

Cumberland County Personnel Policy



January 2011
Revision

CUMBERLAND COUNTY PERSONNEL POLICY

ARTICLE I. GENERAL

Section 1.1 Administration

The rules, regulations and procedures in this personnel policy constitute the County of Cumberland Personnel Policies and Procedures, and they are for use by the Cumberland County Commissioners, supervisory personnel and non-union employees of the County. This Personnel Policy is authorized by the County Commissioners and becomes effective upon an affirmative vote of the County Commissioners. The promulgation of any modifications to this policy shall be the responsibility of the County Manager after consultation with appropriate personnel.

This manual is not intended to create contractual rights with regard to employees of Cumberland County. No one has the authority to make promises which vary from these policies and procedures without an exception in writing from the County Manager or designee. Those employees whose positions fall under union contracts will follow the rules as outlined in the appropriate contract. When the contract is silent on an issue, the County Personnel Policies will prevail.

The County Manager is responsible for the administration of the provisions of this policy and has the authority to take appropriate action in dealing with cases of violations of this policy. In implementing this policy, the County Manager is authorized to prepare administrative regulations on personnel management not inconsistent with this policy. Administrative regulations may be promulgated by the County Manager and will generally itemize or detail specifics relating to a personnel management subject. They may be implemented in conjunction with this policy and will bear the same authority. County offices will remain open unless designated as a Holiday or closed as authorized by the County Manager. Each department head shall maintain a book of current administrative regulations that will be available to employees for review.

In addition to these regulations, employees may be subject to administrative regulations of the County Manager and to departmental regulations and policies. The County Manager maintains final responsibility for personnel administration. The Human Resources Director, subject to the direction of the County Manager, is responsible for administering personnel rules and regulations.

Section 1.2 County Personnel Board

The County Commissioners reserve the right under 30-A M.R.S.A. Section 501, 521-524, as may be amended from time to time.

Section 1.3 Dissemination of Rules

Department heads will be furnished complete copies of all Policies and Procedures and changes, as well as administrative regulations and they are responsible for maintaining a complete, current set of such rules. They shall make the existence of these rules known to all employees under their supervision. Copies of such rules shall be made available to employees covered under this policy during normal business hours.

Section 1.4 County Office Hours

County offices will remain open continuously from 8:00 a.m. to 4:30 p.m. each working day. Department Heads are responsible to ensure the work schedules of employees comply with these hours. Any deviation to these hours is at the sole discretion of the County Manager.

ARTICLE II. DEFINITIONS

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them:

Anniversary date: The anniversary is the initial employment date. For the purpose of performance evaluation and/or merit salary adjustment, the anniversary date shall mean the date of employment. An employee's regular hire date shall be used for leave accrual or employment verifications only.

Break in service: Any separation from County service, whether by resignation, removal, layoff, dismissal, disability or retirement. An authorized leave without pay will not constitute a break in service.

Class specification: A written narrative detailing the typical duties, responsibilities and minimum qualifications of a position. Information indicating desirable qualifications above the minimum required may also be included.

Classified employee: Any employee of the County, other than a temporary employee, who holds a position in the employment service of the County the base salary of which is regulated by a pay plan adopted by the County Commissioners.

Continuous service: Employment without a break in service.

Demotion or reduction in rank: Assignment of an employee from one position to another which has a lower maximum rate of pay.

Disability: A disabling condition, partial or complete, temporary or permanent, which prevents, hinders or adversely affects an individual's performance of his normal routine of work. A formal determination of disability may be based on the disability policy then in place.

Dismissal: Separation from county employment for cause.

Domestic Partner: As defined by the Maine Municipal Employees Health Trust.

Exempt: Designation of employment status in accordance with provisions of Fair Labor Standards Act.

Good Standing: Written notice fourteen (14) calendar days in advance of the effective date of resignation. Leave time will not be granted during this 14 day period.

Grievance: Generally, a complaint or dispute of an employee, real or not, relating to his/her employment that is grievable under these rules and regulations.

Immediate family: The employee's spouse, natural or adopted children, parents, brothers, sisters, grandparents or dependents residing in the household that qualify as a dependent for federal income tax purposes.

