



CITY OF LACONIA, NEW HAMPSHIRE  
PERSONNEL RULES AND REGULATIONS

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## CHAPTER 1

### DOCUMENT ANALYSIS

#### 1.1 Authority

These Personnel Rules and Regulations have been established in compliance with Article VI of the "Revised Charter of the City of Laconia, 1970".

#### 1.2 Purpose

(a) To establish for employees a system of personnel administration based on merit principles and designed to secure fair and efficient administration.

(b) To provide information, policies and procedures, including merit principles, a classification plan, compensation plan, longevity, recruitment and selection, training, promotion, transfers, discipline, complaints, separations, attendance, vacation and leaves, fringe benefits, employee organizations, retirement and other matters essential to efficient service and improved operations and working conditions.

(c) To provide for a Personnel Advisory Board.

#### 1.3 Applicability

These Personnel Rules and Regulations, including future amendments, shall apply to all persons in the employ of the City of Laconia, except members of the School Department, Laconia Water Works, the Laconia Police Department, the City Manager, elected or appointed boards, commissions and committees. The provisions of these rules and regulations shall apply unless otherwise provided by Collective Bargaining Agreements, Federal or State statutes, or the Laconia City Charter. Where specific provisions are not outlined in the Collective Bargaining Agreement, the Personnel Rules and Regulations shall apply.

#### 1.4 Amendments

The City Council, upon recommendation of the City Manager or Personnel Advisory Board may amend, waive or suspend these rules and regulations.

### 1.5 Responsibility for Administration

The City Manager shall have the basic overall responsibility for the administration of these rules and regulations. Each department head shall be responsible for ensuring compliance with appropriate portions of these rules and regulations consistent with their authority and duties. Each department head shall have supervision of his/her department and the employees therein, and shall have power to prescribe departmental regulations for the operation of their department and employees, provided such regulations are not inconsistent with general law, the City Charter, the Administrative Code and these Personnel Rules and Regulations.

### 1.6 Effective Date

These rules and regulations or any amendment thereto shall become effective one month after submission by the City Manager to the Council unless vetoed by the Council within that period.

Definitions of Terms used in these Rules and Regulations.

2.1 "ACCRUE" means to add to in an orderly manner.

2.2 "POSITIONS" refer to all positions in the service of the City except: persons elected to office by popular vote and persons appointed to fill vacancies in such office, positions on appointive boards, commissions and committees, per diem or outside contractors.

2.3 "DEMOTION" means the change of an employee from a position in one grade to a position in another grade having a lower maximum salary or wage rate, when such change is not the result of an amendment to the Classification and Compensation Plan.  
Amendment No. 2, Revised 9/29/80; Effective 10/28/80

2.4 "GRADE" means a group of positions sufficiently alike in duties, authority, and responsibility to justify the same grade, qualifications, and schedule of pay to all positions in the group.

2.5 "PROBATIONARY" period means a working test period during which an employee is required to demonstrate his/her fitness for the duties to which he/she is appointed.

2.6 "PROMOTION" means a change of an employee from a position in one grade to a position in another grade having a higher maximum salary range.

2.7 "TRANSFER" means a change of an employee from one position to another position in the same grade, or to another grade having essentially the same maximum salary limits, involving their performance of similar duties and requiring substantially the same basic qualifications.

## CHAPTER 3

### Merit Principles.

3.1 The personnel policy of the City is that:

- (a) Employment in the City government shall be based on merit free of considerations of a person's race, color, creed, national origin, religion, age, sex, marital status, sexual orientation, physical or mental disability, or veteran status except where a reasonable bonafide occupational qualification exists.
- (b) Just and equitable incentives and conditions of employment shall be established and maintained to the extent feasible to promote efficiency and economy in the operation of the City government.
- (c) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- (d) Appointments, promotions and other actions requiring the application of the merit principles shall be based on systematic tests and/or evaluations.
- (e) Efforts toward high morale shall be maintained by fair administration of these Personnel Rules and Regulations and by every consideration of the rights and interests of employees consistent with the best interests of the public and the City.
- (f) Tenure of employees covered by this ordinance shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work and the availability of funds.

