

CHAPTER 4  
CITY OF SOMERSWORTH PERSONNEL RULES & REGULATIONS

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## **1. Purpose**

The Personnel Rules and Regulations provide for the appointment, promotion, training, transfer, layoff, discipline, removal, compensation and conditions of employment for employees of the City of Somersworth except for employees of the School Department. These rules apply to all employees for whom wages, hours and conditions of employment are not provided in a collective bargaining agreement. Where a collective bargaining agreement exists, no part of these rules and regulations shall apply to employees covered by the agreement unless specifically and explicitly provided for in the agreement.

The provisions and benefits of this Chapter are deemed to be exclusive and no employment agreement of any kind shall be binding or valid unless first proposed by the City Manager and adopted by the City Council. (Passed 2/4/1991.)

## **2. Administration**

### *2.1 Existing Conditions*

It is the intention of these rules that any person employed on the date the rules become effective will not lose any benefit to which he or she was entitled on that date. Any person receiving such a benefit must inform the City Manager of that fact within 60 days of the effective date of these rules. The employee and the City Manager will write out the terms of those benefits which will then continue in effect until a change in the employee's status justifies discontinuing the benefits. Benefits of this kind are to a specific individual and not to the position.

### *2.2 Separability*

The sections and parts of these Rules and Regulations are separable. If any portion of them is held to be invalid, the remainder will continue in effect.

### *2.3 Pledge Against Discrimination*

The City of Somersworth shall apply all rules and regulations and carry out all dealings with its personnel, without discrimination as to age, marital status, race, color, creed, national origin, sex, political affiliation, mental disability, physical disability, sexual orientation, or gender identity. All employees are expected to act in a like manner in all performance of their duties as City employees. (Amended 06/05/2006, 01/03/2017.)

The amendment by reference to mental and physical disability shall be effective as of July 26, 1992, relative Federal law claims and 1975 relative State statute claims, pursuant to RSA 354-A. (Passed 1/4/1992.) (Amended 1/4/1993.)

## **3. Definitions**

### *3.1 Anniversary Date*

The anniversary date of an employee is the first full day of the employee's current employment by the City and is used to calculate length of service. The date normally will be adjusted to correct for unpaid leaves of absence, broken service or, with the consent of the employee, for other good cause.

### *3.2 Adjusted Base Rate*

The adjusted base rate of salary is regular base salary adjusted in accordance with the Fair Labor Standards Act (FLSA) to be used for the calculation of overtime pay. It is the regular hourly rate for the employee plus the hourly equivalent of lump sum bonuses, longevity payments, and the like for which the employee is entitled.

### *3.3 Appointing Authority*

The appointing authority is the person who has the authority to hire and/or terminate employment of persons. Unless otherwise provided in the Administrative Regulations, the City Manager is the appointing authority for department heads and department heads are the appointing authority for personnel in their departments. A department head may delegate appointing authority to division or bureau heads with the approval of the City Manager in each specific case.

### *3.4 Demotion/Promotion*

Demotion/promotion means a change of the employment status of an employee from a position in one class to a position in another class having a lower or higher maximum salary rate, respectively.

### *3.5 Employee*

An employee is any person who is compensated for his or her services by the City of Somersworth (as contrasted to a vendor whose firm supplies such services).

### *3.6 Fair Labor Standards Act (FLSA)*

The Fair Labor Standards Act is that federal legislation found in Title 29, United States Code, Chapters 8 and 9 and amplified by appropriate state law which deals with minimum wages and overtime payments to be made to employees.

### *3.7 Grievance*

A grievance is a charge that the Personnel Rules and Regulations have been violated, incorrectly interpreted or incorrectly applied.

### *3.8 Regular Salary/Compensation*

Regular salary or compensation is the amount any employee would earn in a normal work week exclusive of overtime or other premium pay.

## **4. Personnel Records**

Official personnel records will be kept in the office of the City Manager or some other location the Manager may designate. The official record will include such items as employment application, personnel transactions (when completed), evaluations, disciplinary records and the like. Departments may retain copies of necessary documents in their offices. The official personnel record and all copies of their contents are restricted to access by the City Council, City Manager, department head, supervisor and the employee unless the employee approves its disclosure to other persons.

## **5. Classes of Employees**

### *5.1 Employee, Exempt*

An exempt employee is a salaried employee who is exempt from the provisions of the Fair Labor Standards Act. Such an employee is retained in a managerial or professional capacity and works such hours and at such locations as are required to fulfill the duties of the position.

### *5.2 Employee, Non-exempt*

Non-exempt employees are all City employees who are not designated as exempt from the Fair Labor Standards Act.

### *5.3 Employee, Full Time*

A full time employee is an employee who works thirty-five (35) or more hours and who is retained with the expectation that employment is for one (1) year or more.

### *5.4 Employee, Part Time*

A part time employee is one who works less than thirty-five (35) hours per week and who is retained with the expectation that employment is for one (1) year or more.

### *5.5 Employee, Seasonal*

A seasonal employee is one who is retained to work either on a full time or part time basis but for a period of time of less than one (1) year. Temporary or seasonal employees may be continued in their temporary or seasonal appointment from year to year or employment period to employment period.

