continued coverage if he or she ceases to be a "dependent child" under the Town group coverage. For these events, the maximum period of continued coverage is 36 months.

5) COBRA - Discontinuation of Continued Coverage

Continued coverage will end earlier than the 18 or 36 months described in this Section if:

- a) individuals are covered under another health care or major medical plan;
- b) individuals do not make their premium payments when due;
- c) individuals become eligible for Medicare; or
- d) the plan terminates for all employees.

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 from the Town Manager.

3-3. Group Dental and Vision Insurance

A. Eligibility

All full-time employees may elect to participate in the group dental and vision program available through the State of Delaware.

B. Terms

- 1) Program Available

State of Delaware

- 2) Town Contribution

The Town shall pay 100% of the individual employee coverage.

The employee shall have the option of covering eligible dependents under the same insurance plan. The employee will be responsible for the cost of any dependent coverage. Payment of dependent coverage will be by weekly payroll deduction, based on annual cost divided by 52 weeks. Employee will remain responsible for any weeks that he/she does not receive pay.

C. Enrollment

A detailed explanation of the coverage listed above and an enrollment form can be obtained from the Town Manager.

Section B.2 Revised June 10, 2022

3-4. Social Security

A. Eligibility

All employees of the Town shall be provided social security benefits.

B. Terms

The cost to 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 (see sample in the Appendix). Employees should contact their regional Social Security office three (3) months prior to retirement to apply for benefits. A detailed explanation of the coverage listed above or a Request for Statement of Earnings can be obtained from the Town Manager.

3-5. Uniforms
Revised October 9, 2015

A. Eligibility

The Town shall provide uniforms for employees of the Public Works Department and the Security Departments. These employees may be required to wear uniforms while on duty so that they will be easily identified as Town employees.

B. Terms

1) Employee Responsibility

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 to the Town.

2) Provision and Cleaning of Uniforms

The Town will provide seven (7) uniforms to each full-time employee of the and Public Works Departments. It is the responsibility of the employee to keep the shirts/uniforms clean and in good condition. The town will replace up to two (2) shirts and two (2) pants per calendar year. Replacement uniforms in excess of the allowable limit will be paid for by the employee.

Security Department shirts and/or uniforms are provided by the Town. It is the responsibility of the employee to keep the shirts/uniforms clean and in good condition. The town will replace up to two (2) shirts/uniforms per calendar year. Replacement uniforms in excess of the allowable limit will be paid for by the employee.

3-6. Workmen's Compensation Insurance

A. Eligibility

The Town shall provide Workmen's Compensation benefits to all employees as required by the Delaware Workmen's Compensation Act.

B. Terms

Town employees are required to report all injuries arising out of and in the course of employment to their supervisor by the end of their normal daily work schedule.

C. Enrollment

All Town employees are automatically enrolled upon employment. A detailed explanation of the coverage listed above can be obtained from the Town Manager.

3-7. Town of Henlopen Acres 457(B) Governmental Plan

Effective 1/01/2015 the Town of Henlopen Acres adopted a 457(B) Governmental Plan.

On a quarterly basis, the Town contributes a 3% match to each participating employee's plan. This match fully vests after 12 consecutive months of contribution to the plan.

For Plan Provisions contact Town Hall

Revised January 1, 2015

4. EMPLOYEE WORK PRACTICES AND CONDITIONS OF EMPLOYMENT

4-1. Disclosure of Information

A. Policy

Town of Henlopen Acres has various types of confidential business information which must be protected. Employees are obligated to protect this information.

Such confidential information includes, but is not limited to, the following examples:

- Financial information;
- Compensation data;
- Technological data;
- Trade secrets; and
- Personnel data and payroll records.

B. Disciplinary Action

Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, including termination of employment and legal action, even if they did not actually benefit from the disclosed information.

4-2. Driver's License Requirement

A. Policy

Each employee who is required to operate any Town-owned vehicle as a basic function of their employment must have a valid driver's license and must be of insurable status, as determined by the Town's insurance carrier. In addition, Public Works Department employees are required to have a CDL license upon completion of three (3) months of employment if the driving of a vehicle is required in his or her job description. Any employee who fails to maintain the driver's license required to perform the basic functions of their employment may be terminated. This, in turn, reduces the Town's ability to provide its citizens with the most efficient and effective delivery of public services.

B. Procedure

1) Verification

The Town shall, on an annual basis, obtain and review the Motor Vehicle Records of those employees who are required to operate a Town vehicle.

2) Notification

Each employee whose driving privileges are suspended, revoked or who has received violations that may result in 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.

rev. 4-21-06

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 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.
- 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) 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 absolutely necessary.
- 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.

B. Disciplinary Action

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

4.3.1 Cell Phone/Texting Use

Excessive personal calls (including text messaging) during the workday, regardless of phone used, can interfere with employee productivity and be distracting to others.

Cell phone shall be turned off, set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow. In unsafe work conditions, cell phones (whether issued by the employer or personal) shall not be used. Flexibility will be provided in circumstances demanding immediate personal phone use, but this immediate need should be communicated to an employee's supervisor.

In addition to telephone service, many cell phones or cellular providers offer a host of additional functions and/or services, including text messaging and digital photography. Employees must refrain from sending text messages throughout the day from their work location except during lunch or breaks.

