



**The Town of Dewey Beach  
Employee Policy Manual  
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LYONS COMPANIES

# Table of Contents

About This Manual	3
Section 1 – Governing Principles of Employment	4
1-1 Equal Employment Opportunity	4
1-2 Non-Harassment	4
1-3 Sexual Harassment	5
1-4 Drug and Alcohol-Free Workplace	5
1-5 Workplace Violence	6
Prohibited Conduct	6
Procedures for Reporting a Threat	6
Section 2 – Employment Policies	7
2-1 Employee Dress and Appearance	7
2-2 Nepotism	7
2-3 Outside Employment	7
2-4 Conflict of Interest and Business Ethics	8
2-5 Gifts and Favors	8
2-6 Political Activities	8
2-7 Performance Evaluations	9
2-8 Employee Discipline	9
2-9 Leaving Town Employment	10
2-10 References	10
Section 3 –Operational Policies	11
3-1 Employee Categories and Classifications	11
3-2 Your Employment Records	11
3-3 Timekeeping Procedures	11
3-4 Overtime	12
3-5 Safe Harbor Policy for Exempt Employees	12
3-6 Your Paycheck	13
3-7 Record Retention	13
3-8 Uniforms	13
3-9 Training	14
3-10 Working Hours	14
3-11 Inclement Weather	14
3-12 Use of Facilities, Equipment & Property	15
3-13 Operation of Vehicles	15
3-14 Accidents Involving Town Property and / or Employees	16
3-15 Health and Safety	16
Section 4 – Benefits	17
4-1 Workers Compensation	17
4-2 Insurance	17

4-3	Pension	17
4-4	Holidays	17
4-5	Paid Time Off (PTO)	18
4-6	Civil Leave	18
Section 5 – Leaves of Absence		20
5-1	Lactation Breaks	20
5-2	Family and Medical Leave	20
	Eligibility	20
	Entitlements	20
5-3	Military Leave	21
Section 6 – General Standards of Conduct		22
6-1	Workplace Conduct	22
6-2	Use of Communication and Computer Systems	22
6-3	Use of Social Media	23
6-4	Inspections	23
6-5	Smoking	24
6-6	Use of Facilities, Equipment & Property	24
6-7	Operation of Vehicles	24
6-8	Accidents Involving Town Property and / or Employees	25
6-9	Health and Safety	25
Definitions		26
Paid Time Off (PTO) Request Form		27

## ABOUT THIS MANUAL

We prepared this manual to assist you in finding the answers to many questions that you may have regarding your employment with the Town of Dewey Beach. Please take the necessary time to read it. You will be responsible to abide by the policies contained herein.

We do not expect this manual to answer all of your questions; your supervisor also will be a major source of information.

Neither this manual nor any other verbal or written communication, is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation nor does it confer any contractual rights whatsoever. The Town of Dewey Beach adheres to the policy of employment at-will, which permits the Town or the employee to terminate the employment relationship at any time, for any reason, with or without cause or notice.

No Town representative other than the Town Council may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this manual, such as benefit plan descriptions, are also described in separate plan documents. These plan documents are always controlling over any statement made in this manual or by any member of management.

The Town may, at any time, in its sole discretion, modify or vary from anything stated in this manual as permissible by law, with or without notice, except for the rights of the parties to terminate employment at will, which may only be modified by an express written agreement signed by the employee and the Town Council.

This manual supersedes all prior manuals.

## Section 1 - Governing Principles of Employment

### 1-1. Equal Employment Opportunity

The Town of Dewey Beach is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, genetic information, gender identity, or any other characteristic protected by applicable federal, state or local laws. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

The Town will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified applicants and employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please speak with the Town Manager.

The Town will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the Town's operations. If you wish to request such an accommodation, please speak to the Town Manager.

Employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Town Manager. The Town will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge. All employees must cooperate with all investigations.

### 1-2. Non-Harassment

It is the Town of Dewey Beach's policy to prohibit harassment of any individual by another person on the basis of any protected class including, but not limited to, race, color, national origin, disability, religion, marital status, veteran status, sexual orientation, gender identity or age. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no one harasses another individual.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your supervisor. If you are unable or uncomfortable for any reason to contact this person, or if you have not received a satisfactory response after reporting an incident, please contact the Town Manager. If the person toward whom the complaint is directed is one of the individuals indicated above, you should contact another supervisor with whom you are comfortable. Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. Violation of this policy may result in disciplinary action, up to and including termination. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Town will not allow any form of retaliation against individuals who report an incident of harassment or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including termination. All employees must cooperate with all investigations.

