

# LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

## A G E N D A

**December 8, 2008 - 6:00 P.M. - Council Chambers - City Hall - City of Dover**  
*Public comments are welcomed on any item and will be permitted at appropriate times.  
When possible, please notify the City Clerk (736-7008 or e-mail at  
[Tmcdowell@dover.de.us](mailto:Tmcdowell@dover.de.us)) should you wish to be recognized.*

### AGENDA ADDITIONS/DELETIONS

1. Non-Bargaining Benefit Parity (*Tabled by Committee on October 27, 2008*)
2. Proposed Ordinance 2008-43 - Chapter 58 - Human Relations, Article II - Human Relations Commission, Section 58-33 - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports
3. Discussion - Potential Summer Work Grants for Youth
4. Adjournment by 7:00 P.M.

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## **ACTION FORM**

<b>PROCEEDING:</b> Legislative, Finance & Administration Committee	<b>AGENDA ITEM NO:</b>
<b>DEPARTMENT OF ORIGIN:</b> Human Resources	<b>DATE SUBMITTED:</b> 11/25/08
<b>PREPARED BY:</b> Kim Hawkins, Human Resources Director	
<b>SUBJECT:</b> Cost of Benefit Parity for Non-bargaining Employees	
<b>REFERENCE:</b> N/A	
<b>RELATED PROJECT:</b> N/A	
<b>APPROVALS:</b> Committee and Council	
<b>EXHIBITS:</b> N/A	
<b>EXPENDITURE REQUIRED:</b> N/A <b>AMOUNT BUDGETED:</b> N/A	
<b>FUNDING SOURCE (Dept./Page in CIP &amp; Budget):</b> N/A	
<b>TIMETABLE:</b> All benefits are to be effective January 1, 2009 unless otherwise indicated.	
<b>RECOMMENDED ACTION:</b> The City of Dover Personnel Policy will be updated to reflect the recommendations by City Council and submitted for final approval.	

### **BACKGROUND AND ANALYSIS:**

At the October 27 Legislative, Finance & Administration meeting, the City Manager presented an overview of the proposed benefit parity document for non-bargaining employees. At the request of the committee, the financial implications of each benefit were to be calculated.

The financial cost of the proposed benefit parity is indicated in red font on the summary page.

# Benefit Parity for Non-bargaining Employees

## Summary

### Approval to Continue Current Practices

- Personal leave in exchange for holidays (supervisors/support staff of IBEW union members only).
- Police Chief and Deputy Chief follow Fraternal Order of Police (FOP) contract benefits; however, future Chiefs and Deputy Chiefs will follow the City of Dover Personnel Policies.
- On-call for emergency exempt employees.
- City paid long-term disability insurance.

No additional cost since current practice.

### Enhanced Benefits

- Increase vacation by three (3) days per year. Estimated exposure based upon 2007 sell-back: \$3,797. This includes wages and benefits. Using the same costing as was utilized for union negotiations, the cost is \$54,861. The costing utilized in the union negotiation was to simply multiply the employee's hourly rate by 24 hours reflecting the value of the employee's time and not the cash out lay of the city.
- Increase terminal leave/sick sell back upon retirement. 60 of 96 non-bargaining employees were hired on or before July 1, 2004. Using the past three years as an indicate of the cost over the next three years we found that of six non-bargaining employee's retirements from November 24, 2005 through November 24, 2008 only one would have been eligible for additional sell back time. This one employee could have sold back one additional day at a cost of \$220 (wages and benefits).

### New Benefits

- Vacation bonus for good attendance. Based upon hours used from January 1, 2008 through November 1, 2008, 15 employees would be eligible to earn 16 hours and 11 employees would be eligible to earn 8 hours. This represents a total of 26 employees or 33% of eligible employees. Seven of those employees's vacation sell-back would not be affected since they already sell back the maximum number of days they are permitted. The remaining 19 may be encouraged to sell back or sell back additional hours. If all 19 sell back the maximum allowable amount the total cost would be \$27,108 including wages and benefits. However, of these 19 people, only 1 traditionally sells back vacation the cash outlay may be to the city would only be \$896.
- Education Incentive Program. Based upon current employee's eligibility the cost is \$10,788. This amount includes the incentive payment and benefit rate exposure. In addition, once again based upon current employees, this amount could increase to \$21,387 over the coming years, as additional employees would satisfy the three year waiting period. This benefit parity suggestion was modified from the original proposal. This incentive would no longer be considered pensionable. This change was considered when calculating the cost.
- Professional Engineer Licensure Incentive Program. The City currently has two Professional Engineers on staff. The incentive and benefit cost for these two employees is \$6,489. If the additional three engineers on staff obtain their Professional Engineering license, the additional expense for the incentive and benefit cost would be \$9,778. The potential combined expense would be \$16,267. This benefit parity suggestion was modified from the original proposal. This incentive would no longer be considered pensionable. This change was considered when calculating the cost.
- Please see the additional notes in red throughout the document for clarification purposes.

# Current Practices and Recommendations

## IBEW Management Personal Leave in Exchange for Holidays

**Current practice:** IBEW members and non-bargaining employees associated with the IBEW union have been following the guidelines indicated below for many years. In exchange for the six personal days, five holidays were forfeited (Martin Luther King's Birthday, President's Day, Good Friday, Veteran's Day, and the day after Thanksgiving). Personal leave can be utilized for any purpose (sick or vacation). It cannot be used for terminal leave nor sold back to the City.

**Recommendation #1:** For Calendar Year 2008 the above practice should continue to be observed for all non-bargaining employees associated with the IBEW as the calendar year is nearing completion and personal leave was granted in January 2008. Some employees may have exhausted their personal leave.

**Recommendation #2:** For Future Years. The Public Utilities Manager may grant personal leave days to supervisors of IBEW employees or the professional and support staff directly associated with the IBEW supervisors of the Public Utilities department for the holidays that the IBEW union does not observe. The Public Utilities Manager shall provide notice to the Human Resources December 1 for election for the following calendar year. Individual selection of each forfeited holiday is not permitted. The non-bargaining employees will forfeit all holidays that are indicated in the City of Dover Personnel Policy; however, not observed in the IBEW contract. These employees shall be credited with 8 hours of personal leave on January 1 of each year each forfeited holiday. Newly hired, probationary, full-time regular employees hired after January 1 will receive personal days on a prorated basis. Based upon the number of forfeited holidays from the date of hire to December 31 of the year they were hired will determine the amount of personal days the employee receives. Personal leave will be granted on the employee's first paycheck following employment. Personal leave may be taken as earned or carried over into the next calendar year; however, only during the first year of employment. In addition, personal time cannot be used as terminal leave, nor sold back to the City as unused leave. (Note: Result is one less day of personal granted.)

**Recommendation #2:** If approved, referenced employees will no longer receive six personal days, forfeit five holidays and receive eight hours of sick leave for 11 months of the year. Instead, employees would receive five personal days, forfeit five holidays and receive eight hours of sick leave for 12 months of the year.

## **Police Chief and Deputy Chief**

**Current Practice:** The current Police Chief and Deputy Chief will continue to follow the benefits as outlined in the Fraternal Order of Police (FOP) contract. As follows:

- Three(3) additional vacation/leave days over other non-bargaining employees;
- Limit on sick time accrual (1,440 hours), non-bargaining as no limit;
- Extra Holiday - Columbus Day;
- Education bonus – Qualifies for bonus which ranges from \$550 to \$1,250 depending on degree earned;
- Dry cleaning – Suits and Uniforms;
- Clothing allowance - \$750;
- Physical fit bonus - \$75 to \$150.

**Recommendation:** All future Chiefs and Deputy Chiefs will follow the guidelines in the City of Dover Personnel Policy, except dry cleaning of uniforms.

**Please see attached letter from Police Chief Jeff Horvath for alternative recommendations.**

## **On-call Pay**

**Current practice:** Bargaining employees who are required to be available, if an emergency occurs within their division, are compensated with on-call pay. Employees receive one hour of pay for each day they are on-call. If they are required to report to an emergency situation they are compensated at a premium rate.

On-call pay equal to one hour pay for each day on call is currently provided to Fire Marshal when he is on the "on-call" rotation, usually once every three weeks. The Victim Services Coordinator at the Police Department receives 7 hours of "on-call pay" each month. The position also receives hour for hour comp-time for hours reported as being called out for an emergency.

**Recommendation:** The City shall provide compensation to non-exempt and exempt employees scheduled for "on-call" service after hours, weekends and holidays on a full seven (7) day cycle. Exempt employees shall receive comp-time at straight time for the hours that they are called out. The City Manager must approve all "on-call" statuses. In general, on-call status shall not be provided to Department heads, Division heads or management who may from time to time be call in on extraordinary circumstances.

## **Long-Term Disability Insurance**

**Current practice:** Since 2001, the City has provided long term disability insurance to all regular non-bargaining, full-time employees. The city pays 100% of the premium. This benefit is not included in the City of Dover Personnel Policy.

**Recommendation:** Continue current practice and incorporate into City of Dover Personnel Policy.

## Vacation

**Current practice:** Non-bargaining employees currently earn vacation leave on the following schedule.

0 - 8 years	1 day per month (12 days per year)
8 - 15 years	1½ days per month (18 days per year)
15 - 20 years	1¾ days per month (21 days per year)
20 years and over	2 days per month (24 days per year)

Part-time regular employees working twenty (20) or more hours per week with the appropriate complete years of continuous service accumulate vacation leave at one-half the rate that full-time regular employees.

Union employees currently earn vacation leave as indicated below or are scheduled to be implemented in February 2010.

### Bargaining Accrual Schedule

Hire date - 6 months	1 day per month
6 months - 8 years	1¼ days per month (15 days per year)
8 - 15 years	1¾ days per month (21 days per year)
15 - 20 years	2 days per month (24 days per year)
20 years and over	2 ¼days per month (27 days per year)

Part-time regular employees working twenty (20) or more hours per week with the appropriate complete years of continuous service will accumulate vacation leave at one-half the rate that full-time regular employees.

<b>NOTE:</b>	<b>Police:</b>	Bargaining accrual schedule has been in effect since July 1, 1985.
	<b>IBEW:</b>	Bargaining accrual schedule was effective July 1, 2007.
	<b>IUE-CWA:</b>	Bargaining accrual schedule will be effective January 31, 2010. (Members do not earn vacation for the first six months of employment)

**Recommendation:** To provide internal equity to employees, not represented by a labor union, effective January 1, 2009 all regular non-bargaining, full-time employees will earn vacation leave according to the Bargaining accrual schedule as noted above. Part-time regular employees working twenty (20) or more hours per week with the appropriate complete years of continuous service will accumulate vacation leave at one-half the rate that full-time regular employees.

## **Pro-rating of Terminal Leave/Sick Sell Back Upon Retirement**

**Current practice:** Police Officers hired prior to April 21, 2004, that retired with 25 years of service or more, may sell back or convert to terminal leave up to 150 days of sick leave. For service less than 20 years, may sell back or convert to terminal leave up to 130 days. Officers with between 20 and 25 years of service can prorate the sell back as follows: 134 days with 21 years of service; up to 138 days with 22 years of service; up to 142 days with 23 years of service; up to 146 days with 24 years of service and up to 150 days with 25 years of service. There is no proration for non-bargaining employees.

Police Officers hired after April 21, 2004 can only sell back or use up to 100 days of sick leave. Non-bargaining employees hired after July 1, 2004 can only sell back or use up to 100 days of sick leave.

### **Recommendation:**

Employees hired on or before July 1, 2004 will continue to be allowed to sell back or use for terminal leave up to 150 days of sick leave, if the employee is retiring with 25 or more years of service. Employees retiring with 20 or less years of service shall be permitted to sell back or use for terminal leave up to a maximum of 130 days of sick leave. However, employees with 21 to 24 years of service shall be eligible to sell back or use for terminal leave according to the following schedule.

Up to 130 days with 20 or less completed years of service ;  
Up to 134 days with 21 completed years of service;  
Up to 138 days with 22 completed years of service;  
Up to 142 days with 23 completed years of service;  
Up to 146 days with 24 completed years of service;  
Up to 150 days with 25+ completed years of service.

Service for less than a full year does not advance the allowance to the next entitlement. For example, an employee with 21 years and 2 months of service will be entitled to utilize 134 days rather than 138 days.

## Vacation Bonus for Good Attendance

**Current practice:** IBEW and only non-bargaining employees associated with the IBEW union have been following the guidelines below since February 2001. This is an excerpt (*in italic*) from the IBEW 2007-2010 labor agreement that explains the benefit.

### Article 11. Sick Leave/ Attendance Bonus

*C. An attendance bonus of one (1) vacation day will be granted to each employee who have two (2) or fewer occurrences of sick use per year. The "year" is January through December with the vacation bonus being credited in January. An occurrence is any one continuous absence, one half hour for a doctor visit or weeks off due to surgery are one occurrence.*

*D. An attendance bonus of two (2) vacation days will be granted to employees who have zero (0) occurrences of sick use per year.*

IBEW employees only accrue 11 sick days per year, whereas non-bargaining employees accrue 12 days per year.

### Recommendation:

The current practice will continue for Calendar Year 2008 as non-bargaining employees associated with the IBEW assumed they are entitled to this benefit based upon past practice. As a new benefit, that would enhance the non-bargaining benefit package, effective Calendar Year 2009, all regular non-bargaining, full-time employees will be eligible for a vacation bonus. Regular full-time non-bargaining employees would be considered for their first bonus on January 1, 2010 for usage from January 1, 2009 to December 31, 2009. The additional vacation hours will be credited in February. Regular full-time non-bargaining employees will continue to earn eight (8) hours of sick leave for January through December each year.

The bonus would be based upon the following hours:

<b>Hours Used</b>	<b>Vacation Earned</b>
<b>0</b>	<b>16 Hours</b>
<b>8 hours or less</b>	<b>8 hours</b>

**NOTE:** FOP and IUE do not have this benefit. IBEW uses occurrences were we propose hours.

## Education Incentive Program

**Current practice:** The FOP 2006-2009 labor agreement provides an education incentive for employees who are represented by the labor agreement. This benefit has been included in the FOP labor agreement since July 1, 1985 and has been extended to the Police Chief and Deputy Chief (Major). The current Police Deputy Chief has not taken advantage of the program.

The following is an excerpt from the FOP labor agreement explaining their benefit.

### Article 3.1 Education Incentive Program

- A. *Intent - This program is to be a bonus for educational achievement in the career field of law enforcement and to be paid annually on or about December 1st of the year with a cut-off on credits to be on or about October 15th of the same year. This policy grants an incentive emolument up to and including the level of a master's degree only. Any member of the department embarking on this program will lose the emolument if the educational program ceases before an associates degree is obtained. The cessation of payment will occur twelve (12) months after the completion of a given course of study and if the studies are not recommenced in that twelve (12) month period.*
- B. *In order to qualify an officer must be with the department as a regular full time permanent sworn member for three (3) years before payments would commence.*
- C. *An officer must have as a first step an accumulation of thirty (30) semester hour credits.*
- D. *The incentive emoluments paid for this program shall be based on \$100 for each thirty (30) semester hour college credits to the extent that an associate's degree would earn the sum of \$200, the baccalaureate's degree would earn \$400, and the master's degree would earn \$500. These amounts being paid in addition to the individual's scheduled salary. Effective 7/01/03 the emoluments will increase as follows:*

<u>30 hours</u>	<u>AA</u>	<u>BA</u>	<u>MA</u>
\$550	\$725	\$1,000	\$1,250

- E. *The emoluments here-in provided shall not be considered in the overtime rate or as affecting any other fringe benefit program presently in force.*
- F. *The area or courses studied and its relationship to law enforcement shall be decided by the Chief of Police regarding credit approval.*
- G. *Proof of successful accomplished credits shall be based on the college or university transcript which must be submitted for this purpose.*
- H. *This program is limited to one degree only.*

### **Recommendation:**

The Education Incentive program should be granted to all full-time regular non-bargaining employees. The City has recognized the benefit of having Police Officers with advanced education and this same value should be placed on non-bargaining employees with advanced education beyond the requirements of the position description.