The Town of Henlopen Acres has a policy prohibiting harassment in the workplace. Texting harassment will not be tolerated and is unlawful.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use or are driving a town owned vehicle, are expected to refrain from using their phone while driving. Use of cell phone while driving is not required by the town. Safety must come before all other concerns and employees must follow applicable state and local laws governing cell phone use. Delaware bans texting while driving and drivers may only use hands free devices with cell phones. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, or use a hands-free device. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Failure to follow this policy may result in disciplinary action up to and including termination.

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 which would have not otherwise been offered to him or her if he or she were not a Town employee, and for which the employee is expected to do some act or to refrain from doing some act which is or may give the donor some advantage over other persons in similar situations. Holiday gifts may be accepted by an employee from the fourth Thursday in November through the second Monday in January, where there is no expectation of action or inaction by the 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.

4-5. Hours and Days of Work

A. Policy

1) Normal Workday

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. The normal workday of the employees is determined by the following schedule:

a) Administrative Department

The normal workday for each employee shall consist of seven (7) hours of work, from 9:00AM to 4:30 PM. Each employee's starting and quitting times shall be established by the employee's department supervisor, subject to the approval of the Town Manager. Each employee shall be allowed a meal break during the normal workday. Such meal break shall not exceed one-half ($\frac{1}{2}$) hour in length and shall not be considered time worked.

b) Security Department

- 1) The normal work period for each security officer shall consist of forty (40) hours per week. Each security officer's starting and quitting times shall be established by the Chief of Security. Each security officer may be allowed a meal break during the work shift if it does not interfere with the delivery of services. Such meal break shall not exceed one-half ($\frac{1}{2}$) hour in length. The meal break shall be considered time worked.
- 2) Seasonal employees: The starting and quitting time for seasonal employees shall be established by the Chief of Security. Seasonal employees may be allowed a meal break during the workday. Such meal break shall not exceed one-half ($\frac{1}{2}$) hour in length.

c) Public Works Department

The normal work day for each employee shall consist of eight (8) hours of work, from 8:00AM to 4:30 PM. Each employee shall be allowed a meal break. Such meal break shall not exceed one-half ($\frac{1}{2}$) hour and shall not be considered time worked.

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, Monday through Friday.

b) Security Department

The normal work week for each employee may vary in number of days and hours worked.

c) Public Works Department

The normal work week for each employee shall consist of five (5) days of work, Monday through Friday.

3) Meal Break

The schedule of an employee's meal break is determined by the department in which he or she is employed and the policies stated above. Individual departments may schedule the normal lunch hour, and alternate meal breaks may be scheduled to meet organizational and departmental requirements.

B. Disciplinary Action

Any deviation from these schedules without authorization by supervisor and/or Town Manager shall subject the employee to disciplinary action.

4-6. Motor Vehicle Accidents

A. Policy

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.

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 immediately, regardless of the severity of the accident or the extent of the property damage. The employee shall also notify his or her department supervisor. Failure to report an accident to his or her department supervisor at the first opportunity but not to exceed three (3) hours may be subject to disciplinary action up to and including termination.

2) Reimbursement

If the accident is the result of negligence on the part of the employee operating the vehicle or equipment, the employee may be required to reimburse the cost of repair or replacement to the Town in full or in part.

C. Disciplinary Action

If an employee of the Town is involved in an accident while operating a Town vehicle 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.

4-7. Nepotism

A. Policy

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

B. Procedure

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

4-8. Outside Employment

A. Policy

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

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's official position confers economic advantage upon the employee over others;
- 3) the employee will represent any other interests before the Town body; or
- 4) the outside employment impacts upon the efficiency of the employee.

C. Disciplinary Action

Unauthorized or other outside employment which conflicts or inhibits an employee's efficiency may be grounds for disciplinary action, up to and including dismissal.

4-9. Personal Use of Town Property

A. Policy

It is the policy of the Town that Town equipment, materials, tools and supplies shall not be available for personal use nor be removed from Town property, except in the conduct of official Town business. No individual shall operate or ride in a Town vehicle except as is required for the conduct of Town business, with the exception of the Public Works Manager.

B. Disciplinary Action

Any employee who misuses Town equipment, materials, tools or supplies shall be required to reimburse the Town for the cost of repairing or replacing the item and shall be subject to disciplinary action up to and including dismissal. Any employee who uses Town property for his or her personal use shall be subject to disciplinary action up to and including dismissal. Any employee who permits or otherwise allows an individual to operate or ride in a Town vehicle except as is required for the conduct of Town business or as approved by Town Manager shall 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. Such termination shall occur no later than the swearing-in for such office.

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 shall be entitled to have the Town Solicitor represent his or her interest in any, civil action or criminal action against him or her where the following elements are present, provided that such criminal action does not allege official misconduct, profiteering, bribery, recurring unlawful gratuities, improper influence or other abuse of his or her office or employment:

- a) the action 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 or publicly 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 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 in accordance with Title 10, Delaware Code, section 4001, shall be indemnified by The Town against any expenses (including a 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 all costs incurred thereby.