Nonexempt: Designation of employment status in accordance with provisions of Fair Labor Standards Act.

On-Call Employee: An on-call position shall be less than year-round, shall not have a definite schedule of standard hours, and the employee is subject to call based upon a need and not a work schedule, and the need for on-call work is intermittent in nature.

Pay grade: A level in the pay schedule with a common pay range for all classes assigned thereto.

Probationary period: A period of six (6) months from the date of appointment, during which a newly hired employee hired to fill a regular position is employed on a trial or test basis prior to approval of regular status. The probationary period for incumbent employees who have been promoted, or transferred will be six (6) months from the date of reassignment.

Promotion: Assignment of an employee from one position to another which has a higher maximum rate of pay.

Reclassification: Reassignment of a position from one pay grade, class or title to another pay grade, class or title in the classified service of the county to more accurately reflect the duties and responsibilities involved.

Regular Hire Date: Is the effective date on which a regular full time or part time employee is employed.

Regular Full Time Employee: A regular full time position shall be year round in nature and the incumbent shall be required to work the standard work week of thirty-five (35) hours or more, and the employee shall have completed the probationary period.

Regular Part Time Employee: A part time position shall be year round in nature, and the incumbent shall be required to work a standard work week of less than thirty-five (35) hours per week, and the employee shall have completed the probationary period.

Seasonal Employee: A seasonal position shall be less than year round, appointed for a period of time of time for which the project or task is known, with fixed starting and ending dates, and of less than a permanent nature.

Suspension: Any enforced leave of absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Employee: A temporary position shall be less than year round, appointed for project for a finite period of time, or to fill a specific need of less than a permanent nature

ARTICLE III. PAY

Section 3.1 Maintenance of the Plan

It shall be the responsibility of the Human Resources Director to review the position classification plan periodically to ascertain whether it corresponds to existing conditions in the county service and to make sure the class specifications are current and realistic. It is the responsibility of all department heads to inform the Human Resources Director of any changed conditions in their respective departments which may affect class specifications and/or the position classification plan.

The Human Resources Director shall prepare and recommend to the County Manager a pay plan in accordance with an annual review made. The County Manager shall then review and recommend a pay plan to the County Commissioners. The County Commissioners shall adopt a pay plan simultaneous with the adoption of the annual budget. The County Manager may recommend to County Commissioners adjustment of the pay plan during the year as necessary by reclassification or a title change in conjunction with the continual review of revisions of class specifications and comparable salary information. The pay plan shall consist of two (2) basic parts as follows:

- (A) A schedule of pay grades showing a minimum and maximum rate for each grade.

(B) A list of all class titles showing the allocation of each class to the appropriate pay grade.

Section 3.2 Preparation of Payroll

The payroll process is outlined by administrative regulation number 30.

Section 3.3 Overtime pay

Overtime premium rate will be paid in accordance with the Fair Labor Standards Act provisions as applicable to various groups of County employees. In general, overtime will be paid at one and one-half times the base hourly rate of pay for all hours worked beyond forty (40) hours per week. For the purpose of this section, hours compensated for by paid leave time shall not be computed as hours actually worked in the computation of overtime hours. Hours compensated for by base holiday pay shall be computed as hours actually worked for overtime purposes. Overtime work must be pre-authorized by a department head.

Section 3.4 Performance Evaluations

All employees of the County are to be fairly evaluated as to their performance in their respective positions. Such written evaluations shall be conducted annually on the employee's anniversary date as well as by ten (10) days from the end of the six (6) month probationary periods. Beginning at the first one-year anniversary, the written performance evaluation shall be conducted on an annual basis. The evaluation process shall be more specifically outlined by administrative regulation.

Section 3.5 Merit and Pay Increases

Except for the six month performance evaluation occurring during the probationary period, employees are eligible to receive a merit increase in connection with their annual performance evaluations commencing with the twelve month evaluation. Whether a merit increase will be granted shall depend upon the accomplished written evaluation of an employee's job performance. Merit increase must be reviewed and approved by the County Manager. The merit program may be suspended based upon budgetary restrictions.

Pay increases as a result of budget adoption which may include cost of living increases shall be processed in accordance with administrative regulation number 32.