### 1-3. Sexual Harassment

It is the Town of Dewey Beach's policy to prohibit harassment of any employee by any supervisor, employee, resident, Town guest or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within the Town. It is to ensure that at the Town all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic materials, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response after reporting an incident of harassment, please contact the Town Manager. If the person toward whom the complaint is directed is one of the individuals indicated above, you should contact another supervisor. Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including termination. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the Town will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including termination. All employees must cooperate with all investigations.

### 1-4. Drug and Alcohol-Free Workplace

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Town property, and to ensure efficient operations, the Town has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the Town.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances, drug paraphernalia or alcohol by an individual anywhere on Town premises, while on Town business (whether or not on Town premises) or while representing the Town, is strictly prohibited. Employees and other individuals who work for the Town also are prohibited from reporting to work or working while they are abusing or are impaired by the use of alcohol or any substances. Employees must notify their healthcare provider of their role with the Town when treatment is sought to ensure appropriate treatment and instructions are rendered. Employees must follow their healthcare provider's instruction when reporting to work.

This restriction does not apply to responsible drinking of alcohol at business meetings and related social outings. Violation of this policy will result in disciplinary action, up to and including termination.

The Town maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals in recovery from substance and alcohol dependencies.

We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their position or jeopardizes the health and safety of any Town employee, including themselves.

This policy applies to all Town employees.

## 1-5. Workplace Violence

The Town of Dewey Beach is committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to property.

We discourage employees from engaging in any physical confrontation when possible. We expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

### Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any Town employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive or destructive action undertaken for the purpose of domination or intimidation.

### Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede the ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Town determines, after an appropriate good faith investigation, that someone has violated this policy, the Town will take swift and appropriate corrective action up to and including termination.

If you are the recipient of a threat made by an outside party, please follow the steps in this section. It is important for us to be aware of any potential danger to our offices. We want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

## Section 2 – Employment Policies

### 2-1. Employee Dress & Appearance

Employees are expected to report to work well groomed, clean, and dressed according to the requirement so their position. Some employees may be required to wear uniforms or safety equipment / clothing. Please contact your supervisor for specific information regarding acceptable attire and grooming for your position. If you report to work dressed or groomed inappropriately, you may be prevented from working until you return to work well-groomed and wearing the proper attire.

### 2-2. Nepotism

The Town has an obligation to the public it serves in addition to its' employees. The employment of relatives of current employees is permitted if there are no conflicts of interest. An employee who appoints, re-appoints, or confirms appointments/re-appointments, approves changes in status, evaluates performance for salary increments, promotes or dismisses, may not hire, supervise, or manage relatives in the same unit.

Relatives include persons within the third degree of consanguinity (blood), within the second degree of affinity (marriage), and sole domestic partners (unmarried). Relatives within the third-degree parents, children, grandparents, siblings, grandchildren, great-grandparents, uncles, aunts, nephews, nieces, and great- grandchildren. Relatives within the second degree include spouses or sole domestic partners and their parents, grandparents, and siblings, and an employee's son, daughter-in-law, and grandchild's spouse. This policy also includes relatives of the employee residing in the employee's household.

If the person is hired, the related person employee may not participate in any personnel activities concerning that individual. No individual involved in a hiring decision shall give preference to an applicant because the applicant is related to a current employee.

### 2-3. Outside Employment

The position with the Town will take precedence over other occupational interest of employees All employees must obtain approval before starting any outside employment. The Town Manager or Chief of Police will review any requests for outside employment for possible conflicts of interest, appearance of impropriety, or impact upon the efficiency of the employee.

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

- Performance of such work is regulated by the Town, either directly or indirectly;
- The employee will represent any other interest before the Town body; or
- The outside employment impacts upon the efficiency of the employee

If it is determined that outside employment conflicts with or inhibits an employee's ability to adequately perform their job duties, the employee will be asked to resign from outside employment. If an employee chooses not to resign outside employment, the Town may terminate the employee.

## 2-4. Conflict of Interest and Business Ethics

It is the Town of Dewey Beach's policy that all employees avoid any conflict between their personal interests and those of the Town. It is not possible to give an all-inclusive list of situations. However, situations that would constitute a conflict in most cases include but are not limited to:

- 1 Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the Town, by any employee who is in a position to directly or indirectly influence either the Town's decision to do business, or the terms upon which business would be done with such organization.
- 2 Being employed by (including as a consultant) or serving on the board of any organization which does or is seeking to do business with the Town.
- 3 Profiting personally, e.g., through commissions, loans, expense reimbursement or other payments by any organization seeking to do business with the Town.