3) Procedure for Establishing Right to Indemnification

The right to indemnification provided for in 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 of all the members of the Commission.

4-12. Sexual Harassment

A. Policy

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 or of any employee of either sex.

B. Prohibited Practices

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that debilitates morale and that, therefore, interferes with the work effectiveness of its victims and their co-workers. The following practices are prohibited:

- 1) making an unwelcome sexual advance, a request for sexual favors, or other verbal or physical conduct of a sexual nature a condition of employment for any applicant or employee.
- 2) making the submission to or the rejection of such conduct the basis for an employment decision affecting an applicant or employee; or
- 3) creating an intimidating, hostile or offensive working environment by such conduct.

Sexual harassment may also be manifest in different ways. One of these is the demand for sexual favors. Other forms of sexual harassment which are also prohibited by this policy include and are limited to:

a) Verbal

- . Sexual innuendos
- . Suggestive comments
- . Jokes of a sexual nature
- . Sexual propositions
- . Threats

b) Non-verbal

- . Sexually suggestive objects or pictures
- . Graphic comments

- . Suggestive or insulting sounds
- . Leering
- . Whistling
- . Obscene gestures

c) Physical

Unwanted physical contact such as touching, pinching, or brushing the body
Coerced sexual intercourse
Assault

Sexual harassment may be overt or subtle. Some behavior which may be appropriate in a social setting may not be appropriate or permitted in the work place. Regardless of the form it takes, verbal or physical, sexual harassment can be insulting and demeaning to the recipient and will not be tolerated. Each employee will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

C. Grievance Procedure

1) Written Report

- a) Each employee who believes that he or she is or has been the subject of sexual harassment shall submit a written report of the alleged act immediately to his or her supervisor (and to the Town Manager if any action or investigation is to be undertaken). If the complaint involves the supervisor, the written report shall be submitted to the Town Manager. If the complaint involves the Town Manager, then the written report shall be filed with the Mayor. If the complaint is against a Town Commissioner, the written report shall be filed with the Town Manager to be forwarded within three (3) days to the Mayor and Commissioners.
- b) The person receiving the written report shall meet and discuss the complaint with the complainant and then reply to the complainant in writing within three (3) working days. Any complaint, which does not involve the Town Manager or a Commissioner, an answer shall be reported to the Town Manager within the same three (3) working days.
- c) 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 complaint in writing to the Town Manager. The Town Manager shall confer with the employee and the department supervisor about the complaint within five (5) working

days after the complaint is presented and shall present his or her findings to the Mayor. The Mayor shall make a decision and provide written notice of the decision to the employee within ten (10) working days after the conference between the Town Manager and the employee is held. The Mayor's decision shall be final, unless an appeal is filed with the Commissioners within ten (10) days. If the complaint was against a Town Commissioner, the decision by a majority of the remaining members of Commissioners shall be final. A hearing shall be scheduled within a reasonable period of time from the alleged incident. The time frames in this section may be extended for reasonable cause or by mutual consent.

D. Disciplinary Action

Each employee who violates this policy may be subject to appropriate disciplinary action up to and including termination of employment. Any employee who is found to have submitted a false report of sexual harassment or refuses to participate in an investigation of a sexual harassment complaint may be subject to discipline up to and including termination.

4-13. Smoking in the Workplace

A. Policy

The Town is dedicated to providing a healthful, comfortable and productive work environment for its employees.

B. Prohibited Practices

Smoking is prohibited within the municipal buildings, including office areas, hallways, waiting rooms, restrooms, lunch rooms, meeting rooms, all common areas, and all Town vehicles. This policy applies to all employees and to visitors.

C. Disciplinary Action

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

4-14. Substance Abuse

A. Policy

The Town is committed to providing a “safe” and productive work environment for employees, prospective employees and citizens. The Town, therefore, will not employ chemically impaired individuals or continue the employment of intoxicated or chemically impaired employees.

The Town has an obligation to its employees and the public to take reasonable and appropriate steps to prevent drug and alcohol abuse by its employees in and affecting the workplace. This policy is based, in substantial part, on the Town's concern regarding the safety, health and welfare of its employees, their families and the community. In an attempt to further that goal, employees are expected to be free from the influence of drugs or alcohol while they are on duty.

B. Prohibited Practices

Consistent with the commitment stated above, it is the policy of The Town that employees shall not:

- 1) report to work under the influence of alcohol or drugs;
- 2) possess or consume alcoholic beverages while on duty without authorization;
- 3) possess or consume any illegal, non-prescription drugs while on duty;
- 4) place, carry or allow to be placed, any drugs or unauthorized alcoholic beverages in any Town vehicles or equipment; or
- 5) sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty.

C. Guidelines

To ensure a “safe” and productive work environment, the Town reserves the right to test for substance use/abuse according to the following guidelines: (1) applicants extended offers for employment, (2) employees involved in a on-the-job accident, (3) employees whose behavior(s) calls into question their “fitness for duty”. These guidelines are not all-inclusive and may be expanded at the discretion of the Commissioners.