Section 3.6 Pay at time of Termination

Upon termination of employment, employees are entitled to payment for authorized but unused leave, in accordance with County policy, less any deductions for debts outstanding to the County. The Finance Director will deduct and withhold from the final paycheck of an employee's pay any amount owed the County in payment for group insurance premiums, lawful deductions or unreturned equipment. Final paychecks are not issued until any indebtedness to the County has been determined.

ARTICLE IV. LEAVE

Section 4.1 General Policy

Leave is any authorized absence during regularly scheduled working hours that is approved by prior authority of a department head. Leave may be authorized with or without pay and shall be granted in accordance with these rules, on the basis of the work requirements of the department and, whenever possible, the personal wishes of the employee. Leave can be used in ½-hour increments provided that a minimum of 1 hour leave time is utilized for each period of leave. Procedural information pertaining to leave is outlined by administrative regulation.

Section 4.2 Holiday Leave

The following days shall be recognized and observed as paid holidays when falling on normal working days. (If they fall on Sunday, they will be observed on the following Monday; if they fall on Saturday, they will be observed on the preceding Friday):

New Year's Day	Labor Day
King's Day	Columbus Day
Washington's Birthday	Veterans Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

An employee shall be eligible for holiday pay if s/he is on authorized earned time or an authorized leave of absence with pay.

To be eligible for holiday pay, the employee must have worked his/her last scheduled work day prior to the holiday and his/her first scheduled day after the holiday, unless the employee is excused by the department head or is absent for any reasonable purpose. Reasonable purpose shall include illness. The department head, however, may require a physician's certificate if an employee claims that the illness prevented the employee from working on his/her last scheduled work day prior to the holiday and/or his/her first scheduled work day after the holiday.

If a holiday is observed on an employee's scheduled day off or during a period of earned time use, the employee shall be given compensatory time off for the holiday.

Additional legal holidays, when designated by the President of the United States, the Governor of Maine, or the County Commissioners, shall also be recognized for County employees.

Section 4.3 Earned Time

Earned time leave is provided for the purpose of vacation, personal time, illness, medical and dental appointments, and emergencies. As long as employees remain in pay status (receiving pay) they will accrue earned time.

Requests for leave are made to one's supervisor for each day used. The Director of Human Resources will be notified by the employee if the leave is due to an extended illness or injury which will cause the employee to be out of work for more than three consecutive days. Any employee who fails to report to work, and whose supervisor has not been notified, may be considered absent without leave, receive no pay for the time absent and be subject to disciplinary action or termination.

Definitions

Planned earned time is time off which is requested by the employee. Request for this leave privilege must be in writing on a request for time off slip at least 24 hours in advance of the leave. Based upon operational needs, the supervisor may or may not approve the leave request.

Unplanned earned time is time off requested by the employee with less than 24 hour notice. Request for this leave privilege will be monitored to ensure there is no misuse. Request for time

off slip will be completed by the supervisor. Based upon operational needs, the supervisor may or may not approve the leave request. Abuse of this leave may result in disciplinary action.

Earned Time Leave Accrual

Non-union, regular full-time employees of Cumberland County Government accrue leave with pay under the County's Earned Time Plan. Temporary, on-call and employees working less than 30 hours per week do not accrue Earned Time. Regular employees who are hired to work at least 30 hours but less than 40 hours per week accrue pro-rated Earned Time amounts. Part-time employees who were accruing time as of December 31, 2005 will continue to accrue on a prorated basis if their work schedule remains between 20 and 30 hours per week.

Employees whose positions are considered non-management as defined in the Cumberland County Position Classification Plan accrue Earned Time on an annual basis. Accruals will be awarded proportionally on a monthly basis based upon hours per week worked other schedules will be pro-rated as needed. Employees will be credited with Earned Time accumulation from the date of employment.