## **6. Hiring, Promotion, Transfer and Layoff**

### *6.1 Equal Opportunity for Hiring and Promotion*

Employees shall be selected and promoted without discrimination as to sex, age, race, color, national origin, creed, religion, political affiliations, or handicap from the best qualified persons applying for employment. Employee preferences will be given maximum opportunity for promotion and will be given first consideration in filling vacancies. Preference will be given to citizens of the City of Somersworth when all other qualifications are equal.

### *6.2 Employment Selection Process*

There will be as wide a search for qualified candidates for open positions as is practical. The search will vary from position to position and will include in-house posting, outside advertising, contact with state and other employment offices, and contact with special sources of information as appropriate for the particular case.

### *6.3 Probation*

Newly hired and promoted employees will serve on probation for six months to evaluate their suitability for service in their new position. The person appointing the newly hired or promoted employee will evaluate that person at the end of the third and fifth months in the new position. The purpose of this probation evaluation is to determine whether the appointee is performing satisfactorily and, if not, what steps must be taken to achieve satisfactory performance.

At any time during the probationary period, a newly hired person can be dismissed if it becomes apparent that he or she is not suitable for that position. The terminated employee will be given a

written statement regarding the reasons for dismissal and an opportunity to discuss the matter with the immediate supervisor. There is no right to appeal in this case, however.

An employee who has been promoted but has shown during the promotional period to not be suitable in the new position may return to their former position. A promoted employee will receive the same evaluation as a newly hired person. There will be no appeal from a decision to return a promoted employee to their former position during the probationary period.

#### *6.4 Transfer Between Departments*

If an employee possesses the qualifications to fill a vacant position and wishes to transfer from his/her present department to another department, he/she will notify the affected Department Heads. Unless there are extraordinary circumstances, the transfer will be approved.

#### *6.5 Layoffs*

An employee may be laid off by reason of shortage of work and/or funds, abolition of the position, other material changes in the organization, or for other reasons beyond the employee's control and which did not reflect discredit upon the service of the employee.

No employee will be laid off while another person in the same class in the same department is employed on a probationary or temporary basis. Layoff of employees will be made on inverse order of employment in the class and department involved. An employee to be laid off will be given written notice of the lay off and reasons therefore, two (2) weeks before the effective date of the action.

#### *6.6 Reallocations Downward*

When an employee's position is reallocated to a lower class of positions, the employee shall be permitted to continue at his/her present rate of pay during the period of incumbency (except in the case of general city-wide reductions), but shall not be entitled to a salary increase until the range for that position allows such an increase.

#### *6.7 Reinstated Employees*

A reinstated employee will be paid at a salary rate within the approved range for the position to which reinstated. The City Manager will establish the rate of pay.

#### *6.8 Administrative Salary Adjustments*

After an employee has completed his/her probationary period and increased to the next step above his/her probationary step, his/her salary shall be reviewed annually by the department head or other supervisor for the purpose of determining which employees shall receive salary increases. Tardiness, performance and length of service records shall be considered in making recommendations with major emphasis placed on the evaluation of services rendered. After the above analysis by the department head or other supervisor, a certificate of satisfactory service, which shall be approved by the City Manager, shall entitle an employee to a one-step increase until the maximum step of the class has been reached. Generally, no employee shall be entitled to more than a one-step increase each fiscal year.

#### *6.9 Deputy City Manager Designation*

The Deputy City Manager is appointed by the City Manager and serves at the pleasure of the City Manager or until such time that the Deputy City Manager tenders his/her resignation. Each appointment will be considered on the basis of merit and fitness to perform duties as assigned.

## **7. Working Conditions**

The provisions concerning working hours, overtime and sick leave apply to non-exempt employees only.

### *7.1 Working Hours*

Normal working hours are established by Department Heads with the approval of the City Manager. Hours are normally those which best accommodate the needs of the public. The normal work day is seven (7) or (8) hours for full time employees (depending on whether the position is 35 hours per week or 40 hours per week) with a minimum of one-half hour unpaid break for lunch break.

### *7.2 Overtime*

Overtime will be paid to employees not exempt from the FLSA at the overtime rate of one and one-half times the adjusted base rate of pay for time worked in excess of eight (8) hours per day and of forty (40) hours per week. Overtime within a class will be offered on an equal basis wherever possible.

(Amended 6/29/1989.)

At the discretion of the Department Head, compensatory time off may be granted rather than overtime pay. If an employee works more than 40 hours in a week, compensatory time off not taken during the same pay period accumulates at the rate of one-and-one-half times the time actually worked. Compensatory time off only applies to time to be taken in a pay period after the period when the overtime is worked. The FLSA has detailed rules regarding granting and accumulating compensatory time which must be fully understood by the employee and department head before being granted. In case of conflict between these rules and the FLSA, the FLSA will be followed.

Personal days and floating holidays will be taken within a year of being earned.

Where a department or division routinely has overtime work, the opportunity to work overtime will be offered equally among all qualified employees of that division or department. Each department will develop detailed procedures for implementing such a process as required. Where used, a list of all employees eligible for such overtime will be posted showing overtime offered and worked for each member. (Added 6/29/1989.)

### *7.3 Holidays*

The following thirteen days are observed as paid holidays by the City in lieu of all other state and federal holidays:

- New Year's Day
- Martin Luther King Day (Passed 2/19/2002.)
- Washington's Birthday
- Memorial Day (State Holiday)
- Juneteenth Day (Passed 2/22/2022.)
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day

Day after Thanksgiving  
Christmas (2 days as posted on the City calendar)  
One (1) floating holiday in lieu of Fast Day.