D. Procedure

1) Incident-Driven Alcohol & Drug Testing

In the case that an incident triggers suspicion of alcohol or drug abuse, the Town may require an employee to undergo an alcohol or drug test. The following incidents, while not all inclusive, may warrant an incident-driven alcohol or drug test:

- a) a medical emergency which appears to be alcohol or drug related;
- b) the observance of drugs or drug paraphernalia or alcohol at an employee's desk or workstation; or
- c) other evidence that an employee's behavior is influenced by alcohol or drugs.

2) Random Testing

All employees, including but not limited to those required to have a Commercial Driver's License (CDL), are subject to the controlled substance and alcohol testing rules pursuant to Federal Motor Carrier Safety Regulations of 49 CFR Part 382. Expenses incurred from the initial random 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 CDL drivers for an explanation of the requirements of the alcohol and drug testing regulation.

3) Application; Action

- a) Actions described in Paragraph B. Prohibited Practices of this Section shall constitute violation of the established policy, and are cause for disciplinary action up to and including dismissal. However, voluntary efforts to seek and use help will not jeopardize an employee's employment status or appear on his or her personnel records if the employee volunteers prior to documented reasonable suspicion.
- b) Applicants who test positive will not be hired.
- c) Employees who have a verified first time positive result will be suspended, counseled and given the opportunity to enter a treatment

program at their own expense. Refusal to enter treatment will be grounds for immediate dismissal. Those persons who are returned to the workplace after the completion of their program must continue in aftercare and/or a positive result at the time of a random drug screen shall result in immediate termination.

4-15. Workplace Violence

A. Policy

The Town has a strong commitment to its employees to provide a safe, healthy and secure work environment. The Town also expects its employees to maintain a high level of productivity and efficiency. The presence of weapons and the occurrence of violence in the workplace during working hours or otherwise are inconsistent with these objectives.

B. Prohibited Practices

While the Town has no intention of intruding into the private lives of its present or potential employees, it expects all employees to report on the work site without possessing weapons (even if the employee has a permit to carry a concealed weapon) and to perform their jobs without violence toward any other individual. Accordingly, personal belongings as well as persons may be subject to search if deemed appropriate.

C. Disciplinary Action

The Town expects all of its employees to work in a manner so that they can perform their duties in a safe and productive manner. Therefore, the Town considers compliance with this policy as a condition of continued employment, and a violation of this policy will result in severe disciplinary action, up to and include discharge.

4-16. Employment Relationship

A. Policy

Your relationship with Town of Henlopen Acres is strictly a voluntary one. If you do not have a specific employment contract or collective bargaining agreement, employment is “at-will”. This means that you may terminate your employment at any time for any reason, with or without notice. Additionally, Town of Henlopen Acres may terminate your employment at any time, for any reason.

This handbook is not a contract or legal document, nor is it an invitation to contract.

4-17. Personal Property

A. Policy

1) Personal Property

The Town of Henlopen Acres provides you with the supplies and equipment necessary to perform your job. The Town maintains the supplies and equipment that we provide to you in a manner we believe will allow you to work efficiently and safely. If you do not believe that you have the necessary tools, supplies or equipment to perform your job safely and efficiently, please discuss your concerns with your supervisor. It is not acceptable for you to bring your own tools, supplies or equipment into the workplace without the approval of your supervisor.

The Town of Henlopen Acres is not responsible for any lost, stolen or damaged personal property. Your personal property is not covered under our business insurance policy. Your personal property away from home may be covered under your Homeowners' Policy. You should check with your personal insurance agent to learn about the best way to protect your personal property.

2) Your Personal Vehicle

The Town of Henlopen Acres provides parking facilities for our employees. The Town is not responsible for any damage to your personal vehicle while using our parking facilities or when you are using your personal vehicle for company business. This parking area is not actively monitored.

When using your personal vehicle for company business, you will be reimbursed at the rate set by the Town multiplied by the actual miles driven. This is the total compensation for the use of your vehicle including gas, wear and tear and insurance costs.

4-18. Travel Expenses and Reimbursement

A. Policy

The Town of Henlopen Acres will reimburse employees for allowable business travel expenses incurred. These expenses need to have been approved in advance.

All business travel expenses should be submitted on the appropriate expense report. Receipts to support all expenses incurred should be attached.

A more detailed policy is available on request.

4-19. Whistleblower Policy

Pursuant to Delaware Title 19, Chapter 17 the Town of Henlopen Acres has adopted the following policy:

Purpose:

The Town of Henlopen Acres is committed to providing a safe workplace with high standards of personal ethics and legal conduct. The Town of Henlopen Acres investigates all complaints by employees of violations of Town policies, as well as unethical conduct, illegal conduct or conduct that violates high standards of personal ethics. This policy is intended to provide a process to raise concerns about such conduct and reassurance that employees reporting such conduct are protected from retaliation.

Definition:

A whistleblower, as defined by this policy, is an employee of the Town of Henlopen Acres who, reports an activity that he/she reasonably believes to be a violation of a Town of Henlopen Acres policy or unethical, illegal, or a violation of personal ethics, such as stealing, incorrect financial reporting or other serious improper conduct. The whistleblower has neither the authority, nor the responsibility, for investigating any questionable activity or for determining fault or corrective measures. Examples of unlawful activities are violations of federal, state or local laws. Examples include, but is not limited to, discrimination, harassment, billing for services not performed, requesting pay for hours not worked, stealing Town property, reporting injuries that did not occur in the course of employment, falsifying payroll records, other fraudulent financial reporting and any other unlawful conduct.