	<u>40 hour week</u>	<u>37.5 hour week</u>	<u>35 hour week</u>
Years 1-3:	160 hours per year	150 hours per year	140 hours per year
Years 4-8:	200 hours per year	187.5 hours per year	175 hours per year
Years 9-20:	240 hours per year	225 hours per year	210 hours per year
Years 21+:	280 hours per year	262.5 hours per year	245 hours per year

Employees whose positions are considered management as defined in the Cumberland County Position Classification Plan shall accrue Earned Time on an annual basis. Accruals will be awarded in total January 1 and combined with unused earned time from the previous year. Less than a 40 hour per week schedule will be pro-rated annually as needed. The calculation of advanced hours will include any increase to the employee accrual rate which occurs during the year for which the calculation is made. Employees who separate before the end of a year for whom hours have been advanced will have hours prorated to the date of separation.

	<u>40 hour week</u>	<u>37.5 hour week</u>
Years 1-5:	200 hours per year	187.5 hours per year
Years 6-20:	240 hours per year	225 hours per year
Years 21+:	280 hours per year	262.5 hours per year

General

As of December 31 of each year, any amount of Earned Time over 2 times an employee's annual accrual shall be forfeited.

The month in which employment begins or ends will be counted as a month of service if employment begins before the 16th or ends on or after the 15th days of the month.

Accrued Earned Time shall be paid to employees who separate from County service, or to beneficiaries or estates upon an employee's death. Payments will not be made prior to the employee's completing his/her last day of work, but will be paid within a reasonable amount of time from the last day worked.

Employees may choose to receive payment of accrued time up to a maximum of 80 hours annually. Payment will be made on the 1st Friday in June and on the 1st Friday in November.

Request for payment must be in the finance office 2 weeks prior to the payment date. The Director of Finance will develop procedures for making requests for cashing out of Earned Time.

Conversion of Previous Leave Time

On January 1, 2006, employees' vacation balances were rolled into their Earned Time accounts. Sick leave time no longer accrued, but the balance left on the books was available for use for absences through December 31, 2006.

Effective January 1, 2007 sick leave time remaining on the books was frozen and may be used only if an employee is out of work for a serious illness (as defined under Family Medical Leave Act) of the employee or immediate family. The Director of Human Resources may authorize the use of the frozen sick time to pay for that period of time. Once the historic sick leave is exhausted, Earned Time will be fully utilized.

Payment of Unused Earned Time and Sick Leave Bank Balance on Termination

Upon separation, County employees will be paid the unused portion of their Earned Time bank. Additionally, if the separation is in good standing, they will be paid their frozen sick leave bank balance to a maximum of 45 days.

Section 4.4 Bereavement Leave

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to five (5) working days for the death of that employee's spouse, child or stepchild, brother, sister, parent, stepparent or domestic partner. The employee must have filed an Affidavit of Domestic Partnership with the County's Human Resource Department prior to the request for the leave. Affidavits are located in the Human Resource Department. Any such leave shall include the day of the funeral.

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to three (3) working days for the death of that employee's grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law. Any such leave shall include the day of the funeral.

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to two (2) working days for the death of that employee's aunt or uncle. Any such leave shall include the day of the funeral.

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to one (1) working day for the death of any other person with whom that employee enjoyed a close personal relationship. Any such leave shall include the day of the funeral.

Section 4.5 Military Leave

The County Manager will grant any full time or part time employee military leave. Such military leave will be for employee attendance at any military training. Employees serving their weekend and or two week training will not have their benefit time reduced.

Employment rights for employees reporting back to work is as follows: For those who have been on active duty from 1 to 30 days, the limit for reporting is the next regular scheduled work period after the employee had time to travel safely and an eight hour rest period. For military service from 31 to 180 days, an application for reemployment must be submitted no later than 14 days after being released from active duty. For military service of 181 days or more, the limit for applying for reemployment is 90 days.

When, in instances of any such military training, the total pay received for such training shall equal or exceed that which would be earned by the employee in service to the County, such leave shall be without pay. When, in instances of any such military training, the total pay received for such training shall be less than that which would be earned by the employee in service to the County, the County Manager shall grant compensatory pay to the amount of the employee's regular County salary, subject to approval by the County Commissioners. In such instances, the employee shall furnish the Human Resources Office with an official statement by the supervising military authority specifying rank, pay, and allowance.

Employees who are reservists or National Guard members must provide a copy of their annual drill schedule as soon as it is published. Employees who may be requesting military leave should give advance notice and provide a copy of their orders as soon as they are received.