This program is to be an annual bonus for education, to be paid annually on or about December 1<sup>st</sup> of each year with a cut-off on credits to be on or about October 15<sup>th</sup> of the same year. This policy grants an education incentive benefit up to and including the level of a master's degree only. Any employee embarking on this program will lose the incentive bonus if the educational program ceases before an associate's degree is obtained. The cessation of payment will occur twelve (12) months after the completion of a given course of study and if the studies are not recommenced in that twelve (12) month period.

In order to qualify the employee must be with the City of Dover as a regular full time employee for three (3) years before payments would begin. An employee must have as a first step, an accumulation of thirty (30) semester hour credits for the education incentive. These amounts being paid are in addition to the employee's salary ~~and are considered pensionable wages.~~ This is an annual bonus and shall not be considered for annual pay increases.

Indicated below are the incentive amounts.

<b>Education Incentive</b>			
<b>30 hours</b>	<b>Associate</b>	<b>Bachelor</b>	<b>Master</b>
\$550	\$725	\$1,000	\$1,250

The incentive benefit provided shall not be considered in the overtime rate or as affecting any other fringe benefit program presently in force. Proof of successful accomplished credits shall be based on the college or university transcript which must be submitted for this purpose.

The expense for this incentive for FOP members was \$31,450 in 2007. Using the current benefit rate for the Police Department, 47.4% or \$14,907 provides an average cost of \$1,363 per officer as 34 officers receive the incentive. The total expense was \$46,357.

**Professional Engineer Licensure Incentive Program**

**Recommendation:**

For full-time non-bargaining employees who obtain a Professional Engineer designation should be entitled to a yearly bonus of \$3,000. The professional licensure must be verified by the issuing professional organization. Failure to maintain the professional engineer designation shall cause the bonus to cease.

These amounts being paid are in addition to the employee's salary ~~and are considered pensionable wages.~~ This is an annual bonus and shall not be considered for annual pay increases.

The City currently has five engineers on staff. Two engineers have already obtained the Professional Engineer designation. One engineer is currently testing for the designation. The two additional engineers are not currently eligible for obtaining the designation based upon years of experience in the field.

# Memorandum

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**To:** Tony DePrima, City Manager  
**From:** Chief Jeffrey Horvath, Dover Police  
**Date:** October 17, 2008  
**RE:** Parity of Benefits

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I understand the City is working on a parity of benefits for the non-union employees. This applies to several employees within the Police Department. The Dover Police Department, like other law enforcement agencies throughout the country, makes a clear distinction between sworn law enforcement officers and civilian members. The obvious reasons for this include the quasi-military protocol the Officers adhere to, the sworn oath to uphold the laws of the land, and the authority and laws specifically applicable to law enforcement. It is for this reason, that I believe the two sworn positions of Deputy Chief and Chief should be treated separately from other non-union civilian members throughout the City.

I believe the Deputy Chief and Chief should maintain all the benefits bargained for and agreed to by the City of Dover and contained within the current FOP bargaining contract, except the benefits that do not apply to salaried employees. The Deputy Chief and Chief have been members in good standing of the FOP since their date of hire and continue their memberships today. Officers advancing to these positions have proven themselves as competent, self motivated employees, by first attaining the highly competitive ranks from Master Corporal through Captain. I know of no other police department whose top level officers lose benefits when they attain the highest ranks.

Unlike the private sector and some Police Departments, the City of Dover does not provide lucrative compensation and benefits to management above that of the workforce. It only makes sense that senior Law Enforcement Officers who have enjoyed the benefits outlined in their respective contracts throughout their careers should have to give up those benefits when they aspire attain the rank and responsibilities of Deputy Chief and Chief.

Below are my comments on specific benefits as they relate to the Deputy Chief and the Chief.

Overtime	Not applicable to salaried employees.
Standby pay	Not applicable to salaried employees.
Court pay	Not applicable to salaried employees.
Shift differential	Not applicable to salaried employees.
Clothing allowance	Should remain the same. Regularly wear suits, business attire, as well as uniforms.
Contract Cleaning	Should remain the same. Uniforms, suits and business attire need dry cleaning.
Shoe allowance	Should remain the same for obvious reasons.
Holidays	Should remain the same. In order to get business done, workdays should match that of other staff members and employees.
Damage of Personal property	Should remain the same. Have the same liability to potentially have personal property damaged in line of duty.
Health Care Insurance	Should remain the same.
Vision Care Insurance	Should remain the same.
Optional Dental Insurance	Should remain the same.
Professional Liability Insurance	Crucial that coverage applies to all Officers.
Work Week	Not applicable to salaried employees.
Assigned day off	Not applicable to salaried employees
Education Incentive:	Should remain the same. Education becomes even more important as Officers rise through the ranks to supervisory and management levels.
Vacation	Should remain that same. With the stress level and demands of the positions, the reprieves allowed by vacations are paramount.
Vacation sell back:	Currently, we are allowed 10 days sell back. If necessary, we will give this benefit up and apply the 5 day sell back as outlined in the current contract.
Physical fitness standard	Should remain the same. Applies to all law enforcement.
Weather emergency	Not applicable to salaried employees.
Bereavement leave	Should remain the same.
Education Assistance	Should remain the same for the same reasons as Education Incentive.
Sick leave	Should remain the same.
Terminal leave	Should remain the same.

**From:** DePrima, Tony  
**Sent:** Tuesday, September 23, 2008 12:23 PM  
**To:** William Pepper  
**Cc:** Hawkins, Kim; nrodriguez@schmittrod.com; McDowell, Traci  
**Subject:** RE: Authority of City Manager

Let me clarify and if this does not help I will call you. What we do is keep her on the approved vacation accrual schedule as is in the handbook, but each year she is credited with an additional six day vacation, this was in lieu of a higher salary offer, which would have been within salary range set by council.

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**From:** William Pepper [mailto:wpepper@schmittrod.com]  
**Sent:** Tuesday, September 23, 2008 11:45 AM  
**To:** DePrima, Tony  
**Cc:** Hawkins, Kim; nrodriguez@schmittrod.com; McDowell, Traci  
**Subject:** Re: Authority of City Manager

If I understand the question, the answer is yes. If the salary set forth in the offer conforms to the pay system established by Council pursuant to §32 of the Charter and the amount of vacation is within the guidelines. Council gives you the parameters within which you can craft compensation packages. There is an upper limit on salary, vacation, sick leave, and other perks. Under those upper limits, you might be able to treat the elements of the compensation package as fluid. I am not sure that you can really vary the amount of leave because that is a scheduled item. An employee with  $x$  years of service gets  $y$  days of vacation per year. But you cannot offer additional vacation that exceeds the upper limit.

William W. Pepper Sr., Esquire  
Schmittinger and Rodriguez, P.A.  
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P.O. Box 497  
Dover DE 19903  
302.674.0140  
[wpepper@schmittrod.com](mailto:wpepper@schmittrod.com)

On Sep 23, 2008, at 11:32 AM, DePrima, Tony wrote:

If I gave her the salary in stead of vacation, she would still be within the acceptable salary range. I few them as fluid. Does this make a difference?

**From:** William Pepper [<mailto:wpepper@schmittrod.com>]  
**Sent:** Tuesday, September 23, 2008 11:23 AM  
**To:** Hawkins, Kim  
**Cc:** [nrodriguez@schmittrod.com](mailto:nrodriguez@schmittrod.com); DePrima, Tony; McDowell, Traci  
**Subject:** Re: Authority of City Manager

Kim:

This issue presents a clash between several charter provisions. Tony is correct that he can hire employees under his charge without interference from Council. See §§33, 34, 35 and 36. However, the salaries and emoluments of all city employees are determined by Council. §32. Emolument includes salary and perks. Perks include vacation. Tony can negotiate without interference only so long as he stays with the pay system established by Council. I do not believe that Tony has authority under the Charter to offer a vacation package that exceeds what Council has previously approved.

William W. Pepper Sr., Esquire  
Schmittinger and Rodriguez, P.A.  
414 South State Street  
P.O. Box 497  
Dover DE 19903  
302.674.0140  
[wpepper@schmittrod.com](mailto:wpepper@schmittrod.com)

On Sep 23, 2008, at 9:54 AM, Hawkins, Kim wrote:

Good Morning.

With the recent hire of a new Library Director part of her negotiated salary/benefit package was additional vacation time. Could you please review our charter to determine if the City Manager has the power to make such offers. Tony believes the charter gives the City Manager the right to hire/appoint and Council is not to interfere with this ability.

The issue has presented itself because the library director will earn 18 days of vacation verse the standard 12 days each year. The Finance Department has indicated that Council must approve the offer because the vacation time deviates from the language in our personnel policy. As stated previously, Tony believes that as the City Manager the charter allows him to negotiate employment package without approval by Council.

Thank you in advance for your assistance.

Kim Hawkins  
City of Dover  
Human Resources Director  
302-736-7790

"To every man there comes in his lifetime that special moment when he is tapped on the shoulder and offered the chance to do a very special thing. What a tragedy if that moment finds him unprepared or unqualified for the work which would be his finest hour." Winston Churchill

**From:** DePrima, Tony  
**Sent:** Tuesday, September 23, 2008 12:05 PM  
**To:** McDowell, Traci; Hawkins, Kim; 'William Pepper'; 'nrodriguez@schmittrod.com'  
**Subject:** RE: Authority of City Manager

This isn't the one I was thinking about it was more recent and related to a specific hire, Kim is going to cross check with you.

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**From:** McDowell, Traci  
**Sent:** Tuesday, September 23, 2008 11:25 AM  
**To:** DePrima, Tony; Hawkins, Kim; 'William Pepper'; 'nrodriguez@schmittrod.com'  
**Subject:** RE: Authority of City Manager

Here is the opinion from 2001.

Traci

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**From:** DePrima, Tony  
**Sent:** Tuesday, September 23, 2008 11:19 AM  
**To:** Hawkins, Kim; 'William Pepper'; 'nrodriguez@schmittrod.com'  
**Cc:** McDowell, Traci  
**Subject:** RE: Authority of City Manager

Nick and Bill, I believe you may have done an opinion on this before apparently we cannot find it, I am looking at Section 34, 35, 36 of the Charter. The personnel policy is also known as the "employee handbook" which is approved by City Council. The Employee Handbook section is Article X, Section 2. In essence through negotiation of salary and benefits we elevate them to a higher status in lieu of salary. In this case she is taken a reduction in salary but was unwilling to reduce the amount of vacation she gets. In these cases I think under the charter I have a right to appoint, by taking it to Council they can then negate my appointment and get into a full blown discussion of its merits. I am also concerned about a delay in offering a job to someone that waiting for a council meeting can cause. Those delay can cause a person to accept elsewhere.

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**From:** Hawkins, Kim  
**Sent:** Tuesday, September 23, 2008 9:54 AM  
**To:** William Pepper; nrodriguez@schmittrod.com  
**Cc:** DePrima, Tony; McDowell, Traci  
**Subject:** Authority of City Manager

Good Morning.

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Kim Hawkins  
City of Dover  
Human Resources Director  
302-736-7790

"To every man there comes in his lifetime that special moment when he is tapped on the shoulder and offered the chance to do a very special thing. What a tragedy if that moment finds him unprepared or unqualified for the work which would be his finest hour." Winston Churchill

*Legal Opinion*

LAW OFFICES  
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SCOTT E. CHAMBERS  
FRED A. TOWNSEND III  
NOEL E. FRINGS  
DAVID A. BOSWELL  
WALT F. SCHMITTINGER  
R. SCOTT KAPFER  
JEFFREY J. CLARK  
BETH S. MILLER  
KYLE KEMMER

\*ALSO ADMITTED IN MARYLAND

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November 26, 2001

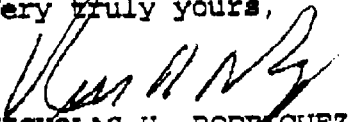
Ms. Donna Mitchell  
Finance Director  
City of Dover  
P.O. Box 475  
Dover, DE 19903

Dear Donna:

In our telephone conversation of November 20, 2001, we discussed salaries and compensation of City employees and whether Council was required to approve all salaries or whether specific ranges for certain employees could be set which would be within the budget.

I told you that I had no experience in this regard. In other words, I had no idea how this had been done in the past but the Charter, Sec. 32, is very clear in that regard by simply stating: "The salaries or compensation of all City officers and City employees shall be determined by the Council." I could not find in any other part of the Charter where this authority had been delegated. So, the only thing I can tell you is what the Charter says and it is very clear in that regard that Council must set the salaries and compensation of City employees. Obviously, this could be delegated with ranges for certain employees with delegated authority for some other City officials, such as the City Manager, to select the salary within the range designated by Council. Again, I am not aware of whether this has or has not been done.

Very truly yours,

  
NICHOLAS H. RODRIGUEZ

NHR:pmw

November 26, 2001

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Finance Director  
City of Dover  
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Very truly yours,  
NICHOLAS H. RODRIGUEZ  
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City of Dover Personnel Policy  
(Employee Handbook)

July 2004

The City of Dover Personnel Policy is not a contract of employment. The Personnel Policy is intended to provide guidance and direction in regards to the employee/employer relationship within the City of Dover.

My signature below indicates that a representative of the City of Dover has explained that the City of Dover Personnel Policy is not a contract of employment. The Personnel Policy is intended only to provide guidance and direction in regards to the employee/employer relationship within the City of Dover. A copy of this signed notice will be placed in the employee's personnel file indicating that I agree that this Personnel Policy in no way indicates a contract of employment.

Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

City Representative Signature: \_\_\_\_\_

Date: \_\_\_\_\_

City Representative Title: \_\_\_\_\_

*Original signed copy is located in employee's personnel file.*

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ARTICLE I

**IMPLEMENTATION OF THIS POLICY**

**SECTION 1. CONFLICTING POLICIES REPEALED**

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed.

**SECTION 2. SEPARABILITY**

If any provision of this policy or any rule, regulation or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or order to persons or circumstances other than those held invalid will not be affected thereby.

**SECTION 3. VIOLATIONS OF POLICY PROVISIONS**

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

**SECTION 4. EFFECTIVE DATE**

This policy shall become effective **July 12, 2004** upon the approval of City Council.

ARTICLE II

**ORGANIZATION OF PERSONNEL SYSTEM**

**SECTION 1. PURPOSE**

Policies are defined as the basic rules which guide administrative action to accomplish the organization's objective. Well conceived policies, consistently and fairly administered, have greatly contributed to the success of many organizations.

This Personnel Policies Employee Handbook contains those policies adopted by and for the City of Dover. Its intended use is to inform all covered employees of their rights, benefits and responsibilities and to assist the City administrative group, department heads and supervisory personnel in seeing that the goals and objectives of the City are met.

Changes with this handbook (i.e. additions, deletions or revisions) will be dated and communicated to all affected employees.

**SECTION 2. COVERAGE**

This handbook shall apply to all employees of the City of Dover. When an aspect of either this policy or a manual of Department Rules conflicts with the terms and conditions of an employee labor agreement approved by City Council then the employee labor agreement takes precedence.

**SECTION 3. DEFINITION OF TERMS**

Part-time Employee: An employee, either regular or temporary, who is appointed to a position and is regularly scheduled to work fewer than 37.5 hours weekly.

Full-time Employee: An employee, either regular or temporary, who is regularly scheduled to work 75 or 80 hours biweekly for employees regularly scheduled to shift work or 37.5/7.5 hours or more per workweek/workday for non-shift workers.

Regular Employee: A person appointed/selected to serve in a position for an undetermined duration subject to probationary requirements.

Temporary Employee: A person appointed/selected to serve in a position for 180 calendar days or less.

On-Call Employee: A person who is to be available to work when a full-time regular employee is unavailable (for example, Relief Fire Dispatchers).

Completed Year: A period of twelve calendar months in which the employee is on active pay status or is on Worker's Compensation leave.

Completed Month: Any month in which an employee for one half (1/2) of the workdays either works, is on approved leave with pay, is on Worker's Compensation leave or any combination of these.

Active Pay Status: Any employee who is eligible to receive a biweekly paycheck, except those on terminal leave.

**SECTION 4. MERIT PRINCIPLE**

All appointments, promotions and other personnel transactions shall be made on the basis of knowledge, skills and abilities, as stated in the job description for the position.

The above section is subject to employee labor agreements, if applicable.