When a holiday falls on a Sunday, the following Monday is observed as the holiday. When a holiday falls on a Saturday, the preceding Friday is observed. Any employee required to work on a holiday will receive pay for the time worked at one and one-half times the adjusted base rate in addition to holiday pay for that day. (Amended 05/20/19.)

To receive holiday pay, an employee must work the scheduled working day before and after the holiday unless on authorized leave.

#### *7.4 Leave*

##### *7.4.1 Sick Leave*

Sick leave is granted by the City to provide employees with the ability to take time off to recover from illness without suffering loss of pay. Sick leave is granted at the rate of one (1) day per calendar month worked, credited at the end of the month. Sick leave may be accumulated for a period of up to, but not exceeding, ninety (90) days.

Sick leave may be taken as whole days or in hourly increments. It may be used for bonafide doctor's appointments or to care for a spouse or child who is ill.

Upon termination of employment all employees entitled to sick leave will receive payment equal to one half the number of accumulated sick days not to exceed forty-five (45) days at their current rate of pay. Exempt employees will be paid out at termination after 10 consecutive years of service. (Amended 9/26/22)

If an employee dies, the sick leave accrued will be paid to the beneficiary designated on the employee's group life insurance policy.

To receive compensation while absent on sick leave, the employee shall notify his/her department head, no later than one (1) hour after the time set for the beginning of his/her daily duties. At the discretion of the Department Head or City Manager, a doctor's certificate may be required for absence due to illness in excess of three (3) days. If the Department Head has a reasonable basis to believe or suspect an employee has abused sick leave privileges, he/she may require a doctor's certificate for an illness of less than three (3) days.

All employees who have accumulated eighteen (18) days of sick leave shall receive a personal day for each six-month period worked thereafter without using a sick day. The maximum balance will be 8 hours, requiring employees to use time before more time can be earned. These days are not paid out at termination.

##### *7.4.2 Removed 9/26/2022*

##### *7.4.3 Injury Leave*

An employee who is unable to perform his or her duties as a result of a work-connected injury or illness, as defined by RSA 281:2, will continue to receive his or her regular salary for a period not to exceed six (6) months, or, if it is determined that the employee is permanently disabled, provided that any salary compensation received as a result of Worker's Compensation is assigned



to the City. An employee unwilling to assign such compensation will receive no salary but all other normal benefits will continue until the employee returns to work or is terminated from City service.

After an employee has been on Worker's Compensation benefits for ninety (90) days, the appropriate Department Head will order a complete physical and/or mental examination of said employee by two registered physicians to establish if the injury permanently incapacitates the employee. If permanently unable to return to the previous position, the City will attempt to find other employment within the City for which the employee is qualified. Otherwise application will be made for retirement under the provisions of whichever retirement plan would apply. The commencement of payments under the New Hampshire Retirement Law shall end the employer's obligation of payment on annual and/or accumulated sick leave, and/or workmen's compensation payments.

There will be a free exchange of medical data and reports during the period of incapacity and while such determinations are being made, and to facilitate such exchange, an incapacitated employee shall execute medical authorization directing his/her physician to release reports concerning the medical condition of the employee. Copies of such reports will be provided to the employee.

Employees eligible for Worker's Compensation benefits but able to perform work other than their regular duties (i.e., light duty) will be assigned such other duties whenever possible. While temporarily assigned to other work for this reason, the employee will be paid their regular rate of pay.

Light duty assignments will normally be made for specific periods of time and for a maximum period of three (3) months. Additional period of time may be granted when it is in the best interest of the City.

#### *7.4.4 Emergency Leave*

Three days leave with pay may be granted by the City Manager for emergency purposes which includes critical illness or death in the immediate family, subpoena to appear before a court, public body or commission, and other appropriate situations. Emergency leave supplements sick leave and annual.

For the purpose of this section, immediate family is spouse and children of the employee, children of the spouse, grandmother, grandfather, mother, father, brother and/or sister of either the employee or the employee's spouse.

#### *7.4.5 Jury Duty*

If called for jury duty, the City will pay the difference between the employee's regular rate and the amount paid by the Courts. Such payment will be made upon verification of court payment.

#### *7.4.6 Maternity Leave*

Inability to work shall be considered a non-job related disability for a female employee so affected and she shall be entitled to the same benefits as an employee unable to work due to a non-job related illness or disability. In addition, a minimum of 45 days maternity leave will be allowed a female employee without loss of time or position, starting at delivery day. No money will be paid to an employee by the City during this 45 day period unless the employee takes sick

leave or vacation. The employee shall return to work the first Monday following the 45 day period, unless the employee applies for an extension, to be approved or disapproved by the City Manager.

#### *7.4.7 Military Leave*

Any regular, full time employee of the City who is a member of any reserve component of the armed forces of the United States may receive not more than 15 calendar days leave of absence with pay annually for the purposes of engaging in active duty for training.

#### *7.4.8 Other Leaves of Absence*

Other leaves of absence may be granted, with or without pay, by the City Manager when in the best interests of the City. Vacation and sick leave will not accumulate during a leave of absence without pay.