Section 4.6 Court Leave

Employees of Cumberland County shall not lose regular employment pay or benefits while serving on jury duty. In instances where the amount received for jury duty shall be less than that which would be earned by the employee in service to the County, the Commissioners shall grant compensatory pay in an equal amount sufficient to make the employee whole. In such instances, the employee shall furnish the Commissioners with an official voucher showing the amount received for jury duty.

Section 4.7 Leave of Absence

An employee of regular standing may be granted a leave of absence without pay by the County Manager upon recommendation of the respective department head.

Leave without pay shall not exceed one (1) year in length and shall be granted only when it appears feasible, because of the past record of the employee or because of the purpose for which the leave is requested, provided that the best interest of the County shall be served. During the leave of absence without pay, at the discretion of the County Manager and subject to approval by the County Commissioners, seniority may accrue and paid benefits may be continued.

Section 4.8 Administrative Leave

The County Manager may excuse employees from duty for short periods of time with pay and without charge to leave. Examples would be extreme weather conditions, disaster and days of national mourning or celebration. Those designated "essential" who are required to remain at work, or report to work, will be given compensatory time off in an equivalent amount at a time mutually convenient to the County and employee.

Employees who are on paid or unpaid leave will not be entitled to the administrative leave credit and will be charged with the appropriate leave time.

Section 4.9 Absence without Leave

Any absence of an employee from duty that is not authorized by a specific grant of leave shall be deemed to be absence without leave. Such absences shall be without pay and may be grounds for disciplinary action.

In the absence of such disciplinary action, any employee who absents themselves for three consecutive days without leave shall be deemed to have resigned.

Section 4.10 Family and Medical Leave

An eligible employee may request leave in accordance with the Family Medical Leave Act of 1993 (FMLA) for the care of an employee's child (birth or placement for adoption or foster care); for the care of an employee's immediate family who has a serious health condition; or for a

serious health condition that makes the employee unable to perform the employee's job. Procedures are outlined by Administrative Regulation number 11.

Section 4.11 County Employees who Seek County Elective Office

County employees may seek or accept nomination to an elective county office, provided that such employees must take a leave of absence during the 30 day period immediately preceding the general election for the office the employee is a candidate. Employees may use accrued vacation or earned time during such leave. The leave of absence requirement does not apply to incumbent county elected officials or when the general election is not contested.

Employees must comply with the Standards of Conduct contained in Cumberland County Administrative Regulation No.23. The sheriff, chief deputy and all full and part time deputies must comply with the provision of title 30-AM.R.S.A. 355.

ARTICLE V. EMPLOYEE BENEFITS

Section 5.1 Maine Public Employees Retirement System

All full time and part time regular Cumberland County employees may, at their discretion, participate in the Maine Public Employees Retirement System.

Employees who choose to join the System shall contribute a percentage of their wages, as determined by statute, the contribution being in the form of a deduction from each paycheck. Cumberland County shall, in turn, contribute at a level to be determined annually by the actuary for the Maine Public Employees Retirement System.

Any participating employee terminating from Cumberland County may, at his/her discretion, withdraw his/her contributions by filing proper application to the Maine Public Employees Retirement System.

Section 5.2 Social Security

In addition to the Maine Public Employees Retirement System, the County participates jointly with employees in the Social Security System. The rate of contributions for both the County and the employee will be determined by statute.

Section 5.3 Group Life Insurance

Group Life Insurance is available to all elected, appointed or regular County employees, at the employee's option. Employees who do not elect to participate in the Group Life Plan will be required to sign a "Refusal of Insurance" form. Once the insurance is refused, an employee, at his/her option, may request to enroll the Group Life Plan, subject to filing an "Evidence of Insurability" form to the policy underwriting company.

Section 5.4 Workers' Compensation

Cumberland County shall provide workers' compensation insurance for all full time and part time employees in accordance with Maine law.

An employee who sustains a personal illness or injury arising out of and in the course of his/her employment shall immediately file a report of injury with their supervisor in accordance with Administrative Regulation number 7. Failure to file a report may result in lost benefits.