ARTICLE III

**The Pay Plan**

**Section 1. ADOPTION**

The position classification plan and salary ranges that were developed by the Public Administrative Service (PAS) is hereby adopted as the position classification plan for the City and can be obtained from the Human Resources Department. Bargaining positions are indicated in employee labor agreements.

**SECTION 2. MAINTENANCE OF THE PAY PLAN**

The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other; to general rates of pay for similar employment in the private sector and in the other public jurisdictions in the area; to changes in the cost

of living; to financial conditions of the City and other factors. To this end the City Council shall from time to time consider studies of all factors affecting the level of salary ranges and consider such changes in salary ranges as warranted.

The above section is subject to employee labor agreements, when applicable.

### **SECTION 3. USE OF SALARY RANGES**

For non-bargaining positions, salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provisions will govern the granting of the pay increments:

(a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointments above the minimum rate may be made with the approval of the City Manager when deemed necessary in the best interest of the City. Above the minimum appointments will be based on such factors as the qualifications of the applicant being higher than the desirable education and training for the class, a shortage of qualified applicants available at the minimum step and the need to offer qualified applicants above the minimum steps to secure his/her employment.

(b) All factors affecting an employee's performance shall be considered in determining whether or not the employee shall receive an increase or be retained at the current rate. The performance evaluation shall cover a full year of active service. This provision is for bargaining and non-bargaining positions.

(c) The date for the performance evaluation described in subparagraph (b) above shall be the annual anniversary of an employee's employment date or date of change of position. This procedure applies to all bargaining employees. Another date for a new employee may be designated when deemed necessary in the best interest of the City, and shall be based on such factors as the qualifications of the new employee being higher or lower than the desirable education and training for the class, a shortage of qualified applicants for the job and the need to offer qualified applicants another review date other than their employment date to secure their employment.

**SECTION 4. PAYMENT AT A LISTED RATE**

All non-bargaining employees covered by the PAS salary plan shall be paid at a listed rate within the salary ranges established for their respective job classes except for employees in a trainee status or whose present salaries are above the established maximum rate following transition to a new pay plan or a reclassification.

Non-exempt hourly employees who work a forty (40) hour week and an eight (8) hour day or a thirty seven and a half (37.5) hour work week and a seven and a half (7.5) hour day shall be paid at a hourly rate within the salary ranges established for their respective job classes.

Non exempt salaried employees who work a forty (40) hour week and an eight (8) hour day or a thirty seven and a half (37.5) hour work week and a seven and a half (7.5) hour day shall be paid at the listed weekly rate within the salary ranges established for their respective job classes.

Exempt salaried employees who work a forty (40) hour week or a thirty seven and a half (37.5) hour work shall be paid at the listed weekly rate in the salary ranges established for their respective job classes.

The above section is subject to employee labor agreements, when applicable.

**SECTION 5. SALARY OF A TRAINEE**

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain on the trainee step until the department supervisor certifies that the trainee is qualified to assume the full responsibilities of the position, subject to employee labor agreement.

**SECTION 6. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, RECLASSIFICATION AND UPGRADING**

When an employee is promoted, demoted, upgraded, transferred or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- (a) An employee who is promoted shall receive a minimum 5% increase or an increase to the minimum step of the new pay range, whichever is higher.

(b) An employee who is demoted to a position for which he/she is qualified shall receive a salary or hourly rate in the lower pay range.

(c) An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to be paid at the same rate.

(d) An employee whose position is reclassified to a class having a higher salary range shall receive a minimum 5% increase or an increase to the minimum step of the new pay range, whichever is higher. If the employee's position is reclassified to a lower pay range and the result is that the employee will receive a rate of pay above the maximum established for the new class, that employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion or benefits from a general class-wide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.

(e) An employee who is temporarily upgraded and becomes eligible for a pay increase must wait thirty (30) calendar days from the time of his/her upgrade before the increase goes into effect. The increase will take effect on the 31<sup>st</sup> calendar day. The employee shall receive a minimum one step pay increase or an increase to the minimum step of the range of the position that he/she is filling, whichever is higher, until the employee is downgraded. The City Manager reserves the discretion to give pay increases without the above guidelines being satisfied.

#### **SECTION 7. PAY RATES IN SALARY RANGE REVISIONS**

When a change in pay range is approved for a class of positions, employees whose positions are allocated to that class may have their salary or hourly rate raised or left unchanged.

(a) Depending upon the financial condition of the City, when a class of positions is assigned to a higher pay range, each employee in that class shall receive at least a pay increase to the minimum starting of the new pay range. If the employee's current rate of pay is within the new range, the employee will retain his or her current salary.

(b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower class results in an employee being paid at a rate above the

maximum step established for the new class, that employee will be ineligible for merit pay adjustments until such time that the employee either receives a promotion or benefits from a general class-wide pay increase thereby bringing the employee's rate of pay to or below the maximum rate established for the class.

**SECTION 8. PAY FOR PART-TIME WORK**

The Pay Plan established by this policy is for full-time service. An employee appointed for less than full-time service shall be paid a prorated amount determined by converting the established salary to an hourly rate.

The above section is subject to employee labor agreements, when applicable.

**SECTION 9. OVERTIME**

Overtime work shall be that work performed by a non-exempt hourly or salaried full-time employee who either exceeds eight (8) hours per workday or forty (40) hours per workweek or which is accomplished on an unscheduled workday provided however that no fulltime employee shall be paid twice at an overtime rate for the same hours (pyramiding). Non-exempt hourly or salaried employees who work a seven and a half (7.5) hour workday or thirty-seven and a half (37.5) hour workweek will not receive overtime compensation until hours exceed eight (8) hours per day or forty (40) hours per week.

Overtime work shall be the work performed by a part-time employee which exceeds an eight (8) hour workday or forty (40) hour workweek provided that no part-time employee shall be paid twice at an overtime rate for the same hours (pyramiding).

For the purpose of computing overtime pay, time spent on vacation, holidays, earned sick leave, military leave, jury duty and bereavement leave shall be considered hours worked. Terms subject to employee labor agreements. Lost time due to other types of leave such as personal business, unexpected absence and lateness shall not be considered as hours worked. No employee shall be authorized to work overtime (except when necessary in the interest of the City) on the same day that an employee has spent time on leave, with or without pay.

In order for an employee to be eligible for overtime the following provisions apply:

- (a) the work is of a regularly scheduled nature and is approved by the Department Head or the authorized representative of the Department Head,

(b) the work is of a unusual, unscheduled or emergency nature and is directed by the Department Head or the authorized representative of the Department Head,

(c) Compensatory time off shall be taken within ninety (90) days from the time it is earned.

In determining whether an employee will receive compensatory time or monetary payment for overtime it is the discretion of the Department Head unless the employee labor agreement for the position the employee occupies indicates otherwise. The employee and Department Head must reach a mutual agreement prior to the overtime occurring.

For non-bargaining employees the following guidelines apply:

When a non-bargaining, nonexempt employee is required to work overtime he or she will be compensated with time off at the rate of one and one half times the overtime hours worked or paid for such time on the basis of one and one half times their regular hourly rate for the overtime hours worked provided that:

(a) the employee and Department Head or authorized representative of the Department Head must reach a mutual agreement concerning receiving pay or Comp-time prior to the performance of overtime work.

(b) the work is of a regularly scheduled nature and is approved by the Department Head or authorized representative of the Department Head prior to the work being performed.

(c) the work is of an unusual, unscheduled or emergency nature and is directed by the Department or an authorized representative of the Department Head.

(d) compensatory time off should be scheduled and taken within ninety (90) days from the time it is earned. The Department Head must approve the compensatory time schedule. If earned compensatory time is not taken within ninety (90) days, the City will have the option of paying overtime to the affected employees.

(e) the Department Head or person designated by the Department Head will keep records of compensatory time earned for all non-bargaining, nonexempt employees in his or her Department.

When a non-bargaining, exempt employee is required to work overtime he or she will be compensated with time off at the rate of one times (1 overtime hour = 1 comp-time hour) the overtime hours

worked provided that:

(a) the work is of an unusual, unscheduled or emergency nature and must be completed at a specific time in order to meet a deadline or specific request from an outside agency or authority.

(b) compensatory time off should be taken within ninety (90) days from the time it is earned. Council Appointees and City Manager Department heads may work a flexible work schedule to accomplish receiving the earned comp-time. If the compensatory time is not taken in ninety (90) days, non-bargaining exempt employees will forfeit the time.

(c) the Department Head or person designated by the Department Head will keep records of compensatory time earned for all non-bargaining, exempt employees in their Department.

**SECTION 10. SHIFT DIFFERENTIAL PAY**

The above section is subject to employee labor agreement.

**SECTION 11. ON CALL PAY**

The City shall provide compensation to non-exempt hourly and salaried employees scheduled for "on-call" service after hours, weekends and holidays on a full seven (7) day cycle.

The method of reimbursement for the service shall be:

(a) The City shall pay an additional seven (7) hours straight time over and above the normal forty (40) hours worked for an employee assigned "on call" for the week, even if he/she is not called to work. This "on call" pay is computed and should be shown on the biweekly time sheet as one (1) straight time hour per day.

(b) The paid "call-out" time shall be no less than two hours for each separate "call-out." If an employee is on a "call-out" and another trouble call is reported to him/her, this shall be treated as the same "call-out." Only when the employee has returned home and is again "called-out" shall a new "call-out" be reported. The time spent on a "call-out" begins when the employee reports to the work place or gets to the City vehicle, if it was not taken home. The "call-out" time must be recorded on the biweekly time sheet in the on-call overtime column.

(c) Any trading of "on call" duty between employees must be approved in writing by the Supervisor of the employee

who was originally assigned for duty. The assigned "on call" employee shall be the only employee that reports "call-out" time under this policy. Obviously, other personnel may be "called-out" during times of emergencies and their overtime pay shall be determined under Sections 9 and 12 of this Article. Trading of on-call duty is permitted, however subject to department policies.

(d) The employee subject to "on-call" shall be responsible to assure that the phone number listed under their name, with the Dispatch Center, is correct and current. Any employee scheduled and assigned to "on-call" duty who is found to be unavailable when called at the phone number listed with the Dispatch Center of their department will be subject to disciplinary action by the Department Head; including loss of one week "on-call" pay.

(e) Written approval must be obtained in order to trade on-call shifts. Approval must be received prior to the trade. The person who is actually on-call is the employee who is to be reported to payroll.

The above section is subject to employee labor agreements, when applicable.

**SECTION 12. CALL BACK PAY**

Any City employee eligible to receive overtime compensation under this policy who is not "on-call" will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours; provided that the employee who is called back goes home again before the next regular work time.

The above section is subject to employee labor agreement, when applicable.

**SECTION 13. LONGEVITY PAY**

Longevity pay shall apply to all regular employees working twenty or more hours per week hired prior to July 1, 1980. Such pay shall be based on the following schedule:

<u>Number of Years</u> <u>Continuous Service</u>	<u>Amount of Weekly Increase</u>
9	+.10/hr or \$4.00/wk
12	+.10/hr or \$4.00/wk
15	+.10/hr or \$4.00/wk
20	+.10/hr or \$4.00/wk
25	+.10/hr or \$4.00/wk

Upon completion of 9, 12, 15, 20 and 25 continuous years of service, an employee shall receive the appropriate adjustment in base pay.

**SECTION 14. VACATION SELL BACK**

A regular employee may, during the month of December, sell back to the City unused vacation in accordance with the following schedules:

REGULAR FULL-TIME EMPLOYEES

Number of Vacation Days Earned Per Year	Number of Days Eligible to Sell Back
12	5
18	5
21	10
24	10

REGULAR PART-TIME EMPLOYEES

Number of Vacation Days Earned Per Year	Number of Days Eligible to Sell Back
6	2.5
9	2.5
10.5	5
12	5

The payment in lieu of vacation shall be made only in December each year and shall be deducted from the current calendar year's unused vacation leave. The employee will be paid based on his/her base salary plus cost-of-living increases and longevity increases at the date of the issuance of the sell back check.

This pay shall be at the City's option. The employee must request in writing to the employee's Department Head, prior to the submission of his/her Department's annual preliminary operating budget to the appropriate City official to reserve the option of pay in lieu of vacation in the budget. The normal City "application for leave" form (COD004) must be completed at least two weeks in advance of receiving pay in December.

Pay in lieu of vacation shall not be considered pay for pension purposes. No employee pension contributions will be deducted, the City will not make pension contributions based on the pay and the pay shall not be used to compute pension benefits.

The above section is subject to employee labor agreements, when applicable.

**SECTION 15. PAYROLL DEDUCTIONS**

Federal and State Income Taxes, Social Security Tax, Medicare Tax, Dental, Life and Health Insurance Premiums, Credit Union Contributions, United Way contributions, Public Employees Benefit Services Corporation Contributions (PEBSCO), International City Management Association Contributions (ICMA), U.S. Savings Bonds, pension contributions, Flexible Spending, Union Dues and any other deduction that is court ordered will be deducted at each pay period as authorized by law or by the employee.

**SECTION 16. PAY DAY**

Payday falls on Friday for all employees. Should a regular payday fall on a holiday, paychecks shall be issued on the work day that precedes the holiday. Direct Deposit of paychecks is a condition of employment effective July 12, 2004.

**SECTION 17. PAY PERIOD**

All employees shall be paid biweekly. The pay period shall be from 12:01 a.m. Sunday to 12:00 p.m. Saturday.

**SECTION 18. TRADING OF REGULARLY SCHEDULED HOURS**

Effective April 9, 2003 employees will not be permitted to trade regularly scheduled hours unless stated otherwise in the labor agreement that represents the employee.

ARTICLE IV

**EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

The City of Dover is committed to providing equal employment opportunities to all citizens and maintaining a high quality workforce that draws upon the talents of our diverse citizenry to effectively operate our City government. Through sound recruitment, promotion, and retention practices Dover will continue to strive for a workforce that reflects the diversity of the City's population.

**SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY**

It is the policy of the City to promote and foster equal employment opportunities, nondiscrimination, and a work atmosphere that fosters mutual respect and understanding among persons of different races, sexes, and faiths. The City of Dover shall provide equal opportunity to all qualified individuals in recruitment, hiring and promotion practices and shall assure that

no one shall suffer discrimination or harassment by a City employee on the grounds of race, color, religion, sex, sexual orientation, physical handicap, age or national origin. Applicants with physical handicaps shall be given equal consideration with other applicants for positions when the City is able to make reasonable accommodations to help them perform the essential functions of their duties.

## **SECTION 2. GENERAL IMPLEMENTATION**

All personnel responsible for recruitment and employment shall periodically review the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable performance related job requirements are being actively observed. This will ensure that no employee or applicant for employment shall suffer discrimination based on age, sex, race, color, religion, national origin, sexual orientation or physical handicap. Notices with regard to equal employment matters shall be posted in conspicuous places on City Government premises where notices are ordinarily posted.

## **SECTION 3. COMMUNICATION**

### **A. Internal**

This policy shall be thoroughly disseminated and discussed at new employee orientation and management training programs.

This shall be the City's policy, and efforts to achieve the City's objectives in this area shall be published in an informational brochure and given to employees annually.

The intent of this policy and program and the individual responsibility for effective implementation of same shall be explained to staff, management and supervisory personnel.

Equal employment opportunity and affirmative action posters shall be prominently displayed in places readily accessible to both employees and applicants.

All employment advertising shall display the tag lines: "An Equal Opportunity Employer" or its equivalent.

### **B. External**

All sources of applicants for employment shall be notified annually in writing of the City's policy. These sources shall be requested to actively recruit and refer

minority, female and handicapped applicants for positions listed.

The City of Dover shall notify minority, female and handicapped organizations, community agencies, community leaders, secondary schools and colleges of the City's policies of non-discrimination and equal employment opportunity, and the Affirmative Action policy.

#### **Section 4. RESPONSIBILITIES FOR IMPLEMENTATION**

##### **A. Human Resources Director**

- 1) The Human Resources Director of the City of Dover shall serve as the Equal Employment Opportunity Officer and be responsible for implementation of this plan. The department head of each City department shall be responsible for their department and shall be accountable for implementing the City's policy.
- 2) The Human Resources Director shall be responsible for auditing and continually reviewing the City's hiring practices and employee behavior with respect to the Policy. The City Manager shall be notified of any complaints initiated against the City and any requests from private organizations and people wishing to discuss our employment practices.
- 3) The Human Resources Director shall have a complaint procedure to permit and encourage employees to discuss with the Human Resources Director any problem resulting from alleged bias, discrimination, lack of employment opportunity or any similar matter.