A conflict of interest would also exist when a member of an employee's immediate family is involved in situations such as those above.

## 2-5. Gifts and Favors

The Town's position, as a public organization, imposes special responsibilities on all employees to ensure impartiality in all matters related to business dealings.

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

Nominal non-cash gifts given to the department as a whole may be accepted. Each employee is prohibited from accepting any gift, favor, gratuity, loan or promise that would have not otherwise been offered to him or her if he or she were not a Town employee. Employees shall not grant any improper favor, service or thing of value during the performance of their duties.

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

## 2-6. Political Activity

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

No employee of the Town shall, directly or indirectly, contribute any money or anything of value to any candidate for any Town office, any Town-office-candidate's campaign, or any Town-office-candidate's political committee. Town employees shall not take an active part in any Town political campaign, except to cast a vote.

A person holding a Town position shall not, by the authority of the position, secure or attempt to secure an appointment, advantage, or employment for any other person in any manner for the purpose of influencing the vote or political action of that person or for any other consideration.

A person who, in any manner, supervises a Town employee shall not directly or indirectly, solicit the supervised person to contribute money or anything of value or service for any purpose not connected to said person's employment.

Any person holding a Town position who shall become a candidate for any elective office of the Town shall, commencing 60 days prior to the date of the Town election and continuing until such person is eliminated as a candidate either voluntarily or otherwise, automatically receive unpaid leave of absence and shall perform no duties connected with the office or position so held during such period.

An employee shall terminate his or her employment with the Town if appointed or elected to an elective office of the Town.

## 2-7. Performance Evaluations

The Town is working on implementing a Performance Evaluation procedure.

This policy will be updated when the procedure is completed.

## 2-8. Employee Discipline

Employees serve without fixed term and the Town Manager has authority to terminate any employee at any time. The Dewey Beach Town Commissioners, upon their own initiative, may review any termination.

Supervisors with hiring and dismissal responsibility have the authority to dismiss a subordinate with prior approval of the Town Manager. The supervisor is responsible for coordinating disciplinary and discharge actions with Town Manager.

### Disciplinary Actions

**Oral Warning** -- The employee should clearly understand that the warning is disciplinary in nature. The supervisor should point out the error/problem(s), explain how to correct it, and come to an agreement with the employee about what is expected in the future. The Progressive Discipline Warning Form will be completed and kept in the supervisor's file with a copy forwarded to Human Resources.

**Written Warning** -- When an oral warning fails or when the supervisor determines that the nature of the offense makes its use appropriate, the supervisor may issue a written warning. A Progressive Discipline Warning Form is used to issue a written warning. Human Resources must be contacted, and a representative of Human Resources may be present if desired by the supervisor when the warning is presented to the employee. The written warning should forewarn of potential actions; be clear, focused and complete; be based upon facts that have been fully investigated; be consistent and applied equally to all; and it must not violate an employee's civil rights. The completed Progressive Discipline Warning Form is kept in the supervisor's file for future reference along with a copy forwarded to Human Resources.

**Demotion** -- When the supervisor determines that demotion is appropriate, approval by the Town Manager must first be obtained. When an employee is demoted to a position in a lower salary range, the Department Head and Human Resources will adjust the employee's salary to an appropriate level within the new salary range. An Employment Changes Form as well as Progressive Discipline Warning Form must be prepared with the Town Manager. The employee will be advised of the action in a meeting. The Employment Changes Form is forwarded to Human Resources. The

Progressive Discipline Warning Form is kept in the supervisor's file for future reference as well as a copy forwarded to Human Resources.

Suspension Without Pay -- When the supervisor determines that the nature of the offense makes its use appropriate, the supervisor may suspend an employee without pay. This action must have the approval of the Town Manager. A Progressive Discipline Warning Form must be prepared with Human Resources. The employee will be informed of the suspension in a meeting. The suspension period must be in accordance with the Fair Labor Standards Act (FLSA). The Employment Changes Form is forwarded to Human Resources. The Progressive Discipline Warning Form is kept in the supervisor's file for future reference as well as a copy forwarded to Human Resources.

Discharge -- This action can be the result of serious acts of misconduct or insubordination, or the result of an accumulation of minor offenses, or failure to satisfactorily perform job duties. All discharges must have the prior approval of the Town Manager. If the supervisor determines that immediate action is required, and it is not possible to obtain the prior approval, the supervisor may suspend or discharge the employee pending the approval. The employee will be informed of the discharge in a meeting. An Employee Termination Form and Progressive Discipline Warning Form must be completed to document the discharge. The Employee Termination Form and Progressive Discipline Warning Form will be forwarded to the Human Resources Department.