## CHAPTER 4

### Personnel Advisory Board.

4.1 There shall be established a Personnel Advisory Board of three citizens holding no other municipal office and appointed, one member by the Manager, one by the Council, and the third by these two appointees. In the first instance only the member appointed by the Manager shall serve for one year, the member appointed by the Council for two years, and the third member for three years; the terms of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the Council concerning the personnel policies of the City and the Manager regarding the administration of the merit plan and to hear appeals from any employee aggrieved as to the status or condition of his employment. The Board shall issue written reports containing findings of facts and recommendations to the Manager upon such appeals, but the Board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee solely on the basis of race, color, creed, national origin, religion, age, sex, marital status, sexual orientation, physical or mental disability, or veteran status except where a reasonable bonafide occupational qualification exists.

## CHAPTER 5

### Job Classification Plan.

5.1 The Personnel Specialist shall make an analysis of the duties and responsibilities of all positions of the City. He/she shall recommend to the City Manager amendments to the Personnel Rules and Regulations.

5.2 Each position shall be assigned to a Grade based on the type and level of its duties and responsibilities, so that all positions in the same Grade shall be sufficiently alike to permit use of similar qualification requirements, and the same pay scale. A Grade may contain one or more positions.

5.3 Prior to submission of the initial classification plan or amendments to the City Council, the City Manager shall give employees the opportunity to appeal in writing any dissatisfaction with his/her grade evaluation. Appeals must be made within ten (10) days of the date of notice.



## CHAPTER 6

### Compensation Plan.

6.1 Periodically, the Personnel Specialist, in consultation with the Finance Director, shall make an analysis of the pay plan and rules for its administration. He/she shall recommend amendments to the City Manager. The hourly rate of pay or salary for each grade shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment.

6.2 Each Grade shall have a minimum and maximum salary range or hourly rate of pay.

CHAPTER 7

Longevity Plan

7.1 Longevity Bonus.

In addition to salaries and wage rates as may be approved by the City Council, the City of Laconia shall recognize satisfactory service of full-time employees covered under these Personnel Rules and Regulations by the payment of longevity bonuses according to the schedule shown below. A full-time employee under this provision is one whose work schedule averages a minimum of 35 hours per week during the 12 month period. The periods of time during which an employee is not authorized to accrue annual leave or sick leave shall not be creditable time for longevity purposes. Creditable time under this provision may be effective with the date an employee begins City employment. Upon completion of:

5 years creditable service through	9 years....	1 day pay plus one (1) personal day
10 years	" " "	14 years.... 2 days pay plus one (1) personal day
15 years	" " "	19 years.... 3 days pay plus one (1) personal day
20 years	" " "	24 years.... 4 days pay plus one (1) personal day
25 years	" " "	until termination.... 5 days pay plus one (1) personal day

For calculations under this section, one (1) days pay shall equal the employees standard hours of employment. Personal day earned must be used within 12 months of earning.

(Applicable to employees covered by a Collective Bargaining Agreement only if specified in the Union Agreement)

## CHAPTER 8

### Selection of Employees, Preference, New Positions, Position Vacancies, Probationary Period, Demotions.

8.1 The selection of personnel for any position in the City shall be based on job related qualifications and experience as determined through interviews and reference checking.

8.2 Interviews shall be in such form as will fairly determine the abilities, aptitudes and qualifications of candidates for the duties to be performed, and may not include any inquiry into, or consideration of, the political or religious affiliations or race, color, creed, national origin, religion, age, sex, marital status, sexual orientation, physical or mental disability or veteran status of any candidate except where a reasonable bonafide occupational qualification exists.

8.3 Physical examinations may be required whenever physical fitness is deemed to be an essential function of the job. All such requirements shall conform to applicable federal and state requirements.

8.4 Applications for employment must be submitted to the Personnel Specialist on a form prescribed by him/her. All applications and resumes received will be logged by the Personnel Specialist. In those cases where qualifications are equal, veteran status will serve as a tie breaker.

8.5 Preference will be given to hiring residents of Laconia when qualifications are deemed to be equal. A non-resident of Laconia may be selected for a position with the City provided his or her performance of duties will not be adversely affected by residency outside Laconia, or, if performance would be adversely affected, the applicant agrees to become a resident of the City within sixty (60) days after the appointment.

8.6 Whenever a department head wishes to establish a new position, he/she shall notify the Personnel Specialist in writing stating the position title, grade or a job description, if the position is not classified, and the reasons for the new position. The Personnel Specialist will submit to the City Manager for approval with his/her recommendation.

8.7 Temporary employees may be hired provided all the following are met:

- (a) The applicant has filed an application with the Personnel Specialist.
- (b) The position is for seasonal, emergency, or special help reasons.
- (c) Adequate funds are available.