##### **B. Human Relations Commission**

The City of Dover has a Human Relations Commission whose purpose is to make recommendations to the City Council on ordinances which would support inclusiveness and civility, and to engage in education and advocacy for bettering human relations. The Human Relations Commission should be consulted from time to time on progress of this policy, and shall be given opportunities to educate the work force on bettering human relations.

**SECTION 5. IDENTIFICATION OF PROBLEM AREAS**

A continuing analysis will be made by City Council and the City Manager to determine the composition of the work force, the applicants for employment, and the results of employment activities. The selection process including position descriptions, application forms, interviews, test procedures (if applicable), test validity, referral procedures, final selection process, as well as transfer and promotion practices shall be constantly monitored to assure equal opportunity.

**SECTION 6. RECRUITMENT**

The City of Dover will continue to make special efforts to convince minority, female and handicapped individuals in the community that the City offers equal opportunity and a congenial employment environment. In this connection, effective communication will be maintained with the State Human Relations Commission and the State Employment Office to encourage minority individuals to seek employment with the City of Dover.

The City maintains continual personal contact with those having the most access to minority groups and handicapped individuals. These sources include school principals, community leaders, college career advancement offices, religious leaders and heads of minority groups. Referral to the City of Dover for employment is encouraged.

Moreover, to broaden the recruitment base with respect to placing minority, female and handicapped employees in professional categories, the City of Dover will communicate its needs to public and private employment offices emphasizing opportunities that are available. The City will continue to maintain relationships with all organizations which have as an objective the improvement of the employment opportunities for minority, female and handicapped persons.

In all employment advertising, the City of Dover will identify itself as an Equal Opportunity Employer, abiding by all the provisions of Title VII, Civil Rights Act.

A system of quotas shall not be utilized in the recruitment and selection of employees.

Minority, female and handicapped applicants for management and supervisory positions shall be energetically recruited in keeping with all the provisions and intent of this policy.

**SECTION 7. ADVANCEMENT**

Minority, female or handicapped employees who have previous experience or who have demonstrated abilities and qualifications comparable to other applicants shall be considered for promotional opportunities--particularly where training or educational refund is to be afforded. They shall be encouraged to undertake training opportunities. The City has no formal training programs other than "on the job" training.

**SECTION 8. INVOLVEMENT IN COMMUNITY ACTIVITIES**

The City shall be actively involved in community activities that are minority, female and handicapped oriented. Both elected and non-elected City Officials will donate their free time to minority organizations by giving talks/greetings or attending affairs sponsored by such groups.

ARTICLE V

**RECRUITMENT AND SELECTION**

**SECTION 1. RECRUITMENT SOURCES**

Recruitment sources including but not limited to newspapers, on-line recruiting services, employment agencies, job training and referral agencies and schools shall be advised periodically of the City's EEO policy. The City shall include among its recruitment sources the organizations and news media which are used by and are available to minority group applicants. Opportunities for employment with the City, including salary ranges, when appropriate, and employment qualifications for positions to be filled shall be publicized. Information on job openings and hiring practices shall be provided to recruitment sources. Individuals shall be recruited from a geographic area as wide as is necessary to ensure that well-qualified applicants are obtained for City service.

**SECTION 2. JOB ADVERTISEMENTS**

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters based on race, age, sex, color, sexual orientation, religion, national origin, and physical handicap.

**SECTION 3. APPLICATION FOR EMPLOYMENT**

With the exception of uniformed police officers, employment applications will only be accepted to fill positions which the City is actively seeking to fill, unless it is determined by the Human Resources Director that it is necessary to broaden representation of minority, female, or handicap employees in which case

applications shall be accepted at any time. Applicants are told upon inquiry that applications will be kept under active consideration for six (6) months after the date of application, after which they will be placed in a reserve file (see Section 4 below).

Applications for uniformed police officers are accepted continuously and can be obtained at the Police Department.

Employment practices shall be applied consistently for all applicants and shall be put in writing in sufficient detail to facilitate administration by all employees assigned to work in that area. All citizens must be permitted to file. If qualified applicants are being referred to department supervisors, then all those persons with comparable qualifications shall be referred.

All applicants who are interviewed for a position with the City and not selected shall be told why they were not selected for the position.

The City of Dover will not use any testing procedures to screen applicants other than recognized validated tests.

#### **SECTION 4. APPLICATION RESERVE FILE**

Applications shall be kept in an active file for a period of not less than six (6) months. After six months, applications shall be kept in a reserve file for a period of thirty-six (36) months.

To the extent that it is practical, reference to these files shall be made periodically in connection with the City's employment requirements to ensure that equal consideration is given to all applicants.

#### **SECTION 5. QUALIFICATION STANDARDS**

- A. Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude and ability to meet the public need and physical condition as may be established by the City.
- B. The City's policy includes the responsibility for insuring that the hiring qualifications for both entry level and promotional level jobs are fair and will continue to be fairly administered. Qualifications shall be reviewed periodically to assure that requirements conform to the actual job performance requirements. Qualifications and standards shall not be compromised. However, requirements particularly with regard to education, knowledge and experience, for each job shall be reasonable rather than excessive so as not to

unwittingly discourage or eliminate minority, female or handicapped individuals whose backgrounds may be minimal in these areas from applying.

- C. In keeping with both these responsibilities, the City may hire applicants who do not meet all minimum qualifications for particular jobs, provided that the deficiencies are such that they can be eliminated through orientation and on-the-job training.

#### **SECTION 6. TESTING**

Tests administered by the City or by the Delaware Department of Labor for the City will conform to applicable legal regulations.

#### **SECTION 7. APPOINTMENTS**

It is the policy of the City to employ according to knowledge, skills and abilities as stated in the job description for the position subject to employee labor agreements, if applicable. To that end, the City shall use all available means to attract qualified candidates for employment and to make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education, experience, knowledge, skills, character, and other qualities required for positions in the service of the City. Uniformed police officers will be required to meet the standards set by the Counsel on Police Training (C.O.P.T).

It is the City's policy to promote career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position is the best qualified candidate of all the applicants, that applicant shall be appointed to that position. All internal candidates shall be interviewed for positions for which they apply if they have the outlined qualifications.

When positions are to be filled, the City shall publicize opportunities for employment including the salary ranges, when appropriate, and employment qualifications for positions to be filled. At a minimum, job opportunities shall be publicized in a local newspaper and notice of vacancies shall be posted at designated conspicuous sites within City departments. The Human Resources Director shall also make available to the department heads for consideration current applications on file in the Human Resources Department.

The above section is subject to employee labor agreement, when applicable.

#### **SECTION 8. PROBATIONARY PERIOD OF EMPLOYMENT**

An employee appointed to a regular position other than a sworn police officer shall serve a probationary period of six (6) months. An employee appointed to a regular sworn police officer position shall serve a probationary period of twenty-four (24) months. An employee may be dismissed during the probationary period at any time the department head determines that the employee is not satisfactorily performing the assigned duties. A probationary employee that is terminated or voluntarily leaves during the probationary period will be credited with vacation days earned.

An employee serving a probationary period following initial employment in a full-time or part-time position shall receive all benefits provided in accordance with this policy with the following exceptions or as otherwise provided:

- A. Employees may accumulate vacation and sick leave but shall not be permitted to take his or her leave during the first six (6) months of the probationary period unless the denial of such leave would create an unusual hardship.
- B. Employees serving a probationary period following a promotion shall continue to receive all benefits provided in accordance with this policy and under other supplementary rules and regulations and will be permitted to take vacation and/or sick leave prior to the end of the probationary period.

Before completion of the probationary period, the department head or department head representative shall indicate in writing to the Human Resources Director:

- A. that the employee's supervisor has discussed the new employee's progress (accomplishments, strengths and areas of improvements) with the new employee,
- B. whether the new employee is performing satisfactory work,
- C. whether the probationary period should be extended provided that no employee shall remain on probation for more than one (1) year, other than a sworn police officer and
- D. whether the employee should be retained in the present position or should be released, transferred or demoted.

A proper City of Dover performance evaluation form must be used.

The above section is subject to employee labor agreement, when applicable.

## ARTICLE VI

### TYPES OF APPOINTMENTS

**SECTION 1. PROMOTION**

(a) Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, their qualifications and their work records without regard to age, sex, race, color, creed, religion, national origin, sexual orientation or physical handicap. Performance appraisals and work records for all personnel shall be carefully examined when there are position opening. Employees who are currently serving a probationary period of employment shall be eligible for promotions or lateral transfers.

(b) When a vacancy occurs, the Department Head or designated supervisor in whose department the vacancy occurs shall review all applications, including those from current city employees.

The above section is subject to employee labor agreements, when applicable.

**SECTION 2. DEMOTION**

Any employee whose work in his/her present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted, provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by warning procedures outlined in Article XV, Section 8. Any employee who wishes to accept a position with less complex duties and responsibilities may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with a written notice citing the recommended effective date and reasons for demotion.

Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article XV, Sections 8 and 9.

**SECTION 3. TRANSFER**

Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department. In which case, the employee would be required to complete another probationary period. Any employee desiring to be transferred should make the request to the receiving department and inform the Human Resources Director.

As vacancies occur in other departments and if an employee wishes to be considered for transfer, the employee must complete the same paperwork as required by all interested applicants.

#### **SECTION 4. TEMPORARY UPGRADING**

To assure the orderly performance and continuity of municipal service, the City may find it necessary to temporarily upgrade employees on an acting basis to position of a higher rank. Temporary upgrading may be required in order to fill or compensate for temporary vacancies which may exist for any of the following reasons:

- (a) A position is vacant and is scheduled to be filled by a regular full-time employee and a period of time is required so as to proceed with and complete the normal appointment procedure.
- (b) A position is temporarily vacant, although regularly filled, because the regular employee is on vacation, sick leave, light duty, Worker's Compensation or some other approved leave of absence.

After having been upgraded under this policy for thirty (30) consecutive or more calendar days, an employee shall become eligible for a temporary upgrade pay increase on the thirty-first (31) calendar day. Pay increase shall be a minimum of 5% or the minimum starting salary of the position, which ever is greater.

The above section is subject to employee labor agreements, when applicable.

#### **SECTION 5. EMPLOYEE EVALUATION**

It shall be the policy of the City of Dover to evaluate all employees prior to their review dates and to recommend increases based on a satisfactory evaluation to be effective on the review date. An employee shall not receive an increase if this evaluation proves to be unsatisfactory.

The following guidelines shall be followed in this review:

1. Every regular employee shall be reviewed for a full year of service.
2. The Supervisor shall arrange to meet with the employee to discuss the employee's evaluation no later than two weeks prior to the employee's scheduled review date. For non-bargaining employees, a supervisor shall arrange to meet with the employee no earlier than May 1 and no later

than May 25 of each year.

3. The supervisor shall review the employees overall status, areas needing improvements as well as major strong points to the employee. The appropriate City of Dover Employee Evaluation form must be used.
4. It is recommended that the employee should be given a copy of the performance evaluation at least two (2) days prior to discussing the evaluation with the supervisor.
5. The supervisor shall request the employee's signature on the overall evaluation and, if, the employee meets the criteria of the Pay for Performance plan, a merit pay increase should be recommended to the appropriate Department Head. If such merit increase is granted, the increase shall be submitted on Pay for Performance Salary Calculation Worksheet, prior to the due date, to the Human Resources Department.

The above section is subject to employee labor agreement, when applicable.

#### ARTICLE VII

#### **ETHICAL CONDUCT**

##### **SECTION 1. GIFTS AND FAVORS**

- (a) No employee of the City shall accept any gift, whether in the form of service, loan, thing or promise from any person who, to the employee's knowledge, is interested directly or indirectly in any manner in business dealings with the City.
- (b) No employee shall grant, in the discharge of duties, any improper favor, service or thing of value.

##### **SECTION 2. POLITICAL ACTIVITIES OF EMPLOYEES**

- (a) No employee of the City shall, directly or indirectly, contribute any money or anything of value to any candidate for nomination or election to any City office, to any City office candidate campaign or take active part in any City political campaign. The only exception to this prohibition is voting.
- (b) A person holding a City position shall not, while performing official duties or using City equipment at the person's disposal by reason of his/her position, solicit in any manner contributions for any purpose. Also a person can

not engage in any activity during working hours that impairs the efficiency of the position or presence during the working hours.

(c) A person holding a City position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment, or advantage in appointment, to a City position or an increase in pay, or other advantage of employment, in any such position for the purpose of influencing the vote of that person, or for any other consideration.

(d) A person who supervises a City employee shall not directly or indirectly solicit the person supervised to contribute money, any thing of value or service, for any purpose not connected to said person's employment.

(e) Any person holding a City position who shall become a candidate for any elective office of the City of Dover, shall within sixty (60) days prior to the primary or general election voluntarily or automatically receive a leave of absence. This leave will be without pay and continue until the person is eliminated as a candidate. During this time the person shall perform no duties connected with the office or position so held.

(f) An employee shall terminate his/her employment with the City if appointed or elected to an elective office of the City prior to installation in the position or office.

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

### **SECTION 3. OUTSIDE EMPLOYMENT**

The work of the City will take precedence over other occupational interests of employees. All outside employment for salaries, wages, commission and self employment must be reported in writing to the employee's supervisor, who in turn will report to the City Manager or an appropriate City Official for review. The City Manager or the appropriate City Official will review such employment for possible conflicts of interest and/or impact upon the efficiency of the employee. Such request will be placed in the employee's personnel file located in the Human Resources Department. Conflicting outside employment or outside employment which inhibits an employee's efficiency will be grounds for disciplinary action, up to and including dismissal.

### **SECTION 4. INCOMPATIBLE ACTIVITIES**

An employee shall not engage in any activity or enterprise

which is incompatible with his/her duties as a City employee. The following activities shall be considered incompatible with City employment:

(a) Any activity or enterprise which involves the use, for private gain, of the City's time, facilities, equipment, supplies, badge, uniform, prestige or influence of a City office or equipment.

(b) Any activity or enterprise which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act which the employee would be required to render in the regular course of City employment or as part of his/her duties as a City employee.

(c) Any activity or enterprise which involves the performance of an act in other than his/her capacity as a City employee which may be later subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the employing agency.

(d) Any activity or enterprise which involves the employee's time such that it impairs attendance or efficiency in the performance of duties as a City employee.

#### **SECTION 5.      LIMITATION OF EMPLOYMENT OF RELATIVES**

(a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of his/her immediate family.

(b) This policy shall not be retroactive as of April 5, 1984 and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to April 5, 1984.

(c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

#### **SECTION 6.      DISCRIMINATION AND HARASSMENT**

No employee shall discriminate, harass, or use derogatory language toward any person on the grounds of race, color, religion, sex, sexual orientation, physical handicap, age or national origin.

### ARTICLE VIII

## CONDITIONS OF EMPLOYMENT

### SECTION 1. UNEXPLAINED ABSENCE

Any absence of three (3) or more consecutive days without a call-in by any City employee may be deemed and held to be, a resignation by such member and accepted by such as the City.

### SECTION 2. USE OF CITY SUPPLIES, EQUIPMENT AND VEHICLES

City equipment, materials, tools and supplies shall not be available for personal use nor be removed from City property except in the conduct of official City business.

An employee shall care for vehicles owned by the City in the same responsible way that an employee would care for his or her personal vehicle. Lack of care can result in disciplinary procedures. Such vehicles are to be used exclusively for official City business, except when by special approval. Use of vehicles for commuting to and from work shall usually be limited to an employee who is subject to an emergency call back to work.

No individual shall operate or ride in a City vehicle except as is required for the conduct of City business.

### SECTION 3. REPRESENTATION AND INDEMNIFICATION

**REPRESENTATION:** City employees, in any criminal or civil action against them arising from their official duties or from acts which were within the scope of employment and were not performed with wanton negligence or willful and malicious intent and do not arise out of official misconduct, bribery, robbery, receiving unlawful gratuities or other abuse of office or employment shall be entitled to have the City Solicitor appointed to represent their interest in the matter. The City Solicitor shall represent the person charged at all stages, trial and appellate, until final determination of the matter.