## 2-9. Leaving Town Employment

When an employee decides to leave the Town's employment, it is asked that the employee provide their supervisor with at least two (2) weeks advance notice of departure. Thoughtfulness is appreciated.

All Town property, including, but not limited to, keys, security cards, credit cards, cell phones, laptop computers, cameras, uniforms, etc. must be returned at separation. To the extent permitted by law, employees will be required to repay the Town (through payroll deduction, if lawful) for any lost or damaged Town property.

As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

## 2-10. References

The Town of Dewey Beach will respond to prior employment reference requests the Human Resources. The Town will only provide Town information concerning the employee's date of hire, date or termination, positions held and salary information unless otherwise required by law.

## Section 3 – Operational Policies

### 3-1. Employee Categories and Classifications

For purposes of this manual, all employees fall within one category and one classification as defined below:

**Full-Time Employees** - Employees who regularly work at least 40 hours per week who were not hired on a short-term basis.

**Part-Time Employees** - Employees who regularly work fewer than 40 hours per week who were not hired on a short-term basis.

**Short-Term Employees** - Employees who were hired for a specific short-term time period, per diem or temporary basis. Short-Term Employees generally are not eligible for Town benefits but are eligible to receive statutory benefits. In addition to the above categories, employees are classified as either "**Exempt**" or "**non-Exempt**" for purposes of federal and state wage and hour laws.

*Exempt employees* do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly.

*Non-Exempt* employees are entitled to overtime payments at one and one-half times their hourly rate of pay for hours worked in excess of 40 hours per week. Any time off within the week is not included in the calculation of 40 hours, it must be 40 hours worked.

You will be informed of your category and classification upon hire and informed of any subsequent changes.

### 3-2. Your Employment Records

In order to obtain your position, you provided us with personal information, such as your address and telephone number. This information is contained in your personnel file.

Please keep your personnel file up to date by informing the Town Payroll professional of any changes. Also, please inform the Town Payroll professional of any specialized training or skills you may acquire in the future. Unreported changes of address, marital status, etc. can affect your withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach you in a crisis could cause a severe health or safety risk or other significant problem.

If you wish to view your personnel file you must the Town Payroll professional and provide seventy-two (72) hours' notice. The file may be viewed in the presence of a Town representative at a Town location.

### 3-3. Timekeeping Procedures

Employees must record their actual time worked for payroll and benefits purposes on forms or in software as prescribed by management.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including termination.

Exempt employees are required to record their daily work attendance and report full days of absence from work for reasons such as leaves of absence, sick leave or personal business.

Non-Exempt employees are required to report their daily work hours including any breaks and lunch breaks. Non-Exempt employees may not start work until their scheduled starting time and may only work after their scheduled hours following approval from their supervisor.

It is your responsibility to sign your time record to certify the accuracy of all time recorded. Any errors in your time record should be reported immediately to your supervisor, who will work with you to correct legitimate errors.

### **3-4. Overtime**

At times, the Town may experience periods of high activity. During these busy periods, additional work is required from all of us. Your supervisor is responsible for monitoring activity and requesting overtime work if it is necessary. Efforts will be made to provide you with adequate advance notice in such situations.

Any non-Exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) his/her normal hourly wage for all time worked in excess of forty (40) hours each week, unless otherwise required by law.

Employees may work overtime only with prior management authorization.

### **3-5. Safe Harbor Policy for Exempt Employees**

It is the Town's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

If you are classified as an Exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Town. This salary will be established at the time of hire or when you become classified as an Exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons.
- Full-day absences for sickness or disability.
- Full-day disciplinary suspensions for infractions of our written policies and procedures.
- Family and Medical Leave absences (either full- or partial-day absences).
- To offset amounts received as payment from the court for jury and witness fees or from the military as military pay.
- The first or last week of employment in the event you work less than a full week.
- Any full work week in which you do not perform any work.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; social security; pension plan contributions; or voluntary contributions to a retirement plan.

In any work week in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability.
- Your absence on a day because your employer has decided to close on a scheduled workday.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work (subject to any offsets as set forth above).
- Any other deductions prohibited by state or federal law.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the finance department or Town Manager.

### **3-6. Your Paycheck**

You will be paid bi-weekly for all the time you have worked during the past pay period.

Your payroll stub itemizes deductions made from your gross earnings. By law, the Town is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments.

If you believe there is an error in your pay, bring the matter to the attention of your supervisor or Payroll as soon as possible so the Town can resolve the matter quickly and amicably.

### **3-7. Record Retention**

The Town acknowledges its responsibility to preserve information relating to employment, litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Town and its employees including possible disciplinary action against responsible individuals (up to and including dismissal of employment).