#### *7.4.9 Family and Medical Leave Policy*

The City Manager will issue a City of Somersworth Family Medical Leave Act Policy and amend it as may be required by law from time to time. (Passed 01/22/2019.)

#### *7.5 Special or Protective Clothing*

When special clothing or protective clothing is required to perform a job those items will be furnished by the City. Special or protective clothing will be replaced by the City when worn out or damaged. The employees will be required to replace items damaged or lost through negligence at the employee's expense. Such clothing is the property of the City and will be turned in when being replaced or on termination of employment.

#### *7.6 Vacation*

##### *7.6.1 Vacation*

Vacation is earned in increments of a whole day beginning with the first day of employment of the current employment with the City according to the schedule below:

<u>Years of Service</u>	<u>Days per Year Earned</u>
6 mo. to 1 year	5 working days
over 1 yr. to 5 yrs.	10 working days
over 5 yrs. to 10 yrs.	15 working days
Over ten years	15 working days plus one day per year of service over ten years to a maximum of 30 days. (Amended 03/07/2016.)

For recruitment purposes of exempt employees the City Manager may approve additional days of vacation taking into consideration years of service or previous experience. (Added 03/07/2016.)

Exempt employees may carryover or cashout up to 5 days (40 hours) vacation time with prior City Manager approval. (Added 03/07/2016.)

##### *7.6.2 Vacation Scheduling*

Vacation leave will be granted when, in the opinion of the City Manager or Department Head, it shall be convenient to the conduct of departmental and all city operations, but no department head will withhold the vacation leave of any employee in excess of twelve (12) months. Vacation leave will be credited to the employee on the anniversary date at the end of the year in which vacation was earned and must be used within one year of the date credited. Vacation time

will not accumulate from year to year. No payments will be made to any City employee in lieu of vacation BUT payment for accrued vacation will be made on termination from the City service. (Amended 11/20/1989).

## *7.7 Training and Education*

### *7.7.1 Requirement to Take Training*

An employee may be required to participate in job related programs. Expenses for required training will be paid for by the City and time spent in this training will be paid the same as time worked in the employee's regular position.

### *7.7.2 Education Reimbursement*

The City will provide educational reimbursement to employees who complete approved training courses relating to their current responsibilities or as part of an approved career development program:

- a. Payment will be for fifty percent (50%) of the cost of the course.
- b. Courses must be approved in advance by the Department Head and the Personnel Department.
- c. Once a course has been approved an advance may be made to the employee of one-half (1/2) of the authorized fifty percent (50%) of the course tuition and books. The remainder of the course reimbursement will be paid to the employee upon presentation of a certificate of satisfactory course completion.
- d. If employment is terminated prior to the completion of the course, the employee will not be eligible for any reimbursement and will refund any money advanced on enrollment.
- e. Approval for courses will be considered on the basis of relevancy of the course, number of employees applying, and funds available.
- f. If a course is paid for in whole or in part through a Federal or State program then the City will not reimburse for the amount of the grant.
- g. The City may require an employee to execute an agreement to remain in the employment of the City for a period of time following completion of a course for which the City pays all or part of the cost of the training. The agreement will provide the employee to return the cost of the training to the City as liquidated damages for leaving City employment prior to the expiration of the agreement

## *7.8 Travel*

### *7.8.1 Mileage*

When authorized, a city employee who utilizes a privately owned vehicle for official use on City business will be reimbursed at the maximum rate allowed by the U. S. Internal Revenue Service for actual miles traveled. The fare of all other means of transportation such as air travel, bus, etc., will be purchased by the City unless an emergency prevents the advance purchase in which case the employee will be reimbursed for reasonable expenses.

### *7.8.2 Travel*

An employee will be reimbursed for reasonable expenses incurred while traveling on behalf of the City. An advance payment may be made for the estimated costs of food and lodging. Within five (5) working days of returning from authorized travel a report of expenses incurred with receipts must be submitted along with a trip report. Advance payment must be properly accounted for and any advances not properly accounted for returned to the City immediately.

### *7.8.3 Conferences*

Registration fees and entry fees will be paid in advance by the City. In the case of unexpected or unanticipated fees essential to the program being attended, the City will reimburse the employee for such fees as long as they are reasonable.

### *7.8.4 Trip Reports*

Any employee attending a conference or function involving travel away from the City for a full day or more and who is partially or completely reimbursed for expenses must submit a trip report to the City Manager via the appropriate department head. This report will be on an approved form and will, as a minimum, list the name of the function and its purpose, location, dates, material/knowledge/skills of use to the City, and other information as appropriate.

## *7.9 Other*

### *7.9.1 Elective Office Conflicts*

In order to insure that City services are delivered fairly and impartially it is necessary to separate political activity from the work place. No employee of the City may use his or her office to engage in any form of political activity either on behalf of themselves, other individuals, or groups or parties. This prohibition includes the display of political signs or materials and activity on the part of any candidate or party using City property or while working.

Any employee wishing to hold elective office in City government must resign his or her position upon being declared elected to that office.

Notwithstanding the above, a part-time non-supervisory City employee may serve on the School Board (passed 11/18/1996), and any full time or part time non-supervisory City employee may serve as an election official (passed 2/18/1997).

Time off, with or without pay, will not normally be granted for the purpose of allowing an employee to fulfill the duties of an elective office.