**INDEMNIFICATION:** In addition to the right of representation provided in the preceding paragraph of this Section, City employees who, but for the application of any provisions of the Constitutions or Laws of the United States or the State of Delaware to the contrary, would be entitled to immunity in accordance with 10 Del. C. S4010 et seq. shall be indemnified by the City of Dover against any expenses including attorneys fees and disbursements, judgements, fines and costs, actually and reasonably incurred by said person in defending against the action, suit or proceeding giving rise thereto provided, however, if the person seeking indemnification chooses to retain his/her own attorney rather than using the City Solicitor, he/she shall be responsible to bear all

costs incurred thereby.

The right to indemnification shall automatically apply upon the final determination of any court or administrative tribunal of competent jurisdiction that no claim or cause of action existed, or, but for the application of the Constitutions or Laws of either the United States or the State of Delaware, that no such claim or cause of action would have existed, or upon a verdict or ruling in favor of the person. If a court or administrative tribunal shall determine that no right to indemnification exists because the absence of any of the elements of immunity said determination shall be final and binding at such time as any and all rights or appeals from the decision giving rise to such determination shall have been exhausted. If for whatever reason, including a settlement agreed upon by the parties, the court or administrative tribunal having jurisdiction shall fail or refuse to make the determination required by this Subsection, then the indemnification shall only be granted as to the person upon the affirmative recommendation of a majority of members elected by Council.

#### **SECTION 4. SURRENDER OF PROPERTY**

An employee who is suspended, discharged, retiring or resigning shall be required to return to the City all items of equipment or uniforms owned by the City. Such items must be returned before issuance of the employee's final paycheck.

#### **SECTION 5. TRAVEL EXPENSES**

While traveling to an approved conference, training and business related travel of an employee shall be reimbursed for expenses based on the City of Dover's travel policy. Such policy can be obtained from the Finance Director.

#### **SECTION 6. VEHICLE ACCIDENT**

If any employee is involved in an accident involving a City vehicle or property which results in negligent damage, the employee may be required to reimburse the cost of repair or replacement of the City in full or part. All accidents shall be reported immediately to an employee's supervisor, the Police department for investigation as well as the Human Resources Department. The employee will be required to submit to a drug screening. The City of Dover will bear the cost of the screening. The Human Resources Department shall maintain an accident log by driver.

#### **SECTION 7. PRE-EMPLOYMENT REQUIREMENTS**

Each person to whom employment with the City is offered may be required to successfully pass a pre-employment physical, complete a background check and drug test at a City designated medical

facility at the City cost before an appointment to such employment becomes effective. For person offered employment with the City of Dover as a uniformed Police Officer, he or she will be required to pass a pre-employment physical.

**SECTION 8. SUBSTANCE ABUSE POLICY**

PURPOSE

It is expected that all employees will maintain an appropriate level of fitness for duty. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or not being hired. The guidelines and procedures for this policy are defined in the following programs. All employees are covered under this policy except for police officers, which are covered by a separate agreement contained in the Police Code of Conduct.

POLICY

A. PRE-EMPLOYMENT SUBSTANCE SCREENING:

1. A substance screening for excessive alcohol use, misuse of prescription drugs or illicit drugs will be required as a condition of employment for all new hires.
2. A positive confirming second test, on the original screening sample, will be the basis for disqualification of the applicant.
3. If either of the tests are negative, the applicant satisfies the substance level requirements.
4. An applicant whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide a bona fide verification of a current valid prescription which may have caused the positive result. The prescription must be in the applicant's name.

B. EMPLOYEES ARE PROHIBITED FROM THE FOLLOWING:

1. Reporting to work under the influence of alcohol or drugs.
2. Have the odor of alcohol or drugs on their breath or have drugs or alcohol in their possession, while on duty.
3. Sell or provide drugs or alcohol to any other employee or to any other person while such employee is on duty.

4. Have their ability to work impaired as a result of alcohol or drugs.

Such actions will constitute violation of the established personnel policy and are causes for disciplinary action.

C. The appropriate law enforcement agency will be notified of any sale, and/or distribution, possession of any illegal substance by an employee while on duty or during lunch and other breaks or at any time while the employee is on a City work site or City working time.

D. Confirmation of drug or alcohol use or abuse will result in disciplinary action in accordance with the failure in the Personal Conduct Section of this manual.

E. Two disciplinary actions relating to drug or alcohol use may be cause for termination.

F. While use of medically prescribed or some other legal medications and drugs is not a violation of this policy, when such drug use adversely affects job performance, the employee will be required to use sick leave or take leave of absence.

G. Failing to notify an employee's supervisor before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties by a City employee, may result in disciplinary action up to and including termination. Such actions will constitute violation of the City of Dover personnel policy Article XV, Section 8, of Failure in Performance of Duties.

H. Discipline for being under the influence of alcohol or non-prescribed controlled substances during non-job related activities would be based on the employee's work history, previous disciplinary actions and previous identification of substance use problems.

I. When an employee's driver's license is suspended due to alcohol or drug use and driving is required by the employee's job description, the said employee is subject to disciplinary action based on the Article XV, Section 9 regarding Failure in Personal Conduct.

J. SUBSTANCE SCREENING FOR CURRENT EMPLOYEES

1. Alcohol and/ or drug tests of existing employees will be conducted randomly and when there is reasonable suspicion that alcohol or substance abuse is involved in the work place.

2. "Reasonable Suspicion" shall be based on objective and definitive facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to safely perform his/her job is reduced.

3. Another supervisor or higher ranking supervisor must confirm all charges of reasonable suspicion.

4. The circumstances in which drug and/or alcohol testing may be required due to a reasonable suspicion of alcohol or drug use or abuse may include, but not limited to, the following:

a. Observed alcohol or drug possession or use during work hours (ie. drug paraphernalia, remains of marijuana cigarettes, plastic sandwich bags with non-food residue inside).

b. Apparent physical state of intoxication or drug induced impairment of motor functions (ie. red and watery eyes, dilated pupils, drowsiness or sleeping, slurred speech, hand tremors, inability to walk a straight line and alcohol on breath).

c. Incoherent or irrational mental state (i.e. irrational physical altercation, irrational verbal altercation, memory gaps).

d. Marked changes in personal behavior or attitude not attributable to other factors (i.e. sudden unexplained changes in mood and personality, changes in disposition, changes in appearance, including inattention to personal hygiene, frequently borrowing money).

e. Deteriorating work performance or attendance problems not attributable to other factors (i.e. excessive tardiness, an above average injury rate, regularly claiming sick benefits or worker's compensation).

f. Employee involvement in an accident during work hours in which a review of the circumstances of the accident or other relevant facts lead to a reasonable suspicion to believe that employee may be under the influence of alcohol or drugs.

g. Incriminating information from a reliable

source or other employee actions or conduct that leads to a suspicion that the employee is under the influence of alcohol or drugs, suffers from substance abuse or is in violation of existing City rules concerning the use of such substances (i.e. reports by family members or friends about employees alcohol or drug abuse, unexplained secret meetings with other employees or others).

5. An employee whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide a bona fide verification of a current valid prescription which may have caused the positive result. The prescription must be in the employee's name.

K. Drug and alcohol use during off-hours will also violate this policy when such use impairs job performance, at which time, an employee is subject to disciplinary action and the rules regarding reasonable suspicion.

L. When there is reasonable suspicion of alcohol and/or drug use by an employee involved in serious or repetitive accidents causing death, personal injury to self or others, and/or property damage, alcohol and drug tests shall be administered to employees immediately following such work related accidents. Confirmation of such drug or alcohol use through documented reasonable suspicion and a positive drug/alcohol screen test shall be cause for termination.

M. When reasonable suspicion has been adequately established, an immediate disciplinary suspension may be issued.

N. When reasonable suspicion has been adequately established, refusal to submit immediately to an alcohol and/or drug analysis when requested by management will constitute insubordination which is in violation of Article XV, Section 9, pertaining to failure in personal conduct and is cause for disciplinary action.

O. It is the policy of the City to provide a just procedure for the presentation, consideration and disposition of employee grievances. Such will be done in accordance with the established personnel policy (Article XVI).

#### TESTING PROCEDURES

A. To insure accuracy, employee's specimens must be given as soon as possible after charges of drugs or alcohol use or abuse has been made. These charges must follow the guidelines for establishing reasonable suspicion.

B. In establishing reasonable suspicion, the supervisor of an employee suspected of being impaired by alcohol or drugs shall document his/her observations and confirm those observations with another supervisor or higher ranking supervisor. Following such time, the supervisor may require the suspected, impaired employee to report to a designated physician, clinic or hospital on the City's time and at the City's expense for a fitness for duty examination, which will include, but not be limited to, urine analysis testing.

C. Any employee who refuses to submit to said testing would be found in violation of this policy. In such a case the two Supervisor's determination of impairment will be binding and the employee will be removed from the work site and subject to disciplinary action.

D. Alcohol and drug tests on employees shall be administrated immediately following work related accidents that involve personal injury to self or others, property damage or when there is reasonable suspicion that alcohol and/or drug abuse by the employee is involved.

E. Testing will be done for at least and possibly more of the following substances:

Amphetamines (Uppers)	Opiates (Opium)
Barbiturates (Downers)	Phencyclidine (PCP)
Benzodiazepines (Valium)	Methaqualone (Quaaludes)
Cocaine	Alcohol
Marijuana	

F. The analysis shall be conducted in accordance with legally established clinical procedures of privacy which include a defined chain of custody and mandatory consent.

G. The urinalysis or screening method used is the EMIT method. Gas chromatography is used as a confirming second test if the screening is positive. If either of the tests is negative the employee is passed. The City reserves the right to use alternate testing methods.

#### EMPLOYEE ASSISTANCE

A. The City of Dover recognizes alcohol and/or drug dependency as a treatable condition. Any employee whose job performance, health or behavior, has deteriorated as a result of alcohol or drug use may use the employee referral program and health insurance coverage as appropriate. Employees should contact designated department personnel or the Human Resources Department for additional information.

B. Volunteer efforts to seek and use such help will not

jeopardize an employee's employment status. Such efforts will not appear on his/her personnel records if the employee volunteers prior to documented reasonable suspicion. However, said employees must follow suspension guidelines before returning to work.

C. Employees receiving treatment for drug or alcohol abuse may use sick leave, vacation leave or may be granted a limited leave without pay, or an extended leave without pay in accordance with established personnel policies.

D. Involvement of an employee in an alcohol and drug program does not suspend disciplinary measures to which an employee may be subject to as a result of conduct or behavior which violates work rules or regulations or is contrary to City policy.

#### SUSPENSION GUIDELINES

A. Employees placed on suspension from employment due to confirmed abuse of alcohol or drugs shall be required to complete the following documentation before reinstatement to any position with the City of Dover:

1. Submit at least fifteen (15) attendance slips showing proof of daily participation in Alcoholics Anonymous, Narcotics Anonymous or another approved rehabilitation organization.
2. Submit the name and telephone number of your organization sponsor to the City's Human Resources Department.
3. Submit the results of at least three (3) drug screening tests beginning on the first day of affiliation with a rehabilitation organization.

B. Upon submission of the three (3) items listed above an appointment will be required at a designated counseling center to determine the condition of applicable disease. Attendance may also be required at meetings with City personnel to explain the diagnosis. The City Manager or appropriate City official will then consider the safety and security of your employment and a decision will be made as to whether a suspension shall be lifted and reinstatement made in some capacity.

C. Any employee who has a positive substance screening must be given a return-to-duty substance screening before resuming duties. The City may require additional unannounced screening up to sixty (60) months after duties have been resumed. All costs of such return-to-duty screening and treatment shall be the responsibility of the employee.

### CONFIDENTIALITY

A. The City shall require unannounced retesting of employees who have agreed to such testing as part of a disciplinary action or rehabilitation program.

B. Laboratory reports or test results shall appear in an employee's confidential medical file. The reports or test results may be disclosed to a designated person in City management on a strictly need to know basis and to the tested employee upon request.

### SEVERABILITY

The provisions of this policy are severable and if any court of competent jurisdiction shall hold any of its provisions unconstitutional or otherwise invalid; the decision of such court shall not affect or impair any remaining provisions.

A separate policy exists for Uniformed Police Officers. The Police Code of Conduct is located with the Police Chief.

### **SECTION 9. DISCLOSURE OF CONFIDENTIAL INFORMATION**

No employee shall disclose confidential information concerning the property, government or affairs of the City. Nor shall the employee use such information to advance the financial or other private interest of himself/herself or others.

### **SECTION 10. SAFETY SHOES**

All employees shall wear safety shoes when it is determined that the employee may be exposed to the hazards of processes or environment that are capable of causing injury or impairment to the feet. The failure to wear safety shoes when exposed to such conditions will be cause for disciplinary action. Each Department Head shall designate which employees in his/her department shall be required to wear safety shoes and those employees to which safety shoes are recommended but not required. For both groups of employees the City has agreed to pay the amount agreed upon in the employee labor agreements.

The City shall provide a yearly allowance to each employee required or recommended to wear safety shoes. An employee may receive an additional allowance if his or her safety shoes have been damaged or destroyed or are not fit to wear due to work directly related to City employment.

The above section is subject to employee labor agreement, when applicable.

**SECTION 11. REST PERIODS**

The City makes no attempt to define or regulate a policy for rest periods that can be uniformly applied for employees in all departments or divisions. Because there are numerous variations, work schedules and conditions, a department head and/or supervisor may establish an appropriate rest period policy that will best serve the City's interest. It must be recognized that there may be circumstances which make designated rest periods impossible and therefore the department head will address the question accordingly.

If it is feasible a department head will provide two fifteen minute rest periods per day within the building or at the job site. Rest periods are not cumulative or mandatory. Urgent City business always takes precedence over a rest period.

The above section is subject to employee labor agreements, when applicable.

**SECTION 12. MEAL PERIODS**

The meal period for each employee is determined by individual departmental policy. It is the responsibility of each department head to inform employees of the time and length of meal periods.

ARTICLE IX

**HOLIDAY LEAVE**

**SECTION 1. HOLIDAYS**

The following days and such other days as City Council may designate are holidays with pay for full-time regular employees.

New Years Day	Labor Day
Martin Luther King Day	Veterans Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	

When a holiday falls on a Saturday, a paid holiday is granted on Friday. When a paid holiday falls on a Sunday, a paid holiday is granted on Monday.

Recognized City Holidays are subject to employee labor

agreements.

Part-time regular employees working twenty (20) hours or more per week shall receive a half-day, four (4) hours, with pay for each holiday designated above. If an employee in this classification works less than twenty (20) hours they are not eligible.

To receive holiday pay an employee must have received pay for his or her entire regularly scheduled work day before and after the holiday. Employees who are receiving worker's compensation from the City's workers compensation carrier are not entitled to holiday pay. Employees shall receive holiday leave credits at a rate of seven and a one-half (7.5) per leave day or eight (8) per leave day earned.

Temporary employees are not eligible for any type of holiday pay. If they are required to work on a holiday they will be paid at their regular hourly rate.

**SECTION 2. EFFECT OF WORK ON HOLIDAYS OR UNSCHEDULED WORKDAYS OR OTHER TYPES OF LEAVES**

Regular holidays or special holidays declared by City Council, which occur during any leave period, except extended leave without pay or unpaid military leave, shall not be considered as leave. Unscheduled work days, which occur during any leave period, shall not be considered as leave. While on vacation leave, employees on regular rotating shifts may be required to take pay for any vacation day that is replaced by a holiday at their regular pay rate. The affected Department Head may require these employees to take pay since continuous shifts must be maintained.

**SECTION 3. HOLIDAYS - WHEN WORK IS REQUIRED**

Non-exempt employees required to perform work on regularly scheduled holidays or special holidays declared by City Council may be granted compensatory time off at time and one-half or be paid at time and one-half (1.5) times their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. Policy is subject to the Fair Labor Standards Act and Article III Section 9, Overtime Pay.

The above section is subject to employee labor agreement, when applicable.

ARTICLE X

**VACATION LEAVE**

**SECTION 1. VACATION LEAVE**

Vacation leave shall be used for rest and relaxation, for medical appointments of illness when sick leave is exhausted and for absences due to adverse weather conditions.

