

Cumberland County - Administrative Regulations

Effective Date: February 9, 1998

Regulation No: 21

Revision Date: April 27, 2015

Approved By: Peter J. Crichton

Subject: EMPLOYMENT

I. Purpose

The purpose of this Administration Regulation is to establish the employment policy.

II. Equal Employment Opportunity and Affirmative Action

The County of Cumberland, Maine shall recruit, hires, upgrade, train and promote in all job titles without regard to race, color, religion, sex, national origin, disability, age, genetics, sexual orientation, gender identity, or status as a protected veteran, except where age is a bona fide occupational qualification or where a disability is a bona fide occupational disqualification.

All personnel actions including compensation, benefits, County sponsored training, and social and recreational programs shall also be administered on the principles of Equal Opportunity.

Through the Affirmative Action Plan, Cumberland County annually reviews and identifies areas where individuals protected under EEO/AA laws are underutilized. We will make good faith efforts to correct any inadequacies and recruit individuals from these protected categories who have the required qualifications.

All employees are encouraged to inform friends and family who are qualified minorities, veterans and /or disabled to apply for employment with the County of Cumberland.

The Director of Human Resources has been designated as the EEO Coordinator and will ensure Equal Employment Opportunity policies are implemented in accordance with the intent of all the applicable laws and regulations.

III. Regular Appointment

A regular appointment is one for an indefinite period of time to a position in County service after satisfactory completion of the probationary period. A regular full time position, entitled to benefits, will be year round in nature and the incumbent will be required to work the standard work week of thirty (30) hours or more. Effective June 20, 2008, a part time position who works a standard work week of less than thirty (30) hours per week is not entitled to benefits, Current part time employees hired prior to June 20, 2008 will be considered "grandfathered" in regards to the benefits they are receiving.

IV. Probation Expiration

At least ten (10) days prior to the expiration of a regular full time or part time employee's probationary period, the respective department head will notify the County Manager in writing that:

- A. The probationary employee's performance was satisfactory, with an accompanying completed evaluation report, and that s/he is recommended for a permanent position;
- B. The employee's performance or conduct was unsatisfactory and that his/her removal is proposed as of a recommended date. The department head will furnish reasons and an evaluation report for the recommended removal, as well as indicate to the County Manager that s/he has made every effort to aid the employee to correct his/her deficiencies. The County Manager may remove such probationary employee upon the department head's recommendation, subject to approval by the County Commissioners.
- C. An extension of the probationary period is desired for additional observation and the employee will continue in his/her position temporarily during the extension, if granted. The extension of the probationary period shall not exceed six (6) months.

V. Removal of an Employee

At any time during the probationary period, an employee may be removed in accordance with Section IV B. The probationary employee shall be given a minimum of five (5) working days notice or 5 days pay in lieu of notice in advance of dismissal. Removal of a probationary employee is final and the probationary employee has no right to appeal.

VI. Recruitment, Selection and Appointment.

The recruitment, selection and appointment process is outlined by administrative regulation number 10.

VII. Anti-nepotism

Unless the County Commissioners shall, following the recommendations of the department head and County Manager, determine that the best interests of the County shall be served, the following relatives of any elected or appointed officer or other County employee are disqualified from employment, promotion or transfer within the same department: son, daughter, spouse, parent, grandchild, grandparent, brother, sister, half or step sister/brother, or spouses of any of them. All relationships shall include those arising from adoption. The provisions of this Section shall not apply to any County personnel employed as of the date of Section's adoption.

VIII. Promotion Policy

The County encourages employees to develop skills, attain greater knowledge of their work, and make known their qualifications for promotion to more responsible and difficult positions. No department head shall deny a qualified employee permission to apply for a promotional opportunity in any County department. When the Human Resources Director, determines that an insufficient number of well-qualified employees is available from within County employment ranks, s/he may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration. Department heads shall consider the following factors with respect to promotions: job related skills, knowledge, abilities, experience, education and past performance that may contribute to the satisfactory performance of duties of the position.

IX. Demotion

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

- A. when an employee would otherwise be laid off because his/her position is being abolished through lack of work, or cutback in County personnel due to the County's financial condition;
- B. when an employee does not possess the necessary qualifications to render satisfactory service in the position s/he holds;
- C. When an employee voluntarily requests such demotion.

When an employee is demoted to a lower position, the incumbent shall be placed in the applicable pay scale and the salary shall be reduced by a minimum of five percent. If, however, the rate of pay in the previous position minus the 5% is more than the maximum rate established for the new position, the employee will be paid at the highest rate of the new position.

X. Resignation

An employee may resign from County service in "good standing," by the submittal of a written notice fourteen (14) calendar days in advance of the effective date of resignation. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the County and the withholding of certain termination pay to which the employee would normally be entitled. The employee may request to withdraw his/her resignation during the first 5 days of the notice. The acceptance of this request is at the sole discretion of the County. The County Manager may permit a shorter period of notice if extenuating circumstances exist including approval of pay for notice.

XI. Seniority

For the purpose of this policy, seniority shall be interpreted to mean the length of continuous service with the County from the date of last hire. Seniority shall be a factor affecting promotions if employees are otherwise substantially equally qualified and shall be a factor in all matters affecting layoff, recall from layoff, and vacation preference.

XII. Layoffs

When the Commissioners determine that a reduction in force is necessary the reduction in force will proceed as follows:

- A. The County Manager recommends which job classifications, in each department, are to be abolished or funding eliminated.
- B. Employees with the least seniority, within that classification will be laid off.
- C. In those instances where there is a vacancy in a lower classification within the County, the affected employee may be demoted first, provided they have the qualifications to perform the job.
- D. Those employees who demote to the new wage scale will have at least 5% pay reduction.
- E. A laid off employee will retain recall rights for one (1) year from the date of layoff.

XIII. Recall

Should a job vacancy occur, within one (1) year of an employee's layoff date, in a classification held by the laid off employee, that employee shall be offered the position prior to advertising. Recall to work within a classification will be in reverse order of seniority; that is, the employee with the greatest seniority will be recalled first.

XIV. Right to be Rehired

It is understood that layoff under this section shall, in all respects except the right to be rehired under this section, constitute a termination of employment by the County. The right to be rehired shall exist for a period of one (1) year from the date of layoff. If a vacancy occurs within one (1) year of an employee's layoff date from that position, said employee shall be offered the position prior to advertising for applicants. Rehired employees within one (1) year from the date of layoff shall be restored to service with full seniority rights.

XV. Employment and Dismissal of County Employees

A. Employment

All department heads shall submit to the County Manager the name of any person they propose to employ. If approval is withheld or a selection not made, the department head shall be notified within 14 days of the reasons for disapproval or failure to make a selection.

B. Dismissal

An employee may be dismissed by a department head only for cause and only with the prior approval of the County Manager who will inform the Commissioners.

Section XV is in compliance with MSRS 30-A, section 501.



Peter J. Crichton
County Manager