8.8 The department head and Personnel Specialist will review and rank applications according to criteria pertinent to the position. Applicants with the highest ranking will be interviewed by the department head and the Personnel Specialist who will rate the interview. The department head will make the hiring selection.

8.9 Department heads will immediately notify the Personnel Specialist of any known or anticipated position vacancy within their departments.

8.10 A position vacancy shall be filled by an applicant who is or is not a City employee. Vacancies shall be filled by promotion of a City employee into the position vacancy whenever it is in the best interests of the City to do so. The department head and Personnel Specialist shall make that determination, based upon the qualifications of all applicants for the position and the record of performance of City employee applicants. The qualifications of applicants will be determined by interviews. Every City employee is entitled to make application at any time to the Personnel Specialist for promotion.

In cases where a vacancy occurs and the total number of City employees is not to be increased, the City Manager may waive the external advertising process and seek City employees who may be found to be qualified for the vacant position.

8.11 Demotion. In those cases where a new employee or an employee recently promoted cannot satisfactorily perform the functions of that job and no negligence or any other misconduct exists, the employee may be demoted to a lower position if there is a vacancy for which he or she qualifies. The employee will be served notice and may grieve the decision as outlined in Chapter 12.

8.12 All appointments will be probational in nature during the first six (6) months of employment unless otherwise provided in collective bargaining agreements. The work and conduct of probationary employees shall be subject to close scrutiny and evaluation. Any probationary employee may be dismissed or demoted at any time during the probational period upon the recommendation of the department head and approval of the Personnel Specialist. Such dismissals or demotions shall not be subject to review or appeal. Employees who satisfactorily complete their probational period will become regular employees.

## CHAPTER 9

### Training

9.1 In-Service Training: Each probationary and regular employee shall be encouraged and may be required, when appropriate, to participate in training or educational programs or courses which will improve their performance or prepare them for advancement. Such courses or programs shall be determined by the department heads and may be subject to the approval of the City Manager where the training would involve City funds.

## CHAPTER 10

### Transfers

10.1 Transfers may be made under the following conditions:

- (a) City employees may apply for transfer to any vacant position in the City government which has the same position classification as that being performed by the employee.
- (b) When the City Manager deems transfer is necessary because of workload, work conditions, lack of funds or other cogent reasons.

10.2 Employees who wish to apply for a vacant position will complete a City application form which will be reviewed and ranked against all other applications submitted. The employee may be interviewed in accordance with the normal hiring procedure.

## CHAPTER 11

### Lay Off

#### 11.1 General

The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be separated by layoff (temporarily or permanently), suspension, or permanently separated by resignation or dismissal.

(a) Reason. The City Manager may lay off employees. Reasons for layoff include but are not limited to the following:

- (1) Reorganization resulting in the abolishment or consolidation of positions.
- (2) Shortage of work.
- (3) Shortage of funds.

(b) Procedure. The City Manager shall give written notice to the employee at least five days prior to the effective date of the layoff.

A copy of the notice shall be furnished to the Personnel Specialist.

(c) Order of Layoff. Unless otherwise provided by collective bargaining agreements, the reduction shall be made by position or grade as the City Manager may designate, provided that employees shall be laid off in the inverse order of their relative length of service. Lay-off shall be by position within each department. Layoffs shall be made in the following order:

- (1) Temporary employees
- (2) Probationary employees
- (3) Regular employees

(d) Appeal. No temporary, probationary or regular employee will have the right to appeal a layoff.

## CHAPTER 12

### Discipline

12.1 Possible Causes for Disciplinary Action. Each instance involving possible disciplinary action shall be determined on an individual basis, previous offenses, manner of performance and all contributing factors. Efforts shall be made to have disciplinary action as uniform as feasible within and between departments. The breach of these rules may result in discipline which may range from oral to written reprimand to suspension or discharge. Types of behavior and conduct that are subject to disciplinary action include, but are not limited to the following:

- (a) Acts of disobedience or insubordination.
- (b) Gross neglect of duty or frequent simple neglect of duty.
- (c) Use of alcoholic beverages or drugs while on duty or reporting for duty while under the influence of intoxicants.
- (d) One or more violations of federal or state laws or City ordinances, dependent upon circumstances, seriousness, frequency and relatedness to job duties.
- (e) Conviction of a felony or other serious crime .
- (f) Misuse, misappropriation, destruction, theft, or conversion to personal use or gain of City-owned or leased property, equipment, supplies or material.
- (g) Frequent tardiness or unauthorized absence from work.
- (h) Uncivil or discourteous attitudes, or the use of indecent, lewd or slanderous language or actions toward the public or City employees.
- (i) Accepting cash, gifts or other items of value for performing special favors through any municipal service as outlined in Code of Ethics, Article 5 of Chapter 5 of the Laconia City Ordinance.
- (j) Sexual Harassment as defined in the City's Sexual Harassment Policy.
- (k) Possession of firearms or other dangerous weapons in the workplace.
- (l) Disregard for safety rules as outlined in the City's Safety Manual or department policy.
- (m) Soliciting or engaging in self-employment during work hours.