With the County Manager's approval, and on an individual case basis, earned time may accrue for a period not to exceed three (3) months for an employee absent from work and collecting workers' compensation for an injury or occupational illness directly related to his/her employment with Cumberland County.

Section 5.5 Group Health Program

The County provides health insurance to employees who work an average of at least thirty (30) hours a week and are regularly scheduled on a year round basis. Employees who work twenty (20) hours a week and have been employed prior to March 2008 will continue to receive health insurance.

New employees, are eligible to enroll as of the first of the next month following thirty (30) days of employment.

The County pays the single subscriber premium for all eligible employees. In addition to the single subscriber premium, the County pays ninety percent (90%) of the total premium towards the cost of single with dependent coverage and eighty percent (80%) of the total premium towards the cost of family coverage. This is subject to change based upon budgetary restrictions.

Coverage under the County's medical insurance is available to domestic partners of employees subject to the rules of the Maine Municipal Employees Health Trust and the continuation by the County in that program. The premium payment for domestic partner coverage will be the same percentage as the county pays for the family premium cost for medical insurance.

Eligible employees who choose not to participate in the County's health insurance or who elect to withdraw from the health insurance and can show proof of other current health insurance are entitled to receive a stipend in lieu of the insurance benefit. The amount of the stipend is set by the County Commissioners.

For a period not to exceed one (1) year, the County shall continue to pay the single subscriber premium for an employee collecting workers' compensation for an injury or occupational illness directly related to his/her employment with Cumberland County. The employee shall be responsible for paying the total additional premium for single with dependent, family, or domestic partner coverage.

Section 5.6 Unemployment Compensation

As required by law, Cumberland County provides Unemployment Insurance on a self-insured basis. All Cumberland County government employees are covered at such time when they may be without employment as defined by law.

Section 5.7 Income Protection Insurance

This is an optional benefit that protects against loss for a non-occupationally incurred illness or injury. The premiums are employee paid and coverage starts after a waiting period. The County simply handles payroll deduction. This insurance is in addition to sick leave and protects income when an illness or injury occurs off the job.

Section 5.8 Dental Insurance

This is an optional benefit offered to employees who work an average of at least thirty (30) hours a week and are regularly scheduled on a year round basis. Employees who work twenty (20) hours a week and have been employed prior to March 2008 will continue to receive dental insurance.

The County shall fund fifty percent (50%) of the employee only rate and apply this amount to family and dependent coverage towards the cost of whatever level of dental insurance selected by the employee.

Coverage under the County's dental insurance is available to domestic partners of employees subject to the rules of the Maine Municipal Employees Health Trust and the continuation by the County in that program. The premium payment for domestic partner coverage will be the same percentage as the county pays for the family premium cost for dental insurance.

Section 5.9 Employee Assistance Program

Cumberland County will provide its full and part time employees with an Employee Assistance Program and will fund this benefit one hundred (100) percent.

Section 5.10 Flexible Benefit Program

The County will provide a flexible benefit program and fund the administrative fee for premium conversion and reimbursement accounts.

Section 5.11 Educational Assistance

Subject to conditions listed by Administrative Regulations number 9, full time employees may be reimbursed the cost of approved educational or training programs in accordance with the administrative regulation.

Section 5.12 Travel

Employees required to travel and/or use personal conveyances on official business for the County will be reimbursed for such expenses as food, lodging and transportation as may be incurred while on such official business of the County. Reimbursement for use of personal conveyance shall be set at such rate as may be set forth by County administrative regulations.

Section 5.13 Parking

Parking for Cumberland County employees may be provided, as space is available. This benefit shall be provided to regular full and part time employees.

Section 5.14 Deferred Compensation Program

Effective April 14, 2008, the 457 deferred compensation investment program is administered through the Maine Public Employees Retirement System. The County elects to utilize automatic enrollment provisions and therefore will withhold 1% from each newly hired employee's compensation unless the employee elects a lesser percentage (including zero) on a salary reduction agreement. Employees may also defer a dollar amount or a percentage of total salary up to a maximum set by federal law. This is paid by the employee and the County handles payroll deduction.