Each employee has an obligation to notify the Town Manager of a potential or actual litigation, external audit, investigation or similar proceeding involving the Town that may have an impact on record retention protocols.

### **3-8. Uniforms**

Uniforms and equipment shall be provided for employees of the Maintenance Department, the Beach Patrol, Code Enforcement and the Dewey Beach Police Department by the Town of Dewey Beach. These employees shall be required to wear uniforms while on duty, so they are easily identified as Town employees.

Employees are responsible for their uniform and equipment and must always wear their uniforms properly and only during working hours.

Uniforms may not be worn by other individuals and equipment may only be used for Town purposes.

Maintenance Department will be provided shirts, rain slickers and sweatshirts by the Town. Employees are responsible for their own uniform cleaning.

Beach Patrol will be provided two t-shirts, two pairs of shorts, one sweatshirt and a swimsuit by the Town. Employees are responsible for their own uniform cleaning.

Code Enforcement employees will be provided uniforms and they will be responsible for the cleaning of their uniforms.

Dewey Beach Police Department and Seasonal Officers will have uniforms provided by the Town of Dewey Beach. Police policies will dictate the care and maintenance of police uniforms. The town may assist in the cost of maintaining the uniforms.

Upon separation from employment, the employee shall return their uniform and equipment to the Town.

### **3-9. Training**

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

Please see your supervisor for further information or for permission to participate in training that's relative to your position.

### **3-10. Working Hours**

Employees are assigned a work schedule appropriate for their employment position. Employees are expected to begin and end work according to their schedule. To accommodate the needs of our business, we may adjust individual work schedules on either short-term or long-term basis.

Employees will be provided meal and rest periods as required by law. Your supervisor will provide further details as each department has different coverage needs and works accordingly.

Summer Season runs May 15<sup>th</sup> through September 15<sup>th</sup> annually.

### **3-11. Inclement Weather**

The Town offices will close when the Governor of Delaware declares either a Level 3 driving ban or a Level 2 driving restriction for the Dewey Beach area, which means that only those persons designated as first responders and essential personnel may operate a motor vehicle on Delaware roadways and all other vehicles must stay off the road. Essential employees who must come to work will be paid time and one-half during the duration of the driving ban or restriction.

Nonessential employees scheduled to work will receive regular pay.

The Town of Dewey Beach also follows the closing and delays of the governmental offices of Sussex County. In cases of the declaration of a Level 2 driving warning for snow or other inclement weather, nonessential employees may use vacation time or leave without pay if they do not come to work; they will not be compensated if they are absent when the Town offices are open. Essential employees who must come to work will be paid time and one-half for a minimum of four hours worked outside their normal shift hours; hours worked during normal shift will be paid at their regular rate of pay.

Any employee who is required to work after the Town of Dewey Beach is closed because the Governor of Delaware declared a State of Emergency or a federally declared emergency exists, will be reimbursed by the Town for any reasonable expenditure from his / her personal funds for food purchased during this State of Emergency unless the Town has provided a meal.

### **3-12. Use of Facilities, Equipment & Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using the Town's property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your supervisor if any equipment, machines or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job.

Improper, careless, negligent, destructive, or unsafe use of operation of equipment can result in discipline, up to and including discharge.

Further, the Town is not responsible for any damage to employees' personal belonging unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

### **3-13. Operation of Vehicles**

All employees authorized to drive Town owned or leased vehicles or personal vehicles in conducting Town business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

A valid driver's license must be in your possession while operating a vehicle off or on Town property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Town owned, or leased vehicles may be used only as authorized by the employee's supervisor.

Any employee who operations 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 employment termination.

### **3-14. Accidents Involving Town Property and / or Employees.**

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.

Each employee who sustains an injury while on duty shall, as soon as possible, report the cause and the details of the accident to the employee's supervisor, Human Resources and the Town Manager. Any 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 their supervisor. The supervisor shall ensure a report is filed through the Town Manger stating the cause and the details of the accident. Failure to report an accident within 24 hours may result in disciplinary action up to and including termination.

Any police officer who is involved in a traffic accident needs to immediately contact their supervisor who will directly contact the Town Manager.

If an employee is involved in an accident while operating a Town vehicle, which is the result of negligence on the part of the employee, the employee shall be subject to disciplinary action up to and including employment termination.

### **3-15. Health and Safety**

The health and safety of employees on Town property are of critical concern to the Town of Dewey Beach. The Town intends to comply with all applicable health and safety laws. Employees are required to be conscientious about workplace safety, including proper equipment operating methods, and recognize dangerous conditions and hazards.