Process:

If an employee has knowledge of or a concern regarding unlawful, unethical activities or fraudulent financial reporting, the employee should report it to the Town Manager or the Mayor unless one or both are implicated in such activities or reporting. The employee can also report directly to any member of the Board of Commissioners, in person, or in writing. When the Town receives a complaint, there will be a prompt, complete and thorough investigation into the allegations. The Town Manager, Mayor and/or Board of Commissioners will be afforded the authority to consult with the Town Solicitor. The Town will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the Town will arrange for an independent investigator as soon as possible. Any employee (referred to above as a whistleblower) will be expected to cooperate, if necessary, to provide information to the independent investigator.

Reporting:

An investigation report will be forwarded to the Board of Commissioners via the Mayor and to the Town Manager, on a quarterly basis or sooner when necessary. The report will include all inquiries, activity on cases and resolution of complaints.

Safeguards:

Whistleblower protections include confidentiality whenever possible. However, identity may be disclosed to conduct a thorough investigation and to comply with the law. The Whistleblower will be advised if it becomes necessary to disclose his/her identity and the reason why disclosure is necessary. The Town will not retaliate against any employee who engages in protected whistleblower activity. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Anonymity: The Town investigates all complaints. Concerns expressed anonymously will be investigated appropriately, but consideration will be given to the seriousness of the issue, the credibility of the concern and the likelihood of confirming the allegations. It is difficult to investigate an anonymous claim because, in most cases, it is impossible to ask appropriate follow-up questions or to get accurate information.

Protection Against Retaliation: This policy includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, decreases in job duties, adverse comments in the employment record, unwanted transfers to new locations or units, negative reviews, or threats of physical harm. Any whistleblower who believes he/she is being retaliated against should contact the Mayor and/or Board of Commissioners immediately.

Resolution:

When the investigation is complete, the employee who initiated the complaint will be informed, to the extent appropriate and allowable by law, of the results of the investigation. If it is determined that inappropriate or illegal conduct has occurred, the Town will act promptly to correct or eliminate the offending or illegal conduct and, if appropriate, will impose disciplinary action, up to and including termination per Town personnel policy.

5. LEAVES 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 shall receive civil leave with pay. Temporary or part-time employees shall be eligible for time off, but shall not receive any compensation for the civil leave.

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. 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. Special Leave

A. Volunteer Fire Fighter.

Any employee of the Town who is an active volunteer fire fighter with a volunteer fire department may respond to or with the Rehoboth Beach Fire Company, with the approval of the department head of the employee and the Mayor, and be permitted to respond to fire calls during the regular business hours of employment without loss of pay, vacation, sick leave or personal leave credit.

B. Training.

Any employee may be granted administrative leave of absence with pay to participate in or obtain training courses, sessions, conferences or seminars and to engage in any similar job-related activity. Such leave shall be granted only if the absence of the employee will not interfere with the proper operating efficiency of the Town. Administrative leave for any individual employee may be granted at the discretion of the Commissioners. Travel expenses, lodging, conference fees, tuition and other similar expenses incurred during such leave may be paid by the Town at the discretion of the Commissioners. Requests for such leave shall be submitted through the department head to the Commissioners for approval or disapproval.

C. Unpaid Leave of Absence

1) Eligibility

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

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

2) Terms

- a) Demonstration of Need

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

b) Duration

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

c) 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.

d) Reinstatement

Upon returning to duty, the employee may be entitled 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 supervisor 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 may be terminated.

3. 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 approval by the Mayor.

5-3. Funeral 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. Temporary or part-time employees shall be eligible for such leave, but shall not receive any compensation for the funeral leave.

B. Terms

a) Duration

Each employee is permitted up to three (3) consecutive days of leave with pay, to arrange for and/or attend funeral services, for the death of a member of the employee's immediate family. The immediate family shall include the employee's spouse, children, parents, brother, sister, parents-in-law, brother-in-law, sister-in-law grandparents and similar step family members. If an employee wishes to extend the leave beyond the maximum three (3) days allowed, he or she will be permitted to deduct the additional days from accumulated vacation or holiday time.

b) Funeral Leave Pay

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

c) Benefit Accrual

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

d) Notification

Each employee who will be absent from work on funeral 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.

Amended 10/09/19

5-4. Holidays

A. Eligibility

The Town of Henlopen Acres observes holidays in recognition of certain people and events. All full-time employees are eligible for the following holidays with pay:

- 1) New Year's Day
- 2) Martin Luther King, Jr.'s Birthday
- 3) President's Day
- 4) Good Friday
- 5) Memorial Day
- 6) Fourth of July/Independence Day
- 7) Labor Day
- 8) Columbus Day
- 9) Veteran's Day
- 10) Thanksgiving Day
- 11) Day after Thanksgiving Day
- 12) Christmas Day

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

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 weekly pay rate or based on 40 hours for hourly paid employees.

- 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

If an employee is absent without pay on the regularly scheduled work day immediately before and after the holiday, the employee will not be paid for

the holiday. Absence must be a paid day of absence using vacation or sick time, or otherwise authorized by the Town Manager.