While on vacation leave or sick leave an employee shall continue to earn vacation time and sick leave credit. An employee who converts vacation and sick leave to terminal leave shall not continue to earn vacation and/or sick leave while on terminal leave.

**SECTION 2. VACATION LEAVE - THE MANNER OF ACCUMULATION**

Full-time regular employees shall accumulate vacation leave on the following schedule:

(a) Each full-time regular employee with fewer than eight (8) complete years of continuous service shall earn vacation leave at the rate of one (1) day per completed month or twelve (12) days per completed year of service.

(b) Each full-time regular employee with eight (8) completed years of continuous service but less than fifteen (15) complete years of continuous service shall earn vacation leave at the rate of one and one-half (1.5) days per completed month or eighteen (18) days per completed year of service.

(c) Each full-time regular employee with fifteen (15) complete years of continuous service but less than twenty (20) complete years of continuous service shall earn vacation leave at the rate of one and three-fourths (1.75) days per month or twenty one (21) days per completed year of service.

(d) Each full-time regular employee with twenty (20) or more complete years of continuous service shall earn vacation leave at the rate of two (2) days per month or twenty four (24) days per completed year of service.

Part-time regular employees working twenty (20) hours or more per week shall accumulate vacation leave at one-half (1/2) the rate of full-time employees.

Part-time regular employees working less than twenty (20) hours per week are not eligible for vacation leave.

Temporary employees are not eligible for vacation leave.

Vacation leave accumulated by eligible employees shall be

recorded and taken in half-hour increments.

The above section is subject to employee labor agreement, when applicable.

**SECTION 3. VACATION LEAVE - THE MAXIMUM ACCUMULATION**

Vacation leave is accumulated from year to year; however total accumulated vacation leave on January first of each year is limited to an amount equal to one year's vacation time. One year of vacation is calculated by multiplying 12 (months) by the employee's accrual rate in December of the prior year. An employee must earn pay for one-half of his or her workdays for that month to be credited with vacation leave. The employee cannot use a month's credit until he or she has earned pay for one-half of his or her workdays for that month.

(a) Each full-time regular employee with fewer than eight (8) complete years of continuous service can not have accumulated more than twelve (12) days of unused vacation leave as of January 1 of each year.

(b) Each full-time regular employee with eight (8) complete years of continuous service but less than fifteen (15) complete years of continuous service can not have accumulated more than eighteen (18) days of unused vacation leave as of January 1 of each year.

(c) Each full-time regular employee with fifteen (15) complete years of continuous service but less than twenty (20) complete years of continuous service can not have accumulated more than twenty one (21) days of unused vacation leave as of January 1 of each year.

(d) Each full-time regular employee with twenty (20) or more complete years of continuous service can not have accumulated more than twenty-four (24) days of unused vacation leave as of January 1 of each year.

Part-time regular employees working twenty (20) or more hours per week with the appropriate complete years of continuous service may accumulate vacation leave at one-half the rate that employees are allowed in a,b,c and d above.

If an employee has accumulated more than the maximum allowable amount of unused vacation leave on January 1, then his/her leave shall be reduced to the proper maximum.

If the City Manager determines that unusual and extenuating circumstances exist which justify allowing an employee to be excused from the requirements of this section for a particular

year, he/she may do so. An employee must make the written request to the City Manager in writing prior to December 1 of the year in question.

The above section is subject to employee labor agreements, when applicable.

**SECTION 4. VACATION LEAVE - FINAL PAY AND REPAYMENT OF VACATION LEAVE**

Upon submission of a resignation, an employee shall be paid for vacation leave accumulated to the date of separation. At the time of the employee's separation the following shall be deducted from the employee's final compensation: any vacation leave owed the City, qualified educational assistance and any funds owed to the City by the employee as a result of criminal activity or negligence.

**SECTION 5. VACATION LEAVE - PAYMENT FOR ACCUMULATED VACATION LEAVE UPON DEATH**

The estate of an employee who dies while employed by the City shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account. From this payment the following shall be deducted from the employee's final compensation: any vacation leave owed the City, the value of any City issued uniform and/or equipment not returned by the employee, qualified educational assistance and any funds owed to the City by the employee as a result of criminal activity or negligence.

ARTICLE XI

**SICK LEAVE**

**SECTION 1. SICK LEAVE**

Sick leave with pay is not a right which an employee may demand but a privilege granted by the City for the benefit of an employee when sick.

Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations/treatment or exposure to a contagious disease when continuing to work might jeopardize the health of others and for the well care of the immediate family residing in the employee's principle place of residence. Additional situations will be considered for the use of sick time.

While on paid sick leave an employee shall continue to earn sick and vacation leave credits.

The City understands the difficulty of defining or regulating a policy for notification of the desire to take sick leave that can be uniformly applied for employees in all departments or divisions.

Because there are numerous variations and work schedules and conditions, a Department Head may establish an appropriate notification policy for his/her department that will best serve the City's interest. If a Department Head does not elect to establish a separate notification policy for his/her department then the following shall apply:

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than one-half hour after the beginning of a scheduled workday. Failure to do so may result in the employee being considered absent without leave. Due to the critical nature of shift work, shift workers must notify the on-duty shift supervisor of a desire to take sick leave no later than one-half hour prior to the beginning of their shift or the employee may be considered absent without leave.

The above of section is subject to employee labor agreements, if applicable.

## **SECTION 2. SICK LEAVE - MANNER OF ACCUMULATION**

Full-time regular employees shall accumulate sick leave at the rate of one (1) day per completed month or twelve (12) days for each completed year of service. An employee must have earned pay for one-half of his or her workdays for that month to be credited with sick leave. The employee cannot use a month's credit until he or she has earned pay for one-half of his or her workdays for that month.

Part-time regular employees working twenty (20) hours of more per week shall accumulate sick leave at one-half the rate for full-time employees. An employee must have earned pay for one-half of his or her workdays for that month to be credited with sick leave. The employee cannot use a month's credit until he or she has earned pay for one-half of his or her workdays for that month.

Part-time regular employees working less than twenty (20) hours per week are not eligible for sick leave.

Temporary employees shall not be eligible for sick leave.

Sick leave accumulated by eligible employees shall be recorded and taken in half-hour increments.

The above section is subject to employee labor agreements, when applicable.

**SECTION 3. SICK LEAVE - MAXIMUM ACCUMULATION**

The maximum number of sick days an employee may accrue is one hundred eighty (180) days. After the maximum numbers of days are accrued, no additional sick leave shall be earned until some of the accrued leave is taken.

Non-bargaining employees are permitted an unlimited accumulation of sick-leave.

The above section is subject to employee labor agreements, when applicable.

**SECTION 4. SICK LEAVE - PHYSICIAN CERTIFICATE**

A physician certificate is required for an employee to return to work who has been out over three (3) consecutive working days unless waived by a Department Head. A physician certificate requirement can be instituted on a one (1) day basis for habitual lost time at the discretion of the employee's supervisor. In all cases a sick leave form must be completed and signed by the returning employee.

**SECTION 5. SICK LEAVE - RETIREMENT CREDIT FOR ACCUMULATED SICK LEAVE**

Employees hired on or before July 1, 2004 and retire under an approved City Retirement Plan shall be paid in full for a maximum of one hundred fifty (150) days of accrued sick leave if the employee is retiring with 25 or more years of service with the City of Dover. The employee retiring with less than 25 years of service with the City of Dover shall be paid in full for a maximum of one hundred thirty (130) days of accrued sick leave. Employees hired after July 1, 2004 will be permitted to be paid in full for a maximum of one hundred (100) days of accrued sick leave. This payment shall be in a lump sum payable upon retirement or the employee may convert his/her accumulated sick leave, not to exceed the maximum indicated, to terminal leave.

The above section is subject to employee labor agreement, when applicable.

**SECTION 6. SICK LEAVE - TERMINATION**

Any employee who is terminated shall lose all accumulated sick leave. The only exception to this policy is Section 5 of this

Article.

ARTICLE XII

**LEAVES WITHOUT PAY**

**SECTION 1. LIMITED LEAVE WITHOUT PAY**

The employee's Department Head may grant employees a leave of absence without pay, not to exceed two (2) weeks, provided the employee has exhausted all accumulated vacation leave. The Human Resources Director must be notified before a decision can be rendered.

The above section is subject to employee labor agreement, when applicable.

**SECTION 2. EXTENDED LEAVE WITHOUT PAY**

A regular employee may be granted a leave of absence without pay for up to six (6) months by the City Manager provided it has been requested in writing and the employee has exhausted all accumulated vacation leave. If an employee is applying for disability insurance under the City of Dover employee's policy, then the employee does not have to exhaust his or her accumulated vacation leave. Generally the leave shall be used for reasons of personal or family disability, continuation of education or special work that will permit the City to benefit by the experience gained or the work performed. An extension of leave for six (6) months may be granted by the City Manager. However no leave of absence may exceed a total of one (1) year. The Human Resources Director must be notified before a decision can be rendered.

The employee shall apply in writing for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority or pay including salary range adjustments that may have occurred during the said leave. If the employee decides not to return to work, the supervisor should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and approved in writing, shall be considered a resignation.

If the City learns that an employee on a leave of absence is no longer using the leave for reasons originally stated in the leave request, then the employee may be terminated.

The above section is subject to employee labor agreement, when applicable.

**SECTION 3. EXTENDED LEAVE WITHOUT PAY - RETENTION AND CONTINUATION OF BENEFITS**

An employee shall retain all unused sick leave while on leave without pay. An employee ceases to earn all leave credits on the date leave without pay begins. Completed service credits for the purpose of computing longevity pay, sick and vacation leave shall accrue for a period of forty-five (45) days following the start of leave of absence without pay. The employee may continue to be eligible for benefits under the City's group insurance plans provided the employee shall be responsible for the payment of the total insurance premium to the City prior to the first day of each month while on leave; unless the leave is for an employee illness, disability or maternity case in which the employee is only required to pay the premium amount normally deducted from the employee's pay check.

ARTICLE XIII

**OTHER TYPES OF LEAVE**

**SECTION 1. TERMINAL LEAVE**

Upon retiring directly from City service under an approved City Retirement Plan a regular employee is eligible to take terminal leave prior to his/her retirement date under the following conditions:

- (a) For employees hired on or before July 1, 2004, terminal leave shall consist of a total of both an employee's unused sick and vacation leave. A maximum amount sick leave an employee may convert is one hundred fifty (150) days if the employee is retiring with 25 or more years of service with the City of Dover. The employee retiring with less than 25 years of service with the City of Dover shall be permitted to convert a maximum of one hundred thirty (130) days of accrued sick leave to terminal leave.

Employees hired after July 1, 2004, will be permitted to convert a maximum of one hundred (100) days of accrued sick leave to terminal leave.

- (b) Once terminal leave begins the employee ceases to earn vacation or sick leave credits and is no longer eligible for annual salary increases.

- (c) Once terminal leave begins, the employee can not return to active service unless approved by the City

Manager. If a return to active service is approved, then the employee will be required to pay back all expended sick leave credits if the request to return to work was initiated by the employee.

(d) In order to qualify for terminal leave, an employee must request leave in writing a minimum of forty-five (45) days notice prior to the employee's retirement date unless waived by either the Civilian or Police Pension Committee.

(e) Any leave taken within 30 calendar days prior to terminal leave beginning will be considered terminal leave.

## **SECTION 2. MILITARY LEAVE**

### Military Training Leave

Full-time, regular employees who are members of the National Guard or Armed Forces Reserve will be allowed ten (10) work days military training leave per calendar year. If the compensation received while on military leave is less than the base salary that would have been earned during this same time period as a City employee, the employee shall receive partial compensation equal to the difference in the compensation earned as a reservist or guardsman and the base salary that would have been earned during this same period as a City employee. The effect will be to maintain the employee's salary at a normal level during this period. If such military duty is requested beyond this ten (10) work day period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credit and other benefits shall continue to accrue as if the employee physically remained with the City during this period. An employee may use vacation time for the ten (10) days military duty and receive both vacation pay and pay from the military without reimbursement to the City. An employee must notify his/her supervisor a minimum of ten (10) days prior to taking military leave.

The pay received from the military while on military leave shall not be considered as pay for pension purposes. No employee pension contributions will be deducted, the City will not make pension contributions based on the pay and the pay shall not be used to compute pension benefits.

### Active Duty

Full-time, regular employees who are guardsmen and reservists have all the job rights specified in the Veterans Readjustment Assistance Act. All employees who enlist or are reactivated in one of the military services will be granted on application a military

leave of absence for a maximum period of five (5) years.

#### Military Mobilization Pay

If the compensation received by a full-time regular employee while on military leave as a result of individual or military unit mobilization is less than the base salary that would have been earned during this same time period as a City employee, the employee shall receive partial compensation equal to the difference in the military compensation earned as a reservist or guardsman and the base salary that would have been earned during the same time period as a City employee. This differential shall be paid for a time period of up to one year from the date the employee reports to active military service duty and shall cease upon termination of the active duty assignment. Military compensation shall include base pay, all special pay, bonuses and allotments, and any other direct compensation received as a result of mobilized military service from the government of the United States or any State government.

#### Reemployment After Military Service

Upon release from military service with an honorary discharge, a retiring veteran must apply for reinstatement as follows:

##### Service Time

##### Return

30 days or less	Beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an 8 hour rest period following safe transportation home.
31 to 180 days	Application of reinstatement must be submitted not later than 14 days after completion of military duty.
180 or more days	Application for reinstatement must be submitted not later than 90 days after completion of military duty.

#### Benefits

When the veteran is returned to active employment all benefits previously earned such as sick leave, longevity pay, unused vacation time and cost of living increases shall be credited to his record. Time spent while on active duty shall be credited towards completed year's service with the City for the purpose of computing retirement time, vacation time, and longevity increases. In regards to pension benefits, sworn police officers are subject to the Delaware County and Municipal Police/Firefighter Pension with the State of Delaware. Please contact the State of Delaware Pension Office for complete details.

An eligible City employee shall receive uninterrupted health

insurance benefits at the same level as before he or she was called to active duty for a period of up to one year from the date the employee actually reports to active military service. The employee shall also be allowed to continue pension contributions based on his or her normal base pay.

#### Part-time Employment

Part-time regular employees working less than twenty (20) hours per week and temporary employees are eligible for military leave but not partial compensation.

USERRA (Uniformed Services Employment and Reemployment Rights) guidelines apply to all military leave.

### **SECTION 3. MATERNITY LEAVE**

Leaves of absence shall be granted to employees affected by pregnancy, childbirth or related conditions; provided such leave shall not exceed six (6) months. At the commencement of a maternity leave of absence, employees have the option of using accrued sick or vacation leave time in order to continue to receive pay. Sick leave is permitted according to Article XI Section 1. Pay will cease when all accrued allowances have been used. The use of accrued time-off shall not extend the length of the leave.

### **SECTION 4. JURY DUTY/CIVIL LEAVE**

A City employee called for jury duty or as a witness in any civil or criminal legal proceeding shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or sick leave. This does not apply to an employee if he/she is a defendant or plaintiff in a legal proceeding. While on jury/civil duty, benefits and leaves shall accrue as though on regular duty.

### **SECTION 5. BEREAVEMENT LEAVE**

Bereavement leave shall be granted to all regular employees and probationary employees who are regularly scheduled to work 20 hours or more per week and who experience a death of a member of the employee's immediate family. Upon request, the employee maybe granted up to three (3) working days leave with pay. If the funeral is more than four hundred (400) miles from the City of Dover, the employee shall be granted up to five (5) working days, with pay, not charged to any leave balance, to arrange for and/or attend the funeral service or related matters. An employee may request additional time beyond the time provided. The City Manager or appropriate city official may grant such additional time to be charged against the employee's sick leave.

Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named, in addition to significant other if not married or separated from spouse, and any relative living with the employee.

The City reserves the right to request verification of the relationship and funeral location.

Hours granted as bereavement time shall be counted as hours worked for purposes of computing overtime and shall not be charged as vacation leave if such occurs while the employee is on vacation.

The above section is subject to employee labor agreement, when applicable.