### *7.9.2 Miscellaneous Expense Reimbursement*

Employees will be reimbursed for authorized expenses incurred when conducting City business. This reimbursement may include personal property lost or damaged on City business provided no misconduct is involved. This does not include normal wear and tear on clothing or property required to perform the employee's function.

## **8. Discipline and Dismissal for Cause**

Employees are obliged to follow these Rules and Regulations and to carry out their duties as required by state law, City ordinances and the directives of management. Deliberate failure to properly perform the duties and functions of a person's position render that person liable to disciplinary action. Included in all employee's duties is the requirement to render efficient service to the public in as pleasant a manner as circumstances permit.

### *8.1 Discipline*

The exact nature of discipline for an infraction depends on the incident from which the infraction arises. It is the policy of the City to use progressive discipline whose goal is to correct and modify behavior rather than punish. Normally discipline will proceed through the following steps depending upon the nature and severity of the infraction:

Verbal warning  
Written warning  
Suspension without pay  
Demotion  
Dismissal

All warnings, suspensions, or disciplinary actions will become part of the personnel file and will remain in said file for a period of three (3) years except for records of verbal warnings which shall remain in the file for only one (1) year.

#### *8.2 Suspension*

A department head or appointing authority may suspend an employee without pay for not more than five (5) working days due to inefficiency, incompetence, misconduct, negligence, insubordination, or for other sufficient cause. A written statement setting forth the reasons for such action will be filed with the Personnel Officer. Suspension for a longer period requires the approval of the City Manager.

#### *8.3 Dismissal*

Dismissals are discharges or separations made for misconduct, inefficiencies, or other just cause. Any dismissal must be reviewed by the City Manager prior to becoming final. A written statement setting forth the reasons for such actions will be filed with the Personnel Officer.

#### *8.4 Causes for Immediate Removal*

The following are causes for immediate dismissal:

Willful and gross neglect of duty  
Insubordination or serious breach of discipline  
Intoxication while on duty  
Chronic or excessive absenteeism  
The conviction of a felony  
Willful damage to public property  
The use or attempt to use one's authority or official capacity to obtain special or preferential treatment for any person or firm.

### **9. Job Classification**

The Classification Plan establishes, for each class of position within the City, a class title, statement of duties, authority and responsibility, and the qualifications necessary or desirable for the satisfactory performance of the duties of said class. This plan will be maintained by the City Manager and will be available for inspection in his office. The initial Classification Plan shall be that submitted to the City in Parts I, II and IV of the Position and Classification Report of Yarger and Associates, Inc., dated April 10, 1987.

#### *9.1 Definitions*

- A. A position is a group of currently assigned duties and responsibilities, requiring the full or part time employment of one person. A position may be occupied or vacant.
- B. A class of positions is a group of positions (or one position) that: (1) has similar duties and responsibilities; (2) requires like qualifications; and (3) can be equitably compensated by the same salary range.

- C. The class title is the official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.

#### *9.2 Administration*

The City Manager shall be responsible for administering the position classification plan. The City Manager may assign other officials or employees to assist him/her in this activity.

#### *9.3 Allocation of New Positions*

The department head or other supervisor shall complete a position description covering the duties and responsibilities of each proposed position. The City Manager shall allocate the position to one of the classes in the position classification plan. If a suitable class does not exist, he/she shall establish a new class in accordance with the provisions of Section 9.8 of this Regulation and allocate the position to it.

#### *9.4 Allocation Appeals*

If an employee has facts which indicate that his/her position is improperly allocated, he/she may request the City Manager to review the allocation of the position. Such request shall be submitted in writing and shall contain a statement of justification.

#### *9.5 Maintenance of Plan*

- A. Each time a vacancy occurs, a position description shall be completed and submitted to the City Manager for a review of the allocation of the position. This requirement may be waived by the City Manager in cases where changes in the duties and responsibilities of a position have been unlikely.
- B. Each time a department is reorganized, position descriptions for all affected employees shall be submitted to the City Manager for review.
- C. The City Manager may require employees to submit position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one or more positions.
- D. Each time a new class is established, a class specification shall be written and incorporated into the existing plan. The class title shall be added to the schematic list of titles. Likewise, an abolished class shall be deleted from the position classification plan by removing the class specification and eliminating the class title from the schematic list of titles.
- E. Two years after the adoption of this Regulation, the City Manager shall conduct a general review of the position classification plan to be followed by a minimum of at least one general review in each succeeding two-year period.

#### *9.6 Interpretation of Class Specifications*

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established.

#### *9.7 Official Copy of Position Classification Plan*

The City Manager shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include regulations for administration, schematic list of class titles and class specifications, plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

#### *9.8 Amendments to Position Classification Plan*

Each time it appears desirable to establish a new class of positions or to abolish a current class of positions, the City Manager shall effect such a change by issuing an amendment to Section 9.10 of this Regulation.

#### *9.9 Allocation of Existing Positions*

The positions covered by the position classification plan are hereby allocated to appropriate classes in accordance with Part V of the Position Classification Survey Report entitled "Allocation Lists." The City Manager shall notify each employee of the allocation of his/her position in writing.

#### *9.10 Position Classification Plan for the City of Somersworth*

The classified service shall consist of all classes of positions included in Part IV of the Position Classification Survey Report with such changes as may be made from time to time by the City Manager in the form of amendments to this section of this Regulation.