Any unsafe conditions or potential hazards should be reported to the employee's supervisor immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Town's premises, or in a facility, piece of equipment, process or business practice for which the Town is responsible should be brought to the attention of the Town Manger immediately.

Periodically, the Town may issue rules and guidelines governing workplace safety and health. The Town may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance is expected.

Any workplace injury, accident or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

## Section 4 – Benefits

### 4-1. Workers' Compensation

On-the-job injuries are covered by the Town's Workers' Compensation Policy, which is provided at no cost to you. If you are injured on the job, no matter how slightly, report the incident immediately to your supervisor. Failure to follow Town procedures may affect your ability to receive Workers' Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this manual for more information.

### 4-2. Insurance

Full-time employees may participate in the Town's insurance programs. Under these plans, eligible employees will receive comprehensive health and dental coverage for themselves and their families. They are also eligible to receive life insurance coverage on themselves.

Upon being eligible, Human Resources will provide you with the forms and assistance necessary to get you enrolled and make changes as necessary.

All enrolled employees must immediately notify Human Resources whenever there is a change in coverage, dependents or address so that the proper forms can be filled out and submitted.

At no cost to the employee, the Town provides an Employee Assistance Program (EAP) for all Town employees. This program offers qualified counselors who provide short-term, confidential help with a wide variety of personal issues. If needed, the counselor can refer the employee for more in-depth support.

### 4-3. Pension

Eligible employees are able to participate in the requirement plans offered by the Town.

Sworn officers participate in the County and Municipal (Police / Firefighter) plan administered by the State of Delaware and offered to local municipalities.

All other employees may participate in the plan administered by Mass Mutual.

Specific details about these plans can be obtained from Human Resources.

### 4-4. Holidays

Full-Time, year-round employees are entitled to PTO in the form of Holidays, Vacation and Sick Time.

Holidays are based on Federal and Sussex County Holiday Schedules.

Holidays shall be paid time off for eligible (full-time, year-round) employees. Pay shall be computed at the employee's current regular pay rate, based on an eight (8) hour day.

## 4-5. Paid Time Off (PTO)

Employees accrue 144 hours (18 days) of vacation and sick time each year at a rate of 5.53 hours per pay period – 26 pay periods a year.

The maximum vacation that can be carried over from year to year is 240 hours (30 days). The maximum sick time that can be carried over from year to year is 720 hours (90 days). Any time over that maximum will be lost by employee if not used.

All pre-planned PTO must be approved by the Department Head using a PTO Request Form at least two (2) weeks in advance with form forwarded to HR upon approval.

If an employee is ill and needs to call out sick, they must notify their Department Head no later than one (1) hour prior to their start time via email or phone call. If any employee is out sick for 3 or more days, they must bring a doctor's note when they return.

All vacation and sick time will be paid at the employee's standard rate of pay.

If an employee voluntarily resigns or retires, is in good standing and has given two weeks' notice, employee will receive pay for unused vacation days, up to the maximum allowed for carryover, at the employee's standard rate of pay. The employee will receive one-half (1/2) of any unused sick time, up to the maximum allowed for carryover, at the employee's standard rate of pay. In the event of the death of an employee, the estate of the deceased employee will receive payment for any accrued and unused vacation and sick time using the above stated requirements for payout.

Advanced but unaccrued vacation and sick time will be deducted from an employee's final paycheck to the extent permitted by law, in the case of employment termination.

## 4-6. Civil Leave

### Jury Duty

Employees called for jury duty will be given a leave of absence with pay (at the rate of pay for a regular work week) for the duration of the service on the jury. If such an employee is dismissed from jury duty at least three hours prior to the end of the employee's workday, the employee shall report to work. This obligation to work applies both at that the end of the employee's jury duty and on each day during the term of the employee's jury duty. Each employee who is summoned for jury duty shall notify his or her supervisor as soon as possible so that arrangements can be made to cover job assignments.

### Job-related court appearance

When a non-exempt employee is required to appear in court on off-duty hours, including grand jury time, in connection with the performance of duty as a Town employee, the employee shall, commencing at the time the employee reports for duty, receive pay for four hours or the actual time (including time spent meeting with attorneys, witnesses, etc.), whichever is greater, at 1-1/2 times the regular rate for such time. In no event shall an employee receive premium court time pay for regular duty hours.

### Election polls duty

A request to volunteer at election polls shall be granted but shall not be compensated.

#### Voting Leave

Delaware does not require an employer to allow an employee time off, paid or unpaid, to vote.