### 12.2 Outside Employment, Interests and Conduct



(a) A City employee shall not solicit or engage in any employment or self-employment during his/her assigned City working hours. His/her actions and activities during assigned City working hours shall be limited to official business within the scope of his/her assigned City duties and responsibilities.

(b) During the course of any investigation or hearing, the Personnel Advisory Board, City Manager or Personnel Specialist may request any employee of the City to attend and give witness. Any City employee illegally refusing to do so may be subject to disciplinary action, such as suspension, dismissal or other appropriate action.

### 12.3 Dress Code

(a) Employees dealing with the public or in public view should be dressed in business attire that is appropriate for their position and work, and consistent with a business office atmosphere. Clothing should be neat, clean and in good repair. Department Heads are expected to set the example and the standard for employees in their department, and as representatives of the City of Laconia.

### 12.4 Motor Vehicle Offenses

(a) Certain employees of the City are required to hold a driver's license and/or a commercial driver's license in order to qualify for and maintain their employment. Such employees are required to report to their supervisor any arrest, summons, or official notice for any offense that may result in suspension or revocation of their driver's license or commercial driver's license. The supervisor shall then immediately report the matter to the department head or the Personnel Specialist. The City will review the totality of the circumstances and take action it determines in its discretion to be appropriate, up to and including termination of employment. Effective 8/26/13.

### 12.5 Suspension

(a) Reason. When in the judgment of a department head or City Manager, an employee's work performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay.

### 12.6 Procedures for Disciplinary Action

(a) A Department Head may, after consultation with the Personnel Specialist, and obtaining approval of the City Manager, suspend or dismiss an employee for just cause. The City Manager may suspend or dismiss a Department Head for just cause. An exempt employee will not be suspended without pay for less than one (1) pay period in accordance with State regulations.

(b) A written notice of the reasons for the suspension or dismissal shall be furnished to the employee by the immediate supervisor and the Personnel Specialist prior to, or in the case of a serious infraction, at the time of the suspension or dismissal. The notice shall inform the

employee that he/she shall be allowed to file a grievance in accordance with the Grievance procedure outlined in 12.6.

## 12.7 Grievances

General. A grievance is a dispute or difference of opinion raised by an employee or employees covered by these rules regarding the meaning, interpretation or application of these rules, laws or policies that govern the employee's behavior.

(a) The vast majority of grievances usually can and should be resolved by the complainant discussing the matter with his/her immediate supervisor or the Personnel Specialist. The Personnel Specialist or supervisor to whom a complaint is made shall make a complete, prompt and discreet inquiry into the facts and circumstances and attempt to resolve the problem promptly. A written decision to the complainant shall be rendered within ten (10) working days.

(b) An employee who is dissatisfied with the actions or decisions of his/her supervisor may present his/her grievance in writing to the City Manager within ten (10) working days of the supervisor's decision. The City Manager may complete an investigation of the grievance or under certain circumstances, may refer to the appropriate individual or to the Personnel Specialist to complete an investigation.

(c) The City Manager will render a decision within ten (10) working days from the receipt of the written grievance from the complainant. If the grieving employee is dissatisfied with the decision of the City Manager, the aggrieved employee may submit a written request to the Personnel Advisory Board within ten (10) working days from the date of the City Manager's decision. A copy will be furnished to the City Manager, supervisor and Personnel Specialist.

(d) At the discretion of the aggrieved employee, the hearing of the Personnel Advisory Board may be private or open to the public.

(e) Employees shall not submit grievances or complaints to the Personnel Advisory Board until all of the above steps have been followed.

(f) The Personnel Advisory Board shall, upon the receipt of a grievance or request for a hearing where the above steps have not been followed, will request the employee to follow the steps outlined.

(g) Any employee against whom disciplinary action has been taken, or is contemplated shall have the right to bring before any investigative or reviewing authority and the Board any material witness, counsel, or relevant evidence. The disciplining authority, reviewing authority and boards shall have similar rights.