### **10. Grievance and Appeal**

The following process is used to determine the merit of a grievance.

#### *10.1 Step One - Department Head Review*

A grievance must be submitted by the person who believes himself/herself to be improperly treated, or by someone designated by that person, within ten (10) working days of becoming aware of the condition leading to the grievance. The grievance must contain a statement of the rights the grievant believes have been violated and must say what action he or she believes the City should take to correct the grievance. The employee must sign the original grievance filed with the Department Head.

Within ten (10) working days of receiving the grievance the Department Head will conduct an informal inquiry and give a decision in writing no later than the tenth day. The time requirements under this step may be extended by mutual consent of the Department Head and the employee and/or the designated representatives.

#### *10.2 Step Two - Personnel Officer Review*

If the aggrieved person is not satisfied with the decision of the Department Head, or if no decision has been rendered within the ten (10) day period as defined above, the employee may appeal in writing to the Personnel Officer within ten (10) working days of the receipt of the Department Head's decision, or that date upon which such decision should have been rendered, provided, however, that the aggrieved employee sets forth the specific reasons for such appeal and the terms and conditions of this plan and the specific areas which the employee feels have been violated.

The Personnel Officer, or the designated representative, will hold an administrative hearing concerning the grievance within ten (10) working days of receipt of the aggrieved employee's appeal. The Personnel Officer will decide the grievance based upon the information supplied and any further information that he/she may request during or subsequent to the hearing. The Personnel Officer will render a decision in writing within ten (10) days from the close of the hearing, said procedure to take no more than twenty (20) working days from the receipt of the original grievance by the Personnel Officer.

### *10.3 Step Three - Arbitration*

10.3.1 The person aggrieved shall have the sole right to appeal that decision and the matter shall be submitted to arbitration providing the employee notifies the City of such request within ten (10) days of the receipt by the employee of the Personnel Officer's decision. The following procedure shall be used to secure the services of an arbitrator. (Amended 05/03/2010.)

10.3.1.1 The parties will attempt to agree upon a mutually satisfactory third party to serve as arbitrator. If no agreement is reached within ten (10) days following the date the request for arbitration was received by the City, the American Arbitration Association will be notified by either or both parties and requested to submit a roster of persons qualified to function as an arbitrator.

10.3.1.2 If the parties are unable to determine a mutually satisfactory arbitrator from the submitted list, they shall request a second roster of names. If the parties are unable to determine a mutually satisfactory arbitrator from the second list within ten (10) days of the receipt of such list, the American Arbitration Association may be requested by either party to designate an arbitrator.

10.3.1.3 Neither the City nor the employee will be permitted to assert any ground or evidence before the arbitrator which was not previously disclosed to the other party.

10.3.1.4 The arbitrator shall limit himself to the issues submitted to him and shall consider nothing else. He shall be bound by and must comply with all of the terms of Chapter 4 of the Ordinances of the City of Somersworth, the City Charter, and any other employment agreement that exists between this employee and the City. He shall have no power to add to, delete from or modify in any way any of the provisions of these documents. The arbitrator may award a "make whole recommendation", but may apply no penalty payments.

10.3.1.5 The decision of the arbitrator shall be final and binding on the parties.

10.3.1.6 The costs for the services of the arbitrator, including per diem expenses, if any, and actual and necessary travel, subsistence expense and the cost of the hearing room shall be borne equally by the City and the employee. Any other expense shall be paid by the party incurring same. (Section 10.3 passed 2/4/1991.)

### *10.4 Handicap Appeal*

This grievance procedure is also available to any employee who wishes to file a complaint alleging discrimination on the basis of handicap in employment practices.

## **11. Wages and Benefits**

### *11.1 Benefits for Part time Employees*

Based on a 40-hour workweek, all permanent part-time employees who are regularly scheduled to work a minimum of 20 hours per week will be eligible for vacation, sick, and holiday pay on a pro-rated percentage basis. All permanent, part-time employees who are regularly scheduled to work a minimum of 30 hours per week will be eligible for health and dental benefits on a percentage pro-rated basis in addition to the above specified benefits. (Amended 06/05/2006.)



### *11.2 Retirement Plan*

The Personnel Officer will take the steps necessary to provide employees in the City classified service membership in the State of New Hampshire Retirement System or other suitable retirement plan provided for by law. Retirement benefits will begin on date of hire.

### *11.3 Insurance*

#### *11.3.1 Health/Dental Insurance*

The City will offer one or more health insurance plans to eligible full-time employees and their families. The City will pay such portion of the premium as the City Council shall determine annually based upon the City Manager's recommendations. Employees shall be notified of the premium share to be paid by the City in advance of the new plan year.

Effective July 1, 2015, the City shall pay a percentage of an HMO-type plan as follows:

1 – Person	85% of the premium
2 – Person	85% of the premium
Family	85% of the premium

The City, after providing twenty (20) calendar days advance written notice to the employees, may modify the plan, offer additional plans, change carriers, or convert to self-insurance. The insurance provided under this provision shall be comparable in benefits to the insurance presently provided under this section.

Eligible City employees who provide proof of health insurance coverage from another source, provided such coverage does not trigger any penalty or assessment against the City under the terms of the Affordable Care Act, may opt out of City provided health coverage. Employees who exercise this opt out provision of health insurance coverage shall receive \$5,000 annually.