#### **SECTION 6. FAMILY AND MEDICAL LEAVE**

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

(a) Reasons for taking leave:

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility
- A condition requiring absence of more than three consecutive calendar days from work, or other regular daily activities that also involves continuing treatment by a health care provider
- Pregnancy or prenatal care
- A chronic condition (ie. Asthma, diabetes, epilepsy, etc.)
- A permanent or long-term condition requiring medical

supervision (Alzheimer's, stroke, terminal diseases, etc.)

- Absences to receive and recover from multiple treatments by or on referral by a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (ie. Chemotherapy, physical therapy, dialysis, etc.)

Leave, as the result of a workers compensation injury, may be counted as FMLA leave.

While the Family Medical Leave Act provides for 12 weeks of unpaid, job protection, the City permits the employee to use his or her accrued leave time in conjunction with FMLA leave in order to avoid a loss in wages. The use of accrued leave does not extend one's FMLA leave. Accrued leave use must adhere to City policy regarding use.

Spouses who works for the City and are both eligible for FMLA, are entitled to a combination of 12 weeks of leave during any 12 month period if the leave is taken for the birth or adoption of the employee's newborn child or to care for a parent with a serious health condition.

(b)Advanced Notice and Medical Certification:

The employee may be required to provide advanced leave notice and medical certification. Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." If 30 day notice is not possible due to a medical emergency or the employees' uncertainty as to when the leave will be required to begin, notice must be given as soon as it is practical to do so. The City may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

(c)Job Benefits and Protection:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group health plan. Upon returning from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(d)Unlawful Acts by Employers

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Once the Human Resources Department is made aware that an employee is on FMLA leave, the City must notify the employee in writing within 2 business days (unless there are extenuating circumstances) that the leave is designated as FMLA leave.

If the City learns that an employee's leave qualifies as FMLA leave after the employee returns to work, the City can retroactively designate the leave within two business days of the employee's return to work.

If an employee did not realize that the leave he or she took qualified as FMLA leave until after his or her return to work, he can notify the employer and request that the leave be designated as FMLA leave within two business days of the employee's return to work.

Absence from work due to FMLA leave may not be considered in promotion decision, performance appraisals, or disciplinary actions.

The information contained in this section is to provide general information about the FMLA. Specific questions or concerns should be directed to the Human Resources Department or to the Department of Labor.

## **SECTION 7. INCLEMENT WEATHER**

The City of Dover will keep its offices open during regularly scheduled hours unless extreme inclement weather necessitates the curtailment of all but essential services. When City Offices are open, each employee shall report to work and remain at work until officially released.

### PROCEDURE

#### A. Responsibilities:

1. The City Manager will make all decisions concerning the closing of City Offices.
2. Department Heads will determine which positions, by job title, are assigned to maintain essential services when offices are closed. Such positions will be designated as "emergency" positions and employees occupying those positions shall be notified of their "emergency" status.

B. Guidelines:

1. Opening of Offices:

- a. In most cases of inclement weather, all City Offices will open and remain open for business during regularly scheduled hours.
- b. When inclement weather is severe enough to create a safety hazard for employees or to cause extremely poor road conditions, each department head shall exercise his/her judgement in assessing employee tardiness.
- c. Employees who call in and are unable to come to work may, have the option of using vacation, comp time or leave without pay to cover the normal working hours missed as a result of the weather emergency. If an employee chooses comp time, and does not have comp time accrued, that employee will be advanced comp time with the understanding that those hours missed due to the weather emergency will be made up within two (2) weeks of the weather emergency.
- d. An employee who calls in sick during inclement weather, may be required at the discretion of the supervisor to provide a doctor's certificate to substantiate charging the absence to sick leave. An employee who fails to provide the required certificate when requested to do so, shall have the time reported as leave without pay.

The above section is subject to employee labor agreement, when applicable.

2. Closing of Offices During the Day:

When extreme inclement weather necessitates the closing of offices after the work day has begun, the following will apply:

- a. All employees not designated as emergency employees will be excused from work. For the remainder of the work day these employees will be placed on excused leave of absence with pay.
- b. Each employee designated as an emergency

employee shall remain on duty for the duration of his/her regular shift or revert to his/her assigned emergency shift, if appropriate.

- c. Individuals who called in and were placed on vacation leave status will be charged such leave for the entire day. The option of requiring a doctor's certificate for a reported sick leave shall continue to be available to a Supervisor. Individuals who depart on vacation leave prior to official announcement will be charged such leave for the entire remainder of the day.

3. Closing the Office before the Start of the Work Day:

When inclement weather prevents the opening of offices for the day, the following will apply:

- a. Employees will be notified of the closing of offices by the procedures outlined in paragraph D, Public Announcements.
- b. Each emergency employee shall report to his/her normal shift or emergency shift as appropriate.
- c. All non-emergency employees are excluded from reporting to work. These employees will be placed on excused leave of absence with pay for their entire workday.
- d. Employees on previously approved leave status ((vacation, etc., (excluding sick)) will remain on such leave status.

C. Exceptions:

In the event a Department Head determines that it is necessary for non-emergency employees to remain at or report to work after offices are closed as the result of inclement weather, then he/she may direct such employees to do so. Such employees will be paid in accordance with the same policies governing emergency employees.

D. Compensation:

Emergency employees who work during their normal or emergency shifts will receive hour-for-hour vacation time in addition to their normal straight time pay for hours worked during the normal shift when City offices are closed by the City Manager due to inclement weather.

The above section is subject to employee labor agreements, when applicable.

E. Public Announcements:

FM Radio stations, WDSB 92.9 and Eagle 97.7 and television station WBOC will be asked to carry announcements of the City's order to close offices due to inclement weather.

F. Employee Message Center

Employees may call the City's Employee Message Center in order to determine the City's operating schedule. The phone number is 736-4240. The message will be updated as information is provided by the City Manager.

ARTICLE XIV

**WORKER'S COMPENSATION**

**SECTION 1. WORKER'S COMPENSATION LEAVE**

An employee absent from duty as a result of sickness or disability covered by Delaware Worker's Compensation Act may receive Worker's Compensation benefits up to 66 2/3% of the employee's average weekly pay provided the weekly benefit cannot exceed the maximum limit set by State Law. For the first sixty (60) calendar days that an employee is out under a licensed physician's care as a result of an on the job accidental injury, the City will guarantee 100% of an employee's base weekly pay. The sixty (60) calendar days of full pay is per injury and is cumulative. Partial days will be counted towards the 60 calendar days. In each case where the employee must be absent from duty more than sixty (60) calendar days because of an on the job accident, the City will cease its payments but will allow the employee to elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his/her regular salary and the payments received under the Worker's Compensation Act. Such an employee may have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay. Supplemental pay and workers compensation pay shall not exceed the employee's average weekly wage. The City shall continue to pay for his/her individual group health insurance, the City's share of dependent health coverage and the City's share of life, accidental death and dismemberment and accident and sickness insurance coverages. Upon returning to work an employee's salary will be computed on the basis of the last salary earned plus any across the board or reclassification salary increase to which the employee

would have been entitled during the disability covered by Worker's Compensation.

Temporary employees and part-time employees working less than twenty (20) hours per week will be placed on leave without pay status and will receive all benefits for which they may be eligible for under the Worker's Compensation Act; but are not eligible for the 100% guarantee of base salary for the first sixty (60) days on Worker's Compensation leave.

The above section is subject to employee labor agreements, when applicable.

## **SECTION 2. ON-THE-JOB INJURIES**

The City of Dover and the Workmen's Compensation Law of Delaware require that the standard "Employer's Report of Occupational Injury or Disease" form be completed and filed with the Human Resources Department within two (2) working days after the injury occurs. The employee's immediate Supervisor must answer questions on the form as completely as possible.

The guidelines listed below will be followed in the event of an on the job injury:

1. Emergency first-aid treatment should be administered, whenever practical, and the injured employee should be transported to Kent Medical Center or Kent General Hospital Emergency Room. The method of transportation whether by the nearest available vehicle or by ambulance shall be determined by the extent of injury and by the person handling the situation.
2. The injured employee, or any other designated person, should notify the injured employee's supervisor as soon as practical after the injury occurs.
3. After the injured employee has received medical treatment he or she shall complete the "Employee's Report" form. The supervisor then shall complete the "Supervisor's Report" form. The injured employee will then complete the "Authorization for Medical and Records" form.
4. After the above three (3) forms have been filled out, the Supervisor and the Human Resources Department will complete the "Employer's Report of Occupational Injury or Disease" form.
5. The completed forms will be delivered to the Human

Resources Department for processing.

6. Prior to returning to work from a "lost time injury" the employee must submit, to his/her supervisor, a signed physician's statement authorizing that employee's fitness to return to work status.

**SECTION 3. WORKER'S COMPENSATION BENEFITS**

City employees are covered by the Delaware Worker's Compensation Act and are required to report all injuries or possible injuries arising out of and in the course of employment to their supervisor by the end of their normal daily work schedule.

ARTICLE XV

**SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT**

**SECTION 1. TYPES OF SEPARATION**

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal or death.

**SECTION 2. RESIGNATION**

A minimum of two (2) weeks notice is required of all resigning non-exempt personnel and four (4) weeks notice for exempt personnel. The resigning employee shall give such notice in writing to his/her supervisor. An employee can not use vacation time as notice for his/her resignation.

The City reserves the right to terminate an employee's employment immediately, after receiving an employee's resignation.

**SECTION 3. REDUCTION IN FORCE**

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service and seniority in determining those employees to be retained. Employees who are laid off as a result of a reduction in force shall be given at least two (2) weeks notice of the anticipated lay-off. No regular employee shall be separated while temporary employees continue serving in the same class in the department, unless the regular employee refuses to transfer to the position held by the temporary employee.

The above section is subject to employee labor agreements, when applicable.

**SECTION 4.     DISABILITY**

An employee may be separated for disability when the employee can not perform the required duties as a result of a physical or mental impairment. The employee or the City may initiate action, but in all cases it shall be supported by medical evidence as certified by a competent physician. The City may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the City's service for which the employee may be suited.

**SECTION 5.     RETIREMENT AGE**

Sworn Police Officers hired prior to September 1, 1982 shall retire in accordance with the policies governing this, set forth in Section 18-25 of the Police Pension Plan. All sworn Police Officers hired on or after September 1, 1982 shall adhere to the policies set forth in the Delaware County and Municipal Police/Firefighter Pension with the State of Delaware.

All civilian employees shall refer to the City of Dover General Employee Pension Ordinance, Section 2-181 through 2-184.

**SECTION 6.     DEATH**

All compensation due in accordance with Article X, Section 5 of this policy, will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

**SECTION 7.     DISCIPLINARY ACTION**

An employee may be suspended, demoted or dismissed as a result of failure in performance of duties or failure in personal conduct. The employee shall be provided with a written notice including the recommended effective date and reasons for the action.

The above section is subject to employee labor agreements or Police Department rules, when applicable.

**SECTION 8.     FAILURE IN PERFORMANCE OF DUTIES**

An employee whose work is unsatisfactory over a period of time shall be notified by the supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory.

An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties shall normally receive at least two warnings before disciplinary action is taken. First, one

or more oral warnings must be issued by the employee's supervisor, and second, a written warning must be issued by the department head serving notice upon the employee that corrected performance must take place immediately in order to avoid disciplinary action. The supervisor and department head must record the dates of their discussions with the employee, the performance deficiencies discussed and the corrective actions recommended and must file the information in the employee's personnel folder in the Human Resources Department.

Failures in the performance of duties considered to be adequate grounds for suspension, demotion or dismissal include, but are not limited to the following representative examples:

- (a) inefficiency, ineffectiveness, negligence or incompetence in the performance of duties,
- (b) careless, negligent or improper use of City property or equipment,
- (c) physical or mental incapacity to perform duties,
- (d) discourteous treatment of the public or other employees,
- (e) leaving work assignments during working hours without prior supervisory permission,
- (f) habitual improper use of leave privileges,
- (g) habitual pattern of failure to report for duty to the assigned time and place and
- (h) failure to observe safety rules and regulations.

#### **SECTION 9. FAILURE IN PERSONAL CONDUCT**

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to City service or for other serious reasons. Such action may be necessary to avoid undue disruption of work or to protect the safety of persons or property.

An employee suspended, demoted or dismissed for causes relating to personal conduct shall be: (1) given a statement of the charges before the disciplinary action, (2) allowed to respond, and (3) given a prompt written statement of the decision of the department head. If circumstances are such that the department head must take immediate action without notice, then Section 11 of this Article shall apply.

The following causes relating to failure in personal conduct

are representative of those considered as being adequate grounds for suspension, demotion or dismissal:

- (a) fraud in securing appointment,
- (b) conviction of a felony or a misdemeanor which would adversely affect performance of duties, or the entry of a plea of "no contest" to either,
- (c) misappropriation of City funds or property,
- (d) falsification of City records for personal profit or to grant special privileges,
- (e) reporting to work under the influence of alcohol or other narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary,
- (f) any action with the intent to deceive,
- (g) theft, unauthorized use or unauthorized removal of City property,
- (h) insubordination which shall mean the failure or deliberate refusal by an employee to obey a proper order given by a supervisor or the use of disrespectful language towards his/her supervisor,
- (i) disorderly conduct including fighting, practical jokes and horseplay,
- (j) abuse of employee benefits,
- (k) unapproved outside employment,
- (l) gross negligence in performance of duties,
- (m) any other actions which reflect adversely upon the City, and
- (n) discrimination or harassment of any person on the grounds of race, color, religion, sex, handicap, sexual orientation, physical handicap, age or national origin.

**SECTION 10. DISCIPLINARY SUSPENSION**

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of the suspension.

**SECTION 11. IMMEDIATE DISCIPLINARY SUSPENSION**

An employee may be suspended without notice by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property or for other serious reasons. When a Department Head suspends an employee he/she shall tell the employee to leave City property at once and remain away until further notice. A written summary detailing the circumstances and facts leading to the suspension shall be prepared, one copy delivered to the employee by certified mail and one copy filed in the employee's personnel folder in the Human Resources Department and one copy delivered to the Bargaining Union President (when applicable).

**SECTION 12. NON-DISCIPLINARY SUSPENSION**

During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving the employee, the Department Head may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action if such action is deemed necessary in the best interest of the City.

Sworn Police Officers will conform to policies outlined in the Police Bill of Rights.

Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the City if the suspension is terminated with full reinstatement of the employee.

**SECTION 13. REINSTATEMENT**

An employee who resigns while in good standing or who is dismissed as a result of reduction in force may be reinstated, with the approval of the Department Head and the City Manager or an appropriate City Official. An employee who enters active service with the Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with the Veterans Readjustment Assistance Act.

ARTICLE XVI

**GRIEVANCE PROCEDURE**

**SECTION 1. POLICY**

It is the policy of the City to provide a just procedure for the presentation, consideration and disposition of employee grievances. The purpose of this Article is to outline the procedure and to insure all employees that a response to their grievance will be prompt and fair.

**SECTION 2. GRIEVANCE - DEFINED**

A grievance shall be any disagreement or dispute arising from the application, meaning or interpretation of the conditions, policies and procedures set forth in these personnel rules.

**SECTION 3. PURPOSES OF THE GRIEVANCE PROCEDURE**

The purposes of the grievance procedure include but are not limited to the following:

- (a) providing employees with a procedure by which their grievances can be considered promptly and fairly,
- (b) encouraging employees to express themselves about the conditions of work which affect them as employees,
- (c) promoting better understanding of the policies, practices and procedures which affect employees,
- (d) increase the confidence that employees have that personnel actions are taken in accordance with established fair and uniformed policies and procedures and
- (e) increases the sense of responsibility which supervisors exercise in dealing with their employees.

**SECTION 4. PROCEDURE**

When an employee has a grievance, the following successive steps are to be taken. The number of days for each step should be considered the maximum number of working days unless otherwise provided and every effort should be made to expedite the process. Time limits at any step however may be extended by mutual consent.

All documents used in this procedure must be dated and signed by the respondent and recipient.

The procedure for presentation, consideration and disposition of employee grievances is as follows:

- (a) An employee with a grievance concerning rules defined by this personnel policy shall present the matter to his/her immediate supervisor within ten (10) days of its occurrence with the objective of resolving the matter informally. The employee may present his/her grievance either orally or in writing. The supervisor shall then attempt to adjust the matter and give the employee an answer, either orally or in writing no later than three

(3) working days after the grievance is presented. The grievance and answer shall be reported to the supervisor's immediate superior.