(h) The Personnel Advisory Board has the authority to review and advise.

## CHAPTER 13

### Performance Evaluations

13.1 General. A written performance evaluation shall be completed for each regular City employee at least once each year on their anniversary date. The evaluation shall cover the previous twelve-month period. The evaluation also will be rendered on each probationary employee covering his/her probationary period of work.

13.2 Purpose. To establish and maintain records of manner of performance of work for reference purposes regarding rehiring, discharge, promotions, transfers, pay raises, training, and other matters.

13.3 Format. The Personnel Specialist shall determine the format and distribute the form and regulations pertaining thereto.

## CHAPTER 14

### Attendance, Vacation, Sick Leave, Bereavement Leave, Worker's Compensation, Other Leaves and Absences, Family Leave.

#### 14.1 Hours.

- (a) The hours of work shall be established by department heads and approved by the City Manager.
- (b) The hours of work in various departments shall be as similar as the requirements of a department permits.
- (c) The pay period is Monday through Sunday. Non-exempt employees are required to complete a daily record of actual hours worked, including lunch breaks.
- (d) Deductions from an employee's paycheck will be made only as allowed by New Hampshire law (RSA 275:48 / LAB 803.03). See sections 4.6 and 4.7 of the Classification and Compensation Plan for additional information.
- (e) Overtime pay will be paid as outlined in section 5.19 of the Classification and Compensation Plan except where governed by a Collective Bargaining Agreement.
- (f) Unpaid meal periods of thirty to sixty minutes will be allowed based on the operational needs of the department. A fifteen minute break period shall be allowed as determined by the needs of the department.
- (g) Employees who are required to attend a business related meeting, conference or convention shall be reimbursed as outlined in the City's Travel Reimbursement Policy.

14.2 Attendance and Unauthorized Absence. Employees shall be in attendance at their work in accordance with departmental regulations and these rules and regulations. Unauthorized absence from work for a single day or part of a day may be cause for loss of pay for the time absent or cause for disciplinary action.

Any non-exempt employee absence without leave shall be without pay and may be subject to other disciplinary action. An exempt employee absence without leave shall only be without pay as allowable under U.S. Department of Labor regulations. Any employee who is absent without authorized leave for three consecutive days shall be deemed to have resigned.

14.3 Holidays. The official holidays of City employees shall be the same as those established by law for the State of New Hampshire unless otherwise provided by Collective Bargaining Agreements.

14.4 Vacation

(a) General. This section shall be applicable to employees covered by these rules and regulations. In regard to union members, vacation matters will be as covered in the union contract; if not covered, vacation outlined in the Personnel Rules and Regulations will be applicable.

(b) Employees Entitled to Paid Vacation.

1. Probationary employees hired to fill regular full-time or part-time positions whose normal work week is at least 20 hours.
2. Regular full-time and part-time employees whose normal work week is at least 20 hours.

(c) Employees not Entitled to Paid Vacation.

1. Temporary or seasonal.
2. Employees whose normal work week is less than 20 hours.

(d) Eligible employees shall receive each month a credit toward paid vacation time based upon normal work week excluding overtime. He or she will begin earning and accruing those credits beginning with the first month of employment. The amount of paid vacation time which an employee "earns" or accrues each month is dependent upon the number of years the employee has worked as a City employee, as follows:

<u>Yrs. Of Service</u>	<u>No. of days paid vac. Earned each month (approx)</u>	<u>No. of days of paid vac earned 12-mos. (exact)</u>
0 to 9	.834	10 days
10 to 19 years	1.25	15 days
20 years or more	1.67	20 days

e) Definition of accrued vacation days: the total number of days of paid vacation which an employee has earned, less the number of days of paid vacation the employee has taken during the same earning period of time.

(f) Employees may take all or part of their accrued vacation beginning as early as two months after commencing employment.

(g) Employees are not allowed to take paid or unpaid vacation in excess of their accrued vacation days.

(h) The maximum number of accrued paid vacation days which an employee may accumulate is limited to the total number of paid vacation days he or she is entitled to earn during an 18 month period. Hence, on January 1 of each year, the maximum number of accrued paid vacation days for employees will be limited as follows:

<u>FOR EMPLOYEES WITH FOLLOWING YEARS OF SERVICE</u>	<u>MAXIMUM NUMBER OF ACCRUED PAID VAC DAYS</u>
0 to 9 years	15
10 to 19 years	22 1/2
20 years or more	30

Therefore, any employee who, on January 1 of any year, possesses accrued paid vacation days exceeding the preceding maximums will automatically lose those days which exceed the maximum. Thus, employees will begin each calendar year with entitlement to accrued paid vacation days of no more than the maximum number of days shown above.