Eligible full-time employees may participate in the Delta Dental Option 1E or other equivalent plan currently provided for employees and their families. The City will pay 100% of the premium for the individual employee. For 2-person and family coverage the employee will pay 20% of the monthly premium cost.

(Section 11.3.1 Amended 06/18/2007; 06/15/2009; 05/30/2010. Additional language added 06/06/2011. Amended 06/18/2012. Section 11.3.1 deleted in its entirety and replaced on 02/20/2014 to take effect on 07/01/2014. Section 11.3.1 deleted in its entirety and replaced on 06/01/2014 to take effect on 07/01/2015.)

#### *11.3.2 Worker's Compensation*

All employees of the City are covered by the Workers Compensation laws of the State of New Hampshire. Any employee injured on the job will report to a place of care designated by the City. Forms to be processed for care received are in each department's office and must be completely filled out as soon as circumstances permit. All employees are required to cooperate fully with the Safety Committee which is responsible for the investigation of all work-related accidents and injuries.

#### *11.3.3 AD&D Insurance*

All full time employees will be entitled to life insurance coverage in the amount of one time their annual base rate straight life, and twice their annual base rate accidental death and

dismemberment life insurance limited to the maximum allowed by the Internal Revenue Service at the City's expense. All full time employees will be covered by an income continuation policy which will pay two-thirds of their regular salary for a period of six months with a two week waiting period for use when the employee is unable to work because of accident or illness which is not work related. Other sick leave benefits shall be adjusted so that the total compensation from insurance and other benefits does not exceed the regular compensation of the employee.

Any person who has retired from City service with 25 years or more service shall receive life insurance as provided above.

#### *11.4 Pay Plan*

##### *11.4.1 Salary Table*

The Pay Plan provides for uniform and equitable minimum and maximum rates of pay for each class of position taking into consideration the wages paid for similar kinds of work throughout the City. The Pay Plan will be reviewed by the City Council annually for the effect of cost of living. The compensation of each employee will be reviewed annually on the anniversary date by their department head for the purpose of determining a salary adjustment in accordance with the Pay Plan. A normal adjustment shall consist of advancing the individual to the next step on the Salary Table then in effect.

Ordinarily an employee will enter the City's service at the first step increase of the salary table and advance one step per year. Advancement depends on the employee gaining knowledge and ability each year and performing the duties of his or her position in a satisfactory manner. This will not prohibit starting an employee with fewer than desired qualifications below the table or from starting an unusually well qualified candidate above Step 1. A promoted employee will be placed at least at that step which is higher than their previous salary.

For the purposes of initial implementation of this plan, classes of employees shall be assigned to grades as provided in Appendix 1 to this ordinance. Future assignments shall be made as provided elsewhere in these rules. The City Manager shall assign employees to service steps within the Salary Table such that no employee shall receive a minimum increase of three (3%) percent effective the payroll period commencing July 5, 1987, except that no one shall receive a higher salary than provided in the table.

##### *11.4.2 Call Back*

An employee who is called back to work after the conclusion of their regular work day will be paid for at least three (3) hours of service at the rate of one-and-one-half times their adjusted base rate of pay. (Amended 6/29/1989.)

##### *11.4.3 Standby*

An employee who is required to be available to be called to work after regular working hours will be furnished with a radio pager and must stay within range of that pager while on standby. Each employee on standby will be paid \$32.00 for each day or part of a day on standby. (Amended 06/18/2012.)

##### *11.4.4 Longevity*

Each employee hired by the City before May 1, 1993, and with more than five years of service as a City employee, will be paid a longevity bonus of \$208.00 for each five years of service. Longevity service will be figured from anniversary date to December 1 of each year. Payment

will be made in the first pay period following December 1. Employees hired by the City after May 1, 1993, will not be eligible for this benefit. (Passed 4/5/1993.)

*11.4.5 Shift Differential*

Shift differential payments may be established for particular positions if required. Unless otherwise directed, shift differential payments shall be an additional twenty cents (\$0.20) per hour for the second shift and thirty cents (\$0.30) per hour for the third shift. (Added 6/29/1989.)

*11.4.6 Meal Allowance.*

During each twelve (12) consecutive hours of work in an emergency, employees shall be eligible for a meal allowance of up to ten dollars (\$10.00). Employees must submit a meal purchase receipt(s) to receive the meal allowance reimbursement. (Added 4/16/2018.)

## Appendix 1

### ASSIGNMENT OF CLASS TO GRADE (Covering Classes as **Nonexempt** Under The Fair Labor Standards Act)

<b><u>CLASS TITLE</u></b>	<b><u>GRADE</u></b>
<b><u>Clerical, Financial &amp; Administrative</u></b>	
Account Clerk II	18
Executive Assistant	18
Account Clerk I	17
Deputy City Clerk	16
Deputy Tax Collector	16
Secretary II	16
Clerk Typist II	13
Secretary I	13
Clerk Typist I	11
Intern	6
<b><u>Library Science</u></b>	
Children's Librarian	18
Library Assistant	16
Library Adult Assistant	10
Library Page	6
<b><u>Cable Access</u></b>	
Cable Access Coordinator (Added 08/11/2014)	18
<b><u>Inspection/Planning</u></b>	
Electrical/Plumbing Inspector	20
<b><u>Labor, Trades &amp; Labor Supervision</u></b>	
General Foreman	23
Engineering Aide	13
Custodian	9