(b) If the grievance is not resolved at Step 1 above, the employee may present the grievance to the head of his/her department within five (5) working days after the supervisor's answer is given or due. The Department Head shall confer with the employee regarding the grievance within three (3) working days after the grievance is presented and shall render a written decision within three (3) working days after the conference is held.

(c) If the grievance is not resolved in Step 2 above, the employee may present the written grievance to the City Manager within five (5) working days after the Department Head's decision is rendered or due. The City Manager shall confer with the employee and Department Head regarding the grievance within five (5) working days after the grievance is presented and shall submit his/her written decision to the employee within ten (10) working days after the conference is held. The City Manager's or appropriate City Official's decision shall be final.

If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the City's last answer. If the City does not provide a written response to the grievance or appeal thereof within the specified time limits, the grievant may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step in accordance with the procedure set forth.

The entire grievance procedure is subject to employee labor agreement, when applicable.

## ARTICLE XVII

### **EMPLOYEE BENEFITS**

#### **SECTION 1. INSURANCE BENEFITS**

The City shall make group life insurance, group hospital, surgical and health insurance, accidental death and dismemberment insurance and off-the-job group accident and sickness available for full-time regular employees. Refer to the applicable employee

labor agreements for specific details.

- (a) Group Hospital, Surgical and Health: The City shall pay a portion of an employee's health care up to a specific amount. The City shall provide group hospital, surgical and health insurance coverage for employees and their families. The City pays 100% of each full-time regular employee's individual coverage and 75% of the cost of dependent coverage.

The above section is subject to employee labor agreement, when applicable.

- (b) Group Life: The City shall pay 50% of the cost of individual employee coverage for full-time regular employees. The employee must pay the other 50%. The insurance shall provide coverage equal to twice an employee's annual salary rounded to the next \$1000. Maximum coverage will be determined by insurance policy.

- (c) Accidental Death and Dismemberment: The City shall pay 50% of the cost of individual employee coverage for full-time regular employees. The employee must pay the other 50%. The insurance shall provide accidental death insurance coverage equal to twice the employee's annual salary and accidental dismemberment coverage based on a schedule rounded to the next \$1000. Maximum coverage will be determined by insurance policy.

- (d) Off-the-Job Accident and Sickness: The City shall pay 50% of the cost of the individual employee coverage for full-time regular employees. The employee must pay the other 50%. The insurance shall provide a weekly check for covered benefits for up to 52 weeks for an off-the-job disability accident or sickness.

For employees who are represented by the Fraternal Order of Police (FOP) please see your employee labor agreements for benefit begin date and waiting periods.

For all employees, with the exception of employees represented by the Fraternal Order of Police (FOP) the following waiting periods and conditions apply:

Sickness: The employee is entitled to up to fifty-two (52) weeks of short-term disability coverage. There is an initial waiting period of 7 calendar days following the onset of an illness. During this 7 day period no benefits are paid. The 7 day waiting period counts towards the 52 weeks.

Off Duty Accident: There is no waiting period following an off duty accident. The employee is entitled to up to fifty-two (52) weeks of short-term disability payments.

(e) Vision Insurance: The City shall pay 100% of the cost of vision insurance for the employee. Dependent coverage is not available. The plan shall provide for one eye exam every 24 months in addition to benefits for glasses or contact lenses.

In the case of each insurance benefit listed above, it shall be the employee's responsibility to activate the coverage applicable.

If an employee is enrolled between or on the first and fifteenth of the month for any of the insurance coverages, then his/her individual coverage shall be effective the first day of the following calendar month. If an employee is enrolled between or on the sixteenth and the last day of the month, then his/her coverage shall be effective on the first day of the calendar month following one (1) calendar month of employment. Dependent coverage must be taken when the employee enrolls for individual coverage or it may be delayed by the Insurance Carrier.

Part-time regular employees working twenty (20) or more hours per week shall be eligible for the same coverages listed above. However, the City's share and the cost of the coverage shall be one-half (1/2) that for full-time regular employees. For each coverage where the City pays the full cost or a portion of the cost for full-time employees, the City will pay only one-half (1/2) of the same costs for eligible part-time employees.

Part-time regular employees working less than twenty (20) hours per week shall not be eligible for the coverages listed in this section.

Temporary employees shall not be eligible for the coverages listed in this section.

## **SECTION 2. RETIREMENT BENEFITS**

The City shall make available to full-time regular employees working at least thirty-seven and a half (37.5) hours per week a City Retirement Plan. All employees hired after July 1, 1991 shall be required as a condition of employment to join a plan. Employees shall remain members until their employment with the City ceases, retires or pass away. Pension benefits shall be provided through one of the following:

(a) Police Pension Plan (Sponsored either by the City of Dover or State of Delaware)

(b) General Employee Pension Plan

(c) Defined Contribution Plan

The City shall provide group hospital, surgical and health insurance coverage for retired employees and their families. The City pays 100% of each retiree's individual coverage and 75% of the cost of dependent coverage. This applies to all retirees, unless otherwise specified in employee labor agreements.

### **SECTION 3. DEFERRED INCOME**

The City shall make available through its membership in the International City Management Association Retirement Corporation (ICMA) and Public Employees Benefit Services Corporation (PEBSCO) deferred compensation plans for regular employees whereby an individual can defer a portion of his/her current salary for use at a predetermined retirement date. The City shall make contributions based upon Employee Labor Agreements when applicable. For regular non-bargaining employees the employee benefit shall be no less than the highest contribution required by an employee labor agreement.

### **SECTION 4. UNIFORMS**

The City shall provide uniforms for certain personnel. These employees shall be required to wear uniforms so they will be easily identified as City employees while working on or near private property.

The employee is responsible for the uniforms. Therefore, the cost of avoidable damage or loss of uniforms shall be paid by the employee. An employee will wear his/her uniform properly, will not allow them to be worn by other individuals and will wear them only during working hours or to and from work. Upon separation from employment, the employee shall return the uniforms to the City.

The above section is subject to employee labor agreement, when applicable.

### **SECTION 5. BLOOD BANK**

The City shall make available to full-time regular employees and retirees the option of joining the Blood Bank of Delaware group plan. This program provides protection for the employee/retiree and his/her dependents if the need for blood arises. Under the group plan the employee/retiree and his/her dependents are protected in all 50 states and Canada for an unlimited amount of blood.

The City shall pay annual dues, however, when contacted by the Blood Bank, an employee/retiree must agree to one of the following:

- (a) donate a pint of blood,
- (b) have someone else donate a pint of blood in his/her name,
- (c) pay a fee to the City's Blood Bank of Delaware Group Plan.

Part-time regular employees working less than twenty (20) hours per week and temporary employees are not eligible for the Blood Bank.

**SECTION 6. CREDIT UNION**

The State of Delaware employs a Credit Union which is a federally insured savings and loan organization. All City employees shall be eligible to become a member subject to the requirements of the Credit Union.

**SECTION 7. SERVICE AWARDS**

The City shall provide a Service Award program to recognize employees for continuous and loyal service. Employees who work thirty-seven and a half (37.5) or more hours per week are eligible for the award.

Awards shall be presented to employees who have completed five, ten, fifteen, twenty, twenty-five and thirty years of service.

ARTICLE XVIII

**EDUCATIONAL ASSISTANCE**

**SECTION 1. LIMITED EDUCATION LEAVE WITH PAY**

A limited education leave of absence with full or part pay or unpaid leave during regular working hours may be granted to a regular full-time employee upon the recommendation of the department head and with the approval of the City Manager or appropriate City official to permit an employee to take courses of study which will better prepare the employee to perform his/her assigned duties.

**SECTION 2. EXTENDED EDUCATION LEAVE WITH PAY**

Full time educational leave of absence at full or part pay or unpaid leave for a period not to exceed twelve (12) calendar months may be granted to regular employees upon recommendation of the City Manager and Department Head with the approval of the City Council.

An employee granted such extended educational leave with pay shall agree to return to the service of the City upon completion and training and remain an employee of the City for a period equal to two years or the employee shall reimburse the City for all compensation received while on educational leave in addition to all education reimbursements. This agreement shall not constitute an employment contract.

Article XIII, Section 3 shall apply to an employee on full-time education leave.

**SECTION 3. EDUCATIONAL ASSISTANCE**

The City promotes continuing education if this education will better prepare the employee to do his/her job. An employee is allowed to receive reimbursement for a maximum of three (3) courses per semester/quarter/block. This benefit is available to an employee who has successfully completed his or her initial probationary period of employment, with the exception of sworn police officers. Sworn police officers are eligible upon completion of six months of employment.

To be eligible for this benefit an employee must have demonstrated during his/her full-time regular employment with the City, prior to application, that his/her elementary and secondary public school training is sufficient and adequate for extended study and training and that such informal education and training is compatible and commensurate with the employee's chosen extended study and training.

The employee's selected major must be approved in writing and in advance by his/her Department Head and the Human Resources Department. The selected courses of study must be helpful to the employee in his or her present work and basic advancement.

The City shall reimburse the employee for tuition, laboratory fees and books. Reimbursement will be the lower of University of Delaware in-state rates for the level and type of course taken or the actual amounts paid for tuition. Employees shall receive reimbursement based upon the follow schedule:

Letter Grade	Grade	Reimbursement Percentage
A	90 to 100	100%
B	80 to 89	90%
C	70 to 79	80%
D or F	69 and under	0

Receipts and official grade verification must be provided for

reimbursement.

The City shall reimburse the employee for books provided the City has the option of retaining the books if it so desires.

An employee who takes advantage of this policy shall be required to complete at least two (2) continuous years of employment with the City upon receiving reimbursement or shall have the amount of the reimbursement deducted from his/her final pay check. This agreement shall not constitute an employment contract.

No employee shall be eligible for benefits under this policy if they are enrolled and receiving benefits under any other Education Association Plan, such as the "G.I. Bill", financial aid or etc.

For complete details on the reimbursement process please contact the Human Resources Department.

## ARTICLE XIX

### **PERSONNEL RECORDS AND REPORTS**

#### **SECTION 1. PERSONNEL RECORDS MAINTENANCE**

Personnel records are necessary for proper administration of the personnel system and will be maintained by the Human Resources Department with the exception that the Police Chief will maintain files for sworn police officers. The City shall maintain in personnel records only information that is relevant to accomplishing personnel administrative purposes. Supervisors may keep working personnel files but material not maintained in the Human Resources files or the files maintained by the Internal Affairs division of the Police Department may not provide the basis for discipline against an employee.

The following minimum information on each City employee must be maintained:

- (a) name,
- (b) age,
- (c) date of original employment or appointment to City service,
- (d) current position title,

- (e) current salary,
- (f) date and amount of most recent change in salary,
- (g) date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification and
- (h) office to which the employee is currently assigned.

**SECTION 2. ACCESS TO PERSONNEL RECORDS**

Any person may have access to the information listed in Section 1 except for items e, f and g for the purpose of inspection, examination and copy during regular business hours of the City. Access to such information shall be governed by the following:

- (a) All disclosure of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of the employee; information disclosed; date information was requested; name and address of person to whom the disclosure is made; purpose for which the information is requested. This information must be retained for two years.
- (b) Upon request, records of disclosure shall be made available within a reasonable time to the employee to whom it pertains.
- (c) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided and the cost may be assessed to the individual.

**SECTION 3. CONFIDENTIAL INFORMATION**

All information contained in a City employee's personnel file, other than the information listed in Section 1, subparagraphs a, b, c, d and h of this Article shall be maintained as confidential and shall be open to public inspection only in the following instances:

- (a) The employee or his/her duly authorized agent may examine all portions of his or her personnel file, except for letters of reference solicited prior to employment.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A City employee having supervisory authority over

the employee may examine all material in the employee's personnel file.

(d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

(e) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

(f) A record shall be made of each disclosure and placed in the employee's file (except of disclosure to the employee and supervisor).

#### **SECTION 4. EXCEPTIONS**

Exceptions may be granted to Section 2 and 3 of this article upon determination by the City Solicitor that such exceptions are allowable under Chapter 100, Title 29 of the Delaware Code (Freedom of Information Act).

#### **SECTION 5. RECORDS OF FORMER EMPLOYEES**

Former employees are not permitted to review their personnel file. Employees who are laid off with a right of reemployment or are on a leave of absence are permitted to review the file.

#### **SECTION 6. REMEDIES OF EMPLOYEE OBJECTING TO MATERIAL IN FILE**

An employee who objects to material in his/her file may place in his file a statement relating to the material he/she considers being inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

## **ACTION FORM**

<b>PROCEEDING:</b> Legislative and Finance Committee	<b>AGENDA OF:</b> 12-08-2008
<b>DEPARTMENT OF ORIGIN:</b> City Council	<b>DATE SUBMITTED:</b> 11-26-2008
<b>PREPARED BY:</b> Traci A. McDowell, City Clerk	
<b>SUBJECT:</b> Proposed Ordinance Amendment - Chapter 58 - Human Relations, Article II - Human Relations Commission, Section 58-33 - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports	
<b>RELATED PROJECT:</b> N/A	
<b>APPROVALS:</b> Recommendation to City Council	
<b>EXHIBITS:</b> Proposed Ordinance 2008-43	
<b>EXPENDITURE REQUIRED:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A
<b>FUNDING SOURCE (Dept./Page in CIP &amp; Budget):</b> N/A	
<b>TIMETABLE:</b> First Reading on 01/12/2009 and Final Reading on 01/26/2009.	
<b>RECOMMENDED ACTION:</b> Adoption of the Proposed Amendment	

### **BACKGROUND AND ANALYSIS**

The proposed ordinance amendment would give the council president responsibility for selecting the Dover Human Relations Commission Chairperson rather than being elected by the membership.

**CITY OF DOVER PROPOSED ORDINANCE #2008-43**

1 That Chapter 58 - Human Relations, Article II - Human Relations Commission, Section 58-33 -  
2 Organization; quorum; meetings; rules of procedure; limitation of functions; agreements;  
3 compensation; legal counsel; reports be amended by deleting the text indicated in red strikeout and  
4 inserting text indicated in blue italic, as follows:

5 Sec. 58-33. Organization; quorum; meetings; rules of procedure; limitation of functions;  
6 agreements; compensation; legal counsel; reports.

7 (a) Organization. The human relations commission *chairperson* shall *be appointed*  
8 annually *by the president of council and confirmed by the council* ~~elect its own chairperson~~  
9 to preside over *the human relations commission* ~~its~~ meetings. *The chairperson* ~~and~~ may  
10 create and fill such other offices and committees among its members as may be found  
11 necessary and proper for its effective organization.

12 (b) Quorum. A majority of the membership of the commission shall constitute a quorum  
13 and, if a quorum is present, a vacancy on the commission shall not impair the right of the  
14 remaining members to exercise all the powers of the commission.

15 (c) Meetings. The commission shall hold such meetings as may be deemed necessary  
16 for the completion of its purposes, responsibilities and functions. Regular meetings shall be  
17 held at least once per month unless there is no business to be considered by the commission.  
18 Special meetings may be called by the chairperson or three members of the commission.

19 (d) Rules of procedure. The commission is also authorized to adopt rules of procedure  
20 for the conduct of its meetings.

21 (e) Functions limited. The commission shall not involve itself in activities or functions  
22 already assigned by law or decree to other governmental bodies.

23 (f) Agreements. The commission may enter into agreements and build partnerships with  
24 other entities and organizations for the purpose of more efficiently and effectively carrying  
25 out its responsibilities.

26 (g) Compensation. Members of the commission shall receive no compensation.

27 (h) Legal counsel. The city solicitor shall provide legal counsel to the commission and  
28 shall be the legal representative of the commission in connection with its duties hereunder,  
29 on a case-by-case basis, or determine that outside counsel is needed and obtain such outside  
30 counsel for a particular matter.

31 (i) Reports. The commission shall make such reports to the mayor and city council as  
32 shall be periodically necessary. An annual report of its accomplishments and a summary of  
33 its recommendations, as appropriate, shall be sent to the mayor and the city council.

34 (Code 1981, § 2-18; Ord. of 2-11-2002)

35 ADOPTED: \*

36 S:\ClerksOffice\Ordinances\2008\Draft Ordinances\2008-43 Human Relations Commission-Chairperson.wpd

### 37 SYNOPSIS