(i) Employees may take paid vacation ranging from one day to as many days as the employee has accrued.

(j) Paid vacation days are for vacation during normal scheduled working days of that employee. "Vacation" taken during a non-scheduled working day such as City holidays, Saturdays and Sundays is not deducted from an employee's accrued paid vacation account.

(k) Each employee may take paid vacation to which entitled after approval of the department head. The City Manager shall approve vacation of the department heads.

(l) No employee will be denied taking accrued paid vacation during the period requested, unless extenuating circumstances exist. Department heads will arrange a tentative schedule of vacation for their personnel for those periods when vacations are more favored. Schedules shall be arranged to create the least amount of interference with department operations. Employees have a responsibility to request their paid vacation time as far in advance as practical in order to avoid last minute disappointment. Employees desiring pay for their paid

(m) vacation prior to beginning their vacation should have the appropriate copy of their approved Application for Leave form to Fiscal seven (7) days prior to the date of expected payment with the pay ahead section completed.

(m) If a regular employee retires or resigns from the employment of the City or if employment is otherwise discontinued, he/she shall be entitled to receive a lump sum payment for his/her accrued vacation leave.

(n) If a regular employee dies while in the City's service, his/her accrued vacation leave shall be payable in a lump sum to the estate of the deceased unless other instructions are on file.

(o) The Personnel Specialist shall establish and maintain a permanent and continuing record on each eligible employee of paid vacation entitlements and paid vacations taken. Each department shall submit to the Personnel Specialist a completed copy of "Application of Leave" form in advance of vacation taken.

#### 14.5 Sick Leave

(a) General. The provisions of this section on Sick Leave shall be applicable to all City employees covered by these rules except those members of Collective Bargaining agreements. In event of disagreements or differences between these rules and regulations and a collective bargaining agreement, the latter will govern. Where there is no coverage of a matter in the collective bargaining agreement, the Personnel Rules and Regulations shall apply.

(b) Each probationary and regular employee in the service of the City whose work week is thirty (30) hours or more shall accrue sick leave at the rate of one (1) day per calendar month from the date of commencement of City employment.

(c) Sick leave may be accrued to a maximum of ninety (90) days.

(d) Sick leave shall be considered a privilege which an employee may not abuse or use at his/her discretion. Sick leave shall be allowed only in case of actual sickness or disability of the employee or for dental appointments, physical examinations or other sickness preventative measures, or because of serious illness in his/her immediate family. Sick leave taken because of sickness in the immediate family shall not exceed three (3) consecutive days per instance. This provision shall not affect an employee's ability to take FMLA leave in connection with a family member's sickness. Please refer to the City of Laconia's Family and Medical Leave Policy for more information.

(e) An employee absent on sick leave shall receive pay on the same basis as if he had been present for work (regular pay rate without overtime)

(f) To receive compensation for period of sick leave, an employee must have had sufficient sick leave accrued and must have notified his/her department head prior to the normal hour of the beginning of his/her City duties.

(g) Department heads are authorized to request an employee to present proof of absence for sick leave.

(h) In each case of an absence for sick leave of more than three (3) days, the department head may request the employee to obtain a written statement from a physician which substantiates the absence.

(i) An employee shall not receive compensation while on sick leave if he/she was injured while in the paid employment of an outside employer or in cases whereby paid employment by an outside employer was the direct and principal cause of his/her illness.

(j) A written notice of each sick leave taken will be submitted by each department head to the Personnel Specialist upon return from sick leave.

(k) The Personnel Specialist shall establish and maintain a record of the amounts of sick leave accrued and taken by each City employee.

(l) Accrued sick leave shall not be paid to an employee upon termination of employment, except under the following conditions:

(1) Upon retiring after reaching at least the age of 60 in addition to 10 years' continuous service with the City of Laconia.

(2) Upon retiring after reaching the age of 62.

(3) Non-union uniformed members of the Fire Department upon retiring in Group II with at least 20 years continuous service with the City of Laconia and attaining the age of 45.