If any employee does not have sufficient time outside of working hours to vote in an election, the employee may take off enough working time to vote. This time will be paid if the employee has available vacation time. This time should be coordinated with the employee's supervisor and should be taken at the beginning or end of the regular work schedule.

#### Bereavement Leave

Full-time eligible employees will be allotted up to three (3) days paid time off to attend to obligations and commitments for an immediate family member's death. For the purposes of this policy, an immediate family member includes a spouse, domestic partner, child, parent, sibling or any other relations required by applicable law. You must receive supervisor approval prior to commencing bereavement leave. In administering this policy, the Town may require verification of death and relationship from the employee.

If the deceased is still a family member however, outside of the immediate family specifications, an employee will receive one (1) day paid time off to attend the funeral.

## Section 5 - Leaves of Absence

### 5-1. Lactation Breaks

The Town will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.

The Town will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable. The Town may not be able to provide additional break time if doing so would seriously disrupt the Town's operations, subject to applicable law.

Please advise management if you need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### 5-2. Family and Medical Leave

An employee who is absent from work will be required to use accrued, paid leave, including vacation and sick leave, before the Town will grant permission for unpaid leave under family and medical leave.

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should discuss the matter with their supervisor who will contact the Town Manager.

#### Eligibility

FMLA leave is available to "eligible employees." To be an "eligible employee," an employee must: 1) have been employed by the Town for at least 12 months (which need not be consecutive); 2) have been employed by the Town for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

#### Entitlements

As described on the next page, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

#### **Basic FMLA Leave Entitlement:**

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain and medical reasons during a 12-month period. The 12-month period is determined based on the date of first request and subsequent notification. Leave may be taken for anyone, or for a combination, of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care.
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**.
- For the employee's own, serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's

job; and/or

- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

#### **Additional Military Family Leave Entitlement (Injured Service Member Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered service member** is entitled to take up 26 weeks of leave during a single 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member shall only be available during a single-12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

A "**covered service member**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered service members** also include a veteran who is discharged or released from military service.

### **5-3. Military Leave**

If you are called into active military service or you enlist in the uniformed services, you will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, you must provide management with advance notice of your service obligations unless you are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable for you to provide such notice. Provided your absence does not exceed applicable statutory limitations, you will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Please ask your supervisor or the Town Manager for further information about your eligibility for Military Leave.

If you are required to attend yearly Reserves or National Guard duty, you can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). Provide your supervisor with as much advance notice of your need for military leave as possible so that we can maintain proper coverage while you are away,

## Section 6 - General Standards of Conduct

### 6-1. Workplace Conduct

The Town of Dewey Beach seeks to provide a positive and respectful working environment.

Each employee is expected to comply with all of Federal, State and local laws, and statutes, in addition to the Town's policies, procedures, and work policies.

Unacceptable conduct may be subject to disciplinary action, up to and including discharge, at the Town's sole discretion.

The following is not a complete listing but provides several examples of unacceptable conduct:

- Obtaining employment on the basis of false or misleading information
- Destruction of property
- Disclosure of confidential information
- Falsifying documentation
- Violating any of the Town's policies or procedures
- Insubordination
- Gambling on or in Town property
- Performing work of a personal nature during working time

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

### 6-2. Use of Communication and Computer Systems

The Town of Dewey Beach's communication and computer systems are intended for business purposes and maybe used only during working time however limited personal usage is permitted if it does not hinder performance of job duties or violate any other Town policy. This includes the voice mail, e-mail and Internet systems. Employees have no legitimate expectation of privacy in regard to their use of these systems.

The Town may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Town deems it appropriate to do so. The reasons for which the Town may obtain such access include but are not limited to maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Town operations continue appropriately during an employee's absence.

Further, the Town of Dewey Beach may review Internet usage to ensure that such use with Town property, or communications sent via the Internet with Town property, are appropriate. The reasons for which the Town may review employees' use of the Internet with Town property include but are not limited to maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Town operations continue appropriately during an employee's absence.

The Town's policies prohibiting harassment, in their entirety, apply to the use of the Town's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by Federal, State or local law.

Since the Town's communication and computer systems are intended for business use, these systems may not be used to solicit for religious or political causes or for outside organizations.

Further, since the Town's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

### 6-3. Use of Social Media

The Town of Dewey Beach respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect Town interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking, Twitter or similar sites during working time or at any time with Town equipment or property unless they have a legitimate and approved work-related reason to do so.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages, social networking, Twitter and similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page, social networking, Twitter or similar site.

Whether an employee is posting something on his or her own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the Town and also expresses either a political opinion or an opinion regarding the Town's actions, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the Town's position.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or threatening is forbidden. Town policies apply equally to employees' social media usage.