If a holiday falls within a scheduled vacation period, the employee will not be charged for a vacation day for that holiday.

4) Work Required on Holiday

All full-time hourly paid employees who work on a Town holiday in order to meet the needs of the Town, will be compensated with an equal number of hours of paid time off to be used at the employees discretion within one year from the date of the holiday worked.

All part-time hourly paid employees who work on a Town holiday in order to meet the needs of the Town, will be paid at one and one-half times the employee's regular rate.

5) Termination/Retirement Credit for Accumulated Holiday Leave

Upon termination or retirement, an employee shall be paid in full accrued unused holiday leave. An employee shall not be eligible if he or she is terminated due to gross misconduct or does not leave in good standing with two weeks notice to the Town. In the event of death of an employee, the full amount of accrued unused holiday leave shall be paid to the beneficiary or the estate of the deceased employee as determined by the Town Manager.

Section 4) Revised June 10, 2022

5-5. Maternity Leave

A. Eligibility

Any pregnant female employee shall be eligible for maternity leave while temporarily physically incapacitated from performing her duties.

B. Terms

1) Commencement

Maternity leave shall commence when the employee is declared by her physician to be physically incapacitated.

2) Duration

The employee shall be allowed to remain absent from work for a maximum of six (6) weeks after the birth (eight (8) weeks in the event of a caesarean), unless her physician verifies that she is still incapacitated. If her leave of absence is extended, she shall be reexamined by a physician on a regular basis until she is declared to be able to return to work. It is expected that the employee will follow the advice of a physician while on maternity leave.

3) Maternity Leave Pay

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

4) Benefit Accrual

While on maternity 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.

5) Reinstatement

Upon returning to duty, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority or pay 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 employee shall notify the supervisor immediately.

6) Notification

An employee desiring a maternity leave of absence shall notify their supervisor at least one month prior to the date of the requested leave. A request for maternity leave carries with it the intention to return to Town employment.

5-6. USERRA and Military Leave

A. Policy

The Town of Henlopen Acres is committed to complying with all aspects of The Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. We will not discriminate against past and present members of the uniformed services, and applicants to the uniformed services. We will not deny initial employment, reemployment, retention in employment, promotion or any benefit of employment based on your military status.

5-7. Sick Leave

A. Eligibility

All full-time employees are eligible to begin accrual of sick leave upon the first year anniversary of the date of their employment. Temporary and part-time employees shall not accrue sick leave and 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 five (5) days per completed year.

2) A full-time employee may accumulate a maximum of 10 days of sick leave. If an employee accumulates more than the maximum allowable amount of unused sick leave, on January 1 his or her leave shall be reduced to the proper maximum.

3) Sick Leave Pay

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 of hourly paid employees. Each employee who has exhausted all accrued sick leave shall not be paid for any absence because of a personal illness or injury. Each temporary or part-time 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. The use of sick leave during absences caused by illness or injury of members of the employee's family is prohibited.

4) Termination/Retirement Credit for Accumulated Sick Leave

Unused sick leave shall not be reimbursed upon either resignation or termination.

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 after the employee's scheduled starting time. Because of the critical nature of shift work, a shift worker must notify the on-duty shift supervisor of a desire to take sick leave no later than one-half hour prior to the beginning of the shift. Each employee who fails to provide the Town with the required notice shall be considered to be absent from work without approval, shall receive no compensation while absent, and may be subject to termination from employment for such unapproved absence.

7) Verification

- a) The employee may be required to provide the supervisor with medical verification documenting that the absence is the result of a personal illness or injury; 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 the employee is absent for three (3) consecutive days or longer. 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 termination from employment for such falsification of information.
- b) 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.

8) Excessive Sick Leave

Excessive sick leave shall be defined as the use of sick leave at a rate which exceeds the average usage rate of all Town employees during the previous calendar year. Department supervisors shall take the following measures with an employee whose sick leave use exceeds the average usage rate of a Town employee:

a) Counseling

The department supervisor shall meet with the employee to determine if there is reason to believe that the employee may be abusing the sick leave benefit. If the department supervisor determines that the

employee's use of sick leave has been proper and justified, there shall be no further action taken with the employee at that time.

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

b) Corrective Measures

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

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

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

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

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

c) Disciplinary Measures

First Offense

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

Second Offense

If the employee is absent from work on two (2) separate occasions and fails to submit the required medical verification, then he or she shall receive no compensation for the absence and

shall also be suspended without pay for three (3) work days.

Third Offense

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

5-9. Vacation

A. Eligibility

All full-time employees, having completed one-year of continuous employment, are eligible for vacation time to be used for rest and relaxation, medical appointments, illness when sick leave is exhausted and for absences due to adverse weather conditions and other times as approved by their supervisor. Temporary or part-time employees are not eligible for vacation leave. An employee is eligible for vacation according to the following schedule and other times as approved by the supervisor.

- 1) each full-time employee with at least one (1) year of continuous employment, but fewer than five (5) completed years of service shall earn vacation leave at the rate of ten (10) days per year.
- 2) each full-time employee with five (5) completed years of continuous employment, but less than ten (10) completed years of service shall earn vacation leave at the rate of fifteen (15) days per year.
- 3) each full-time employee with ten (10) completed years of continuous employment or more shall earn vacation leave at the rate of twenty (20) days per completed year.