(m) An employee who does not utilize sick leave exceeding one-half workday in any three (3) consecutive month period shall be credited with one (1) personal day. Such personal day shall be taken at a time mutually agreeable to the employee and the department head. In addition, an employee shall earn each year one (1) personal day for each thirty (30) banked sick days. Ten (10) personal days can be accrued; all others must be used in the following year. Employees who have more than ten (10) accrued personal days on July 1, 2001 shall be red-circled at that number and permitted to pull them down but not to replenish them except as necessary to attain ten (10) accrued days. Effective 7/1/01.

(n) Sick Leave Donation: This program is provided to assist an employee covered by the Classification and Compensation Plan who loses time at work due to an injury or illness that is not job related and has exhausted all other paid leave, including sick, personal and vacation. An employee covered by the Classification and Compensation Plan may voluntarily donate accrued sick time to the affected employee provided that the donating employee has a minimum balance of 30 days (210 or 240 hours) remaining after the donation. Time donated

may be sick only. The sick leave donation will not count against the donating employee's accrual of personal days (i.e. donating a sick day won't be counted as a sick day).

The affected employee may accept and use the sick leave donation program for the term of the FMLA or period of extended leave approved by the City Manager. Any employee receiving donated time may not exceed the caps on accruals. The sick leave donation is



considered permanent, and therefore cannot be returned or cashed-in by the affected employee.

To donate accrued time to the sick leave donation program, an employee must request approval in writing from the Personnel Specialist of their intentions to donate and the number of hours. The City Manager will have final approval of all requests to donate time. Effective 11/10/08.

14.6 Bereavement Leave

Bereavement leave of three (3) working days with pay shall be granted an employee in the event of the death of one or more of the following relatives. Said bereavement leave shall be taken during the next three (3) working days immediately following notification of death.

- |   |               |
|---|---------------|
| Spouse  | Sister        |
| Father  | Brother       |
| Mother  | Child         |
| Father-In-Law                                   | Mother-In-Law |
| Step-Child                                      | Step-Parent   |
| Relative domiciled in the employee's household. |               |

Special leave of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:

- |             |                |
|-------------|----------------|
| Grandchild  | Sister-In-Law  |
| Grandmother | Brother-In-Law |
| Grandfather | Aunt/Uncle     |

Under extenuating circumstances, two (2) additional days with pay may be granted with written approval of the department head and the City Manager. The two (2) additional days shall be chargeable to sick leave and will count against personal days accumulation.

14.7 Injury Leave

The City shall insure its employees under the Worker's Compensation Act, without cost to employees. The benefits under this coverage shall be as required by law.

(a) In case of a work related injury, the sums paid by the Worker's Compensation insurance company shall be supplemented by the City so that the employee shall receive pay totaling that which he/she would have received if he/she had not been injured. This supplement shall be paid by the City only if the employee has accumulated sick leave to his/her credit. The City shall not pay the supplement after the employee's sick leave has been exhausted. Any amount paid by the City shall not reduce the amount to be paid under the Worker's Compensation schedule by the Worker's Compensation carrier.

(b) Upon exhaustion of all accumulated sick leave due an employee while recovering from injury, compensation due from accumulated vacation leave may be paid to the injured employee, if he/she so elects, in the manner and under the same conditions as apply in these rules and regulations to the payment of accumulated sick leave.

(c) The total amount of the supplemental payments shall not exceed the amount of the employees' accumulated sick leave and vacation leave.

(d) In no case shall the total of Worker's Compensation payments plus the supplemental payments charged to sick and/or vacation leave be greater than the employee's regular average wage.

(e) The injured employee will accept alternate light duty when it is available.

14.8 Civil Leave Any employee shall be given time off without loss of pay or vacation leave or sick leave when performing jury duty. During each day of civil leave an employee's civil compensation shall be supplemented by the City to an amount whereby the employee will receive combined pay equal to his/her average daily pay.

#### 14.9 Procedures in Requesting Leave.

(a) Forms. An employee requesting a leave for any reason, must complete and sign three (3) copies of a leave form obtained from the department head. A standard form shall be issued by the Personnel Specialist to each department. Department heads shall have final approving authority for employees under their jurisdiction. The City Manager shall have final approving authority for absences of department heads and others under his/her immediate supervision.

(b) Records. After approval of the leave by the approving authority, a copy of the leave form shall be distributed to the following: employee, department head and Personnel Specialist.

#### 14.10 Family Leave

In accordance with the Family and Medical Leave Act of August 5, 1993, and as may be amended, employees may be eligible to take time off under certain circumstances. Procedures and specific provisions are outlined in the City of Laconia's Family and Medical Leave Policy.