Amended 5/1/1995; 2/21/2012; 08/11/2014; 03/16/2015; 11/19/20: 06/21/2021

**ASSIGNMENT OF CLASS TO GRADE**

(Covering Classes Classified as Exempt Under the Fair Labor Standards Act)

<b><u>CLASS TITLE</u></b>	<b><u>GRADE</u></b>
Director of Finance and Administration	31
Director of Planning and Community Development	31
Director of Public Works and Utilities	31
Fire Chief (Amended 6-05-2017)	31
Police Chief (Amended 6-05-2017)	31
Police Captain (Amended 4-16-2018)	29
Police Lieutenant (Amended 4-16-2018)	28
Assistant Finance Director (Amended 6-05-2017)	25
Economic Development Manager (Added 02/21/12)	25
Human Resources Manager (Added 08/11/2014)	25

*The regular rate of pay for a designated Deputy City Manager shall be three pay grades above the regular rate of pay that would otherwise be paid for performance of their department head duties. (Added 02/20/2018)*

Amended 02/28/1994; 05/20/1996; 02/21/2012; 08/11/2014; 06/05/2017; 2/20/2018; 4/16/2018; 11/18/2020; 06/21/2021

**Appendix 2**  
**Personnel Rules and Regulations**  
**FY2022-2023 Compensation Schedule**  
**(Effective October 1, 2022)**

<b>GRADE</b>	<b>Hire</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>6</b>	12.22	12.71	13.22	13.75	14.30	14.87	15.46	16.08
<b>7</b>	12.81	13.32	13.86	14.41	14.99	15.59	16.21	16.86
<b>8</b>	13.46	14.00	14.56	15.14	15.75	16.38	17.03	17.71
<b>9</b>	14.14	14.71	15.29	15.91	16.54	17.20	17.89	18.61
<b>10</b>	14.83	15.42	16.04	16.68	17.35	18.04	18.76	19.52
<b>11</b>	15.59	16.21	16.86	17.54	18.24	18.97	19.73	20.52
<b>12</b>	16.38	17.04	17.72	18.43	19.16	19.93	20.73	21.55
<b>13</b>	17.20	17.89	18.60	19.35	20.12	20.93	21.76	22.63
<b>14</b>	18.02	18.74	19.49	20.27	21.08	21.92	22.80	23.71
<b>15</b>	18.96	19.72	20.51	21.33	22.18	23.07	23.99	24.95
<b>16</b>	19.86	20.65	21.48	22.34	23.23	24.16	25.13	26.13
<b>17</b>	20.89	21.73	22.59	23.50	24.44	25.42	26.43	27.49
<b>18</b>	21.93	22.81	23.72	24.67	25.65	26.68	27.75	28.86
<b>19</b>	22.99	23.91	24.87	25.86	26.90	27.97	29.09	30.25
<b>20</b>	24.22	25.19	26.20	27.24	28.33	29.47	30.65	31.87
<b>21</b>	25.40	26.42	27.47	28.57	29.71	30.90	32.14	33.42
<b>22</b>	26.71	27.78	28.89	30.05	31.25	32.50	33.80	35.15
<b>23</b>	28.02	29.14	30.31	31.52	32.78	34.09	35.45	36.87
<b>24</b>	29.39	30.57	31.79	33.06	34.38	35.76	37.19	38.68
<b>25</b>	30.87	32.10	33.39	34.72	36.11	37.56	39.06	40.62
<b>26</b>	32.45	33.75	35.10	36.50	37.96	39.48	41.06	42.70
<b>27</b>	34.00	35.36	36.77	38.25	39.78	41.37	43.02	44.74
<b>28</b>	35.72	37.15	38.63	40.18	41.79	43.46	45.20	47.01
<b>29</b>	37.50	39.00	40.56	42.18	43.87	45.62	47.45	49.35

**(2.5% increase of minimum and maximum effective July 1, 2022)**

<b>25</b>	<b>A</b>	65,735.90	83,787.02
<b>30</b>	<b>A</b>	83,460.02	101,755.98
<b>31</b>	<b>A</b>	91,174.82	110,932.01
<b>32</b>	<b>A</b>	92,028.64	112,123.67
<b>33</b>	<b>A</b>	96,694.09	117,581.98
<b>34</b>	<b>A</b>	101,573.01	123,558.65
<b>35</b>	<b>A</b>	106,665.41	129,687.81
<b>36</b>	<b>A</b>	112,032.20	136,182.86
<b>37</b>	<b>A</b>	117,521.01	142,891.37

Amended 04/05/1993; 08/16/1993; 08/15/1994; 04/17/1995; 07/22/1996; 05/19/1997;  
 05/18/1998; 05/03/1999; 06/19/2000; 06/18/2001; 06/17/2002; 07/21/2003; 06/21/2004;  
 06/20/2005; 06/19/2006; 06/18/2007; 06/16/2008; 06/15/2009; 05/03/2010; 06/06/2011;  
 06/18/2012; 06/03/2013; 02/20/2014; 08/17/2015; 06/20/2016; 06/19/2017; 06/18/2018;  
 06/17/19; 07/13/20; 06/21/2021; 06/06/2022; 09/26/2022