B. Terms

- 1) Accumulation

Any unused vacation leave, not to exceed five days, may be carried forward to the next benefit year. Any unused vacation leave in the current benefit year, shall be reimbursed to the employee upon resignation, termination or retirement.

- 2) Vacation Pay

All vacations shall be on a time off with pay basis for eligible employees. One vacation day equals eight hours at the employee's regular hourly pay rate. Salary employee vacation shall be calculated based on a 40 hour week and eight hour days.

- 3) Benefit Accrual

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

4) Severance Pay

Employees leaving the Town's employment on or before the 15th of the month will not receive vacation credit for that month; those departing after the 15th of the month will receive vacation credit for that month. An employee shall not be eligible if he or she is terminated due to gross misconduct or does not leave in good standing with a two week notice to the Town.

5) Holiday Falling During Vacation

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

6) A benefit year runs from the hire date anniversary to the next years hire date anniversary. Current employees whose benefit year begins January 1 and ends December 31, will remain on this benefit year.

C. Authorization

Vacation can be taken only when authorized by the department supervisor. The amount of time required to request vacation leave in advance 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.

Rev. 7/12/2013

5-10. Workmen's Compensation Leave

A. Eligibility

All employees shall be eligible for workmen's compensation leave while physically incapacitated because of an "on-the-job" sickness or injury covered by the Delaware Workmen's Compensation Act. Temporary and part-time employees shall be placed on an unpaid leave of absence status.

Employees shall be entitled to use accrued and accruing sick leave, vacation leave and holiday leave.

B. Terms

1) Commencement

Workmen's compensation leave shall commence when the employee is declared by his or her physician to be physically incapacitated.

2) Duration

Duration of the workmen's compensation leave will be governed by applicable Delaware state laws.

3) Workmen's Compensation Leave Pay

An employee shall receive workmen's compensation benefits by applicable Delaware state laws that are in effect at the time of the injury.

4) Benefit Accrual

While an employee is on workmen's compensation leave, benefits and other leaves shall accrue as though on regular duty.

5) Reinstatement

Upon reinstatement, an employee's salary shall be computed on the basis of the last salary earned plus any across the board or reclassification salary increase to which the employee would have been entitled during the disability covered by workmen's compensation.

6. PROBLEM RESOLUTION, EMPLOYEE DISCIPLINE AND TERMINATION

6.1 Problem Resolution

Problem Resolution

Henlopen Acres is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open atmosphere in which any problem, complaint, suggestion, or question receives a timely response from management. Henlopen Acres strives to ensure fair and honest treatment of all employees. Managers and employees are expected to treat each other with mutual respect.

If you disagree with established rules of conduct, policies, or practices, you can express your concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a concern with the organization in a reasonable, business-like manner or for using the problem resolution procedure.

If a situation occurs when you believe that a condition of employment or a decision affecting you is unjust or inequitable, you are encouraged to make use of the following steps. You may discontinue the procedure at any step.

- If there is something about your position that is unsatisfactory, take it to someone who can help. You should meet with your Manager regarding your complaint or concern. Your Manager will gather all of the necessary facts and provide you with a timely response.
- If your Manager cannot provide a satisfactory response, they/them will then bring your problem to the attention of the Town Manager, who will meet with you and your Manager attempting to arrive at a satisfactory answer.
- If you are not satisfied with the response, the Mayor is always available to assist.
- If you feel uncomfortable about discussing a problem with your Manager, you may bypass that individual and discuss your problem with the Town Manager or the Mayor.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

6.2 Employee Conduct and Discipline

Employee Conduct and Discipline

Henlopen Acres is committed to conducting its business according to the highest legal, moral, and ethical standards. As an employee, we expect you to deal honestly and fairly with residents, the Town's Board of Commissioners and appointed Committee persons. By maintaining these standards, we will enhance the good name and reputation that the Town strives to maintain.

By accepting employment with us, you have a responsibility to Henlopen Acres and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary. The nature of our organization means that our employees will be engaging with residents daily. Therefore, the highest degree of professionalism must be maintained at all times, by all employees.

Discipline Policy

The Discipline Policy applies to **ALL** employees of the Town of Henlopen Acres.

In most circumstances, Managers are expected to follow the three-step procedure outlined below. There may be situations, however, in which the seriousness of the offense justifies the omission of one or more of the steps in the procedure. Likewise, there may be times when the organization may decide to repeat a disciplinary step.

To ensure that Henlopen Acres business is conducted properly and efficiently, an employee must conform to certain standards of professionalism, conduct, work performance and other work rules and regulations.

When a problem in these areas does arise, your Manager will coach and counsel you in mutually developing an effective solution. If, however, you fail to respond to coaching or counseling, or there is another incident requiring formal discipline, the following procedures may occur.

A.Step One: Verbal Counseling

Your Manager will counsel you in a one-to-one meeting where you can discuss the problem, making sure that you understand the nature of the violation and the expected remedy. The purpose of this conversation is to remind you of exactly what the rule or performance expectation is, and also remind you that it is your responsibility to meet that expectation.