The Town of Dewey Beach encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their supervisor or the Town Manager. Failure to follow these guidelines may result in discipline, up to and including termination.

### 6-4. Inspections

The Town of Dewey Beach reserves the right to require employees while on Town property to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Town property, and work areas. This

includes lockers, vehicles, desks, cabinets, workstations, packages, handbags, backpacks and other personal possessions or places of concealment, as well as personal mail sent to the Town. Employees are expected to cooperate in the conduct of any search or inspection.

## **6-5. Smoking**

Smoking is prohibited on Town premises and in all Town vehicles.

## **6-6. Use of Facilities, Equipment & Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using the Town's property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Please notify your supervisor if any equipment, machines or tools appear to be damaged, defective, or in need of repair.

Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used on the job.

Improper, careless, negligent, destructive, or unsafe use of operation of equipment can result in discipline, up to and including discharge.

Further, the Town is not responsible for any damage to employees' personal belonging unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

## **6-7. Operation of Vehicles**

All employees authorized to drive Town owned or leased vehicles or personal vehicles in conducting Town business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

A valid driver's license must be in your possession while operating a vehicle off or on Town property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations.

Drivers must demonstrate safe driving habits at all times.

Town owned, or leased vehicles may be used only as authorized by the employee's supervisor.

Any employee who operations 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 employment termination.

## 6-8. Accidents Involving Town Property and / or Employees.

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.

Each employee who sustains an injury while on duty shall, as soon as possible, report the cause and the details of the accident to the employee's supervisor, Human Resources and the Town Manager. Any 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 their supervisor. The supervisor shall ensure a report is filed through the Town Manger stating the cause and the details of the accident. Failure to report an accident within 24 hours may result in disciplinary action up to and including termination.

Any police officer who is involved in a traffic accident needs to immediately contact their supervisor who will directly contact the Town Manager.

If an employee is involved in an accident while operating a Town vehicle, which is the result of negligence on the part of the employee, the employee shall be subject to disciplinary action up to and including employment termination.

## 6-9. Health and Safety

The health and safety of employees on Town property are of critical concern to the Town of Dewey Beach. The Town intends to comply with all applicable health and safety laws. Employees are required to be conscientious about workplace safety, including proper equipment operating methods, and recognize dangerous conditions and hazards.

Any unsafe conditions or potential hazards should be reported to the employee's supervisor immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Town's premises, or in a facility, piece of equipment, process or business practice for which the Town is responsible should be brought to the attention of the Town Manger immediately.

Periodically, the Town may issue rules and guidelines governing workplace safety and health. The Town may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance is expected.

Any workplace injury, accident or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

## DEFINITIONS

**ACTIVE PAY STATUS** – An employee is eligible for a paycheck.

**APPOINTMENT** – The personnel action by which an appointing authority offers employment and hires a person to work for the Town of Dewey Beach.

**AT-WILL** – Town employees serve at the pleasure of the Town Council and may be terminated at any time with or without cause by the Mayor and Council or their designee, the Town Manager. Employees may also elect to leave at any time.

**SUPERVISOR** – The person authorized to direct the work of employees of a department of the Town of Dewey Beach.

**EMPLOYEE** – An employee of the Town of Dewey Beach.

**EMPLOYER** – The Town of Dewey Beach, Delaware.

**EXEMPT EMPLOYEES** – Those employees who perform professional, supervisory, or managerial responsibilities.

**IMMEDIATE FAMILY MEMBERS** - Spouse, parent, child, grandparent, aunt, uncle, nephew, niece, first cousin, brother, sister, grandchild, in-laws, or stepfamily.

**NONEXEMPT EMPLOYEES** – Employees who are entitled to overtime pay for all hours worked in excess of 40 hours per week or in excess of 144 hours in a twenty-four-day cycle.

**PART-TIME EMPLOYEE** – An employee who does not qualify as a full-time employee.

**POSITION** – A group of duties and responsibilities requiring the employment of one person; a position may be vacant or occupied.

**TOWN** – The Town of Dewey Beach, Delaware.

**TOWN COUNCIL** – The Town Council of the Town of Dewey Beach, Delaware.

**TWELVE-MONTH PERIOD** - A rolling twelve-month period measured backward from the date leave is used and continuous with each additional leave day used.

## Paid Time Off Request

Date of Request

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Requester

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Dates Requested

---

---

Total Number of Days Requested

---

Type of PTO Requested

Vacation

---

Floating Holiday

---

Sick

---

Supervisor

---

Date

---

Town Manager

---

Date

---