#### 14.11 Leave of Absence for Special Reasons.

(a) With pay. Leave of absence with pay may be granted by a department head to permit an employee to attend training courses or professional meetings and conferences or other reasons which are in the best interests of the City. Leaves of absence of this nature which exceed five (5) days must be approved by the City Manager. An employee granted leave of absence with pay shall accrue vacation leave and sick leave during such leave. If a City holiday occurs during paid leave, the employee will receive holiday pay.

(b) Without pay. Leave without pay may be granted when requested by an employee when such leave is deemed justified. Such leave may be granted when, because of extended illness, both accrued sick and vacation leave have been exhausted. The City Manager may grant leave without pay under conditions he/she deems to be in the best interest of the City. An employee shall not accrue vacation leave or sick leave during a leave of absence without pay. Holiday pay will not be paid during a leave without pay. Health insurance premiums will not be paid by the City during a leave without pay, and will be the responsibility of the employee. All requests for leave without pay will be submitted to the Personnel Specialist who will refer to the City Manager for final approval.

(c) Victims of Crime. In accordance with the provisions of the Crime Victim Employment Leave Act, the City will grant an employee time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim or if they are part of the immediate family (father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim) of a homicide victim or part of the immediate family of a child under 18 who is the victim of a crime.

An employee needing time off under this policy should notify his/her supervisor as far in advance as possible, and complete an Application for Leave. The employee must take accrued paid leave. Upon exhaustion of any accrued leave, the remainder of the leave will be unpaid. Employees must comply with any requests for copies of notices of each scheduled hearing, conference or meeting, and failure to do so may result in denial of the leave of absence. The City will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The City will not discharge, threaten or discriminate against an employee for taking leave under this policy, and employees taking leave will not lose any seniority during the leave of absence.

#### 14.12 Military Leave.

(a) Any employee who voluntarily or involuntarily serves in the United States armed forces or National Guard (“uniformed services”) will be provided with leaves of absence for such service or training in connection with the Federal Uniformed Services Employment and Reemployment Rights Act (“USERRA”). Military leaves of absence will be unpaid unless otherwise required by law or as provided by City Policy.

(b) With Pay. Any full time/regular employee of the City who is a member of any reserve component of the Armed Forces of the United States or of this state shall be granted a leave of absence. Upon proof of military pay, the City will pay the difference between military salary and the employee’s base salary for the duration of the leave. Such employee may elect to take part of, or all of his/her accrued vacation or personal time during military leave, and shall not accrue City vacation leave or sick leave during such leave of absence. The City will continue to pay its portion of health insurance premiums for the duration of the leave. Upon honorable

separation, discharge or release from active military service, the employee shall be eligible to return to work as a City employee as then described in Federal or State laws.

(c) The City will reinstate eligible employees promptly as determined by USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

BENEFIT PACKAGE

HOURS PER WEEK	0-19	20-29	30-35
Sick Leave	-0-	3 1/2 hrs/mo.	1 day/mo.
Vacation Leave	-0-	3 3/4 hrs/mo.	.834 days/mo.
Health Insurance	-0-	-0-	full benefit
Holiday Pay	-0-	rated benefit	full benefit
Death in Family, etc.	-0-	rated benefit	full benefit
Retirement	-0-	-0-	35 hours only
Longevity	-0-	-0-	35 hours only

## CHAPTER 15

### Employee Organizations.

15.1 Right to Join Organizations. Officials and employees of the City may join or form organizations established for the purpose of aiding and benefiting its members and the City.

### 15.2 Restraint Against Employees.

(a) No official or employee of the City shall attempt to restrain or prevent an employee from seeking membership in any such organization nor shall any employee or official of the City be disciplined, discharged or discriminated against in any manner because of membership or activity in any such organization.

(b) Interference. No official or employee of the City other than its members shall interfere with the administration of such organizations.

## CHAPTER 16

### Retirement.

#### 16.1 New Hampshire Retirement System

(a) Employees of the City shall be covered by appropriate provisions of old age and survivors insurance as contained in Title II of the Federal Social Security Act and the New Hampshire Revised Statutes Annotated (RSA) as amended. Full time firefighters shall be covered by Chapter 102 of the RSA as amended. Full time police officers shall be covered by Chapter 103 of the RSA as amended. Remaining City employees shall be covered by Chapter 101 of the RSA, as amended.

(b) Any person who becomes an employee, regular firefighter or regular police officer after July 1, 1967 must become a member of the New Hampshire Retirement System as a condition of employment.

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