You will be informed that Verbal Counseling is typically the first step of the discipline procedure. Your Manager will document that the Verbal Counseling took place.

B.Step Two: Written Warning

If your performance does not sufficiently improve in a timely manner, or if you are again in violation of Henlopen Acres practices, rules or standards of conduct, or if the infraction or performance omission is of such a severity, your Manager may issue a Written Warning. In administering the Written Warning, your Manager will discuss the issue with you, emphasizing the seriousness of the problem and the need for you to immediately remedy the problem.

Following the conversation, your Manager will write a memo to you summarizing the

discussion and the relevant time frame for improvement, whether immediate or over a specified period of time. The original memo will go to you and a copy will be kept in your personnel file.

Corrective performance must be maintained with no additional incidents.

C.Step Three: Final Warning

If an employee's performance does not improve following a Written Warning, or if another violation of Henlopen Acres practices, rules, or standards of conduct, or if a sufficiently egregious incident occurs that jeopardizes an employee's continued employment status, an employee may be issued a Final Warning. This is meant to convey in the strongest terms possible that the behavior the employee exhibited was unacceptable or a continued pattern of poor performance or disregard of Town policies and procedures is unacceptable.

The Manager will document the plan for continued employment, and the employee will be required to sign the plan in agreement to abide by Henlopen Acres policies, practices, and rule of conduct. A copy of the signed plan will be reviewed by the Town Manager and placed in the employee's personnel file.

Employee improvement must occur and must be maintained to avoid immediate Termination of employment.

Gross Misconduct

We always expect employees to act responsibly. If employees have any questions concerning work or rules surrounding unacceptable behavior, the Manager will provide an explanation.

There are three distinct categories of unacceptable behavior:

- **Illegal criminal behavior** (e.g. theft, threats of violence and violence itself, drug abuse and the like). These issues may be handled in concert with the police or appropriate authorities. These actions are regarded as grounds for immediate termination.
- **Unlawful, but not typically criminal behavior** (e.g. harassment, and discrimination including but not limited to race, color, religion, sex, and national origin). These types of behavior require immediate action and may also be grounds for termination.
- **Any other lack of compliance with workplace rules (e.g. dishonesty, insubordination, failure to cooperate, rudeness to residents or coworkers, tardiness, inattention to work or safety standards).** All categories of unacceptable behavior will be addressed and may result in disciplinary action, up to and including dismissal.

6.3 Termination

Termination

It is our policy to retain good employees. Employment at Henlopen Acres is "at will" and for no specified time, regardless of length of service. Employees are free to leave employment for any reason, Henlopen Acres reserves the same right to end the employment relationship with any employee at any time, with or without notice, for any reason not prohibited by law. Terminations are treated in a confidential, professional manner by all concerned and in accordance with our Equal Employment Opportunity statement.

Employment with Henlopen Acres is normally terminated through one of the following actions:

- **RESIGNATION** - voluntary employment termination initiated by an employee. As a courtesy, we request two weeks' notice of resignation.
- **DISMISSAL** - involuntary employment termination initiated by Henlopen Acres when further employment of the individual is no longer in the best interest of the Town.
- **LAYOFF** - involuntary employment termination initiated by Henlopen Acres due to reduction of the work force, elimination of a position for lack of work, departmental closure, and the like.

D. Resignation

An employee desiring to terminate employment, regardless of employment classification, is expected to give as much notice as possible. Two weeks or ten working days is generally considered to be sufficient notice, however, the Town appreciates greater advance notice from long-term employees in critical roles.

Should an employee resign where there is any conflict of interest, or if the employee refuses to reveal the circumstances of their resignation, management may require the employee to exit immediately rather than work during the notice period. This is not to be construed as a reflection upon the employee's integrity but an action in the best interests of business practice.

E. Dismissal

An employee may be dismissed at any time, for any reason, with or without cause, at the sole and absolute discretion of management. In the case of dismissal, we may, at our sole discretion, give some notice to dismiss an employee, but we are not required to give any such notice. This category includes non-disciplinary terminations (such as where an employee cannot return from leave, or is unable to do the position despite good faith effort, or simple personality conflicts where the relationship has deteriorated to the point where we conclude dismissal is best). It also includes terminations for disciplinary reasons.

F. Layoff

When a reduction in force is necessary, one or more positions are eliminated, or work is unavailable, we may, at our sole discretion, identify the employees to be laid off. We **may** give two weeks' notice to the laid off employee. Additional notice may be required by law.

G. Termination Processing Procedures

- All outstanding advances charged to the terminating employee will be deducted from the final paycheck as allowed by law.
- On the final day of employment, a designated management employee must receive all keys, laptop, and other company property from the employee.
- An exit interview with the employee may be conducted. This interview will afford an opportunity to discuss such issues as benefits, conversion privileges, repayment of outstanding debts to the organization, or return of company-owned property. Suggestions and questions may also be addressed.
- The employee will receive their final paycheck in accordance with state law. The final check shall include all earned pay due to the employee. Please note this final paycheck may be withheld if the terminating employee has any items belonging to Henlopen Acres still in their possession after the deadline to return them.