Employees who participate in the 457 plan but chose not to participate in the defined plan of Maine Public Employees Retirement System will have a County match up to five (5%) maximum contribution of base pay. Employees who participate in the defined benefit plan of MPERS may participate in the 457 deferred compensation plan but the County will not match the 457 contribution. Current employees who are participating in a 457 plan with providers other than MPERS may continue their contributions with those companies and are also allowed to participate with the MPERS 457 plan.

Section 5.15 Vision Insurance

This is an optional benefit offered to non union employees effective February 1, 2011. Non union employees will be permitted to purchase vision insurance offered through the Maine Municipal Health Trust. The premiums are employee paid.

ARTICLE VI. COMPLAINT PROCEDURE

Section 6.1 Employee Rights and Obligations

Any full time or part time regular employee of Cumberland County who has completed the probationary period shall have the right to file a complaint or have access to a subsequent appeal regarding all personnel actions which s/he may deem unjustified or unnecessarily adverse in effect which are included in this Personnel Policy. Affected employees also have an obligation to bring matters of concern to the attention of their supervisor as soon as practicable in order to assure an expeditious solution to problems that may arise.

Section 6.2 Definition of Complaint

A complaint, for purposes of this Personnel Policy, shall be defined as any misunderstanding, grievance, or dispute arising between the employee and the department head or supervisor as to the meaning or application of the specific terms of this policy.

“Days” shall mean calendar days, exclusive of Saturdays, Sundays, and legal holidays.

Section 6.3 Informal Complaint Procedure

Every reasonable effort shall be made by the employee and the supervisor involved in a complaint to arrive at a fair and equitable resolution of every complaint without resorting to the formal complaint procedure hereinafter set forth. It is understood that the presentation and discussion of complaints shall take place during normal work time. If the complaint cannot be resolved in this manner, the matter may be submitted to the formal complaint procedure.

Section 6.4 Formal Complaint Procedure

- A. When an employee feels aggrieved because of any action affecting his/her status or conditions of employment, s/he may file written complaint to his/her immediate supervisor within five (5) days with a view to adjusting the matter satisfactorily. It shall be the responsibility of the immediate supervisor to hear the employee's complaint and to take appropriate action, filing a written response within ten (10) days.
- B. In instances where the matter is one which cannot be satisfactorily addressed by the immediate supervisor or the complaining employee does not find acceptable the written response of the supervisor, s/he may bring the written complaint, within five (5) days, to the attention of the respective department head. It shall be the responsibility of the department head to hear the complaining employee and respond in the form of a written response to the employee within ten (10) days.
- C. When an aggrieved employee is dissatisfied with the written response of the appropriate department head, s/he may present the complaint in writing to the County Commissioners within five (5) days of the date s/he received the response from the department head, including the answer of the department head along with specific reasons why the complaint was denied. The County Manager may hear the grievance in lieu of the County Commissioners provided the Manager follows the

procedure herein. The decision of the County Commissioners or County Manager shall be transmitted in writing to the employee within ten (10) days. Copies of the decision will be forwarded to the employee's immediate supervisor and department head. Such decision shall be final and binding on all affected employees.

Section 6.5 Failure to Comply With Time Limits

If a formal complaint is not appealed to the next higher level within the time limits so specified, such complaint shall be considered settled, obviating the need for further consideration, unless the parties have mutually agreed to waive the time limit, in writing.

ARTICLE VII. Legal

Section 7.1 Sexual Harassment

Employees of Cumberland County should be able to enjoy a work environment free from all forms of discrimination and harassment, including sexual harassment. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. The process of reporting and remedy is outlined in Administrative Regulation number 4.

Section 7.2 Equal Employment Opportunity/Affirmative Action

Cumberland County government is committed to equality of opportunity. Individuals will be recruited, hired, promoted and compensated based on merit and not non-job related attributes such as gender or minority status. This process is outline in Administrative Regulation number 21.

Cumberland County Personnel Policy

Effective Date: January 1, 1998

Adopted Date: February 23, 1998

Amended Date: January 1, 1999

Amended Date: January 1, 2002

Amended Date: January 1, 2006

Amended Date: March 14, 2008

Amended Date: June 1, 2009

Amended Date: January 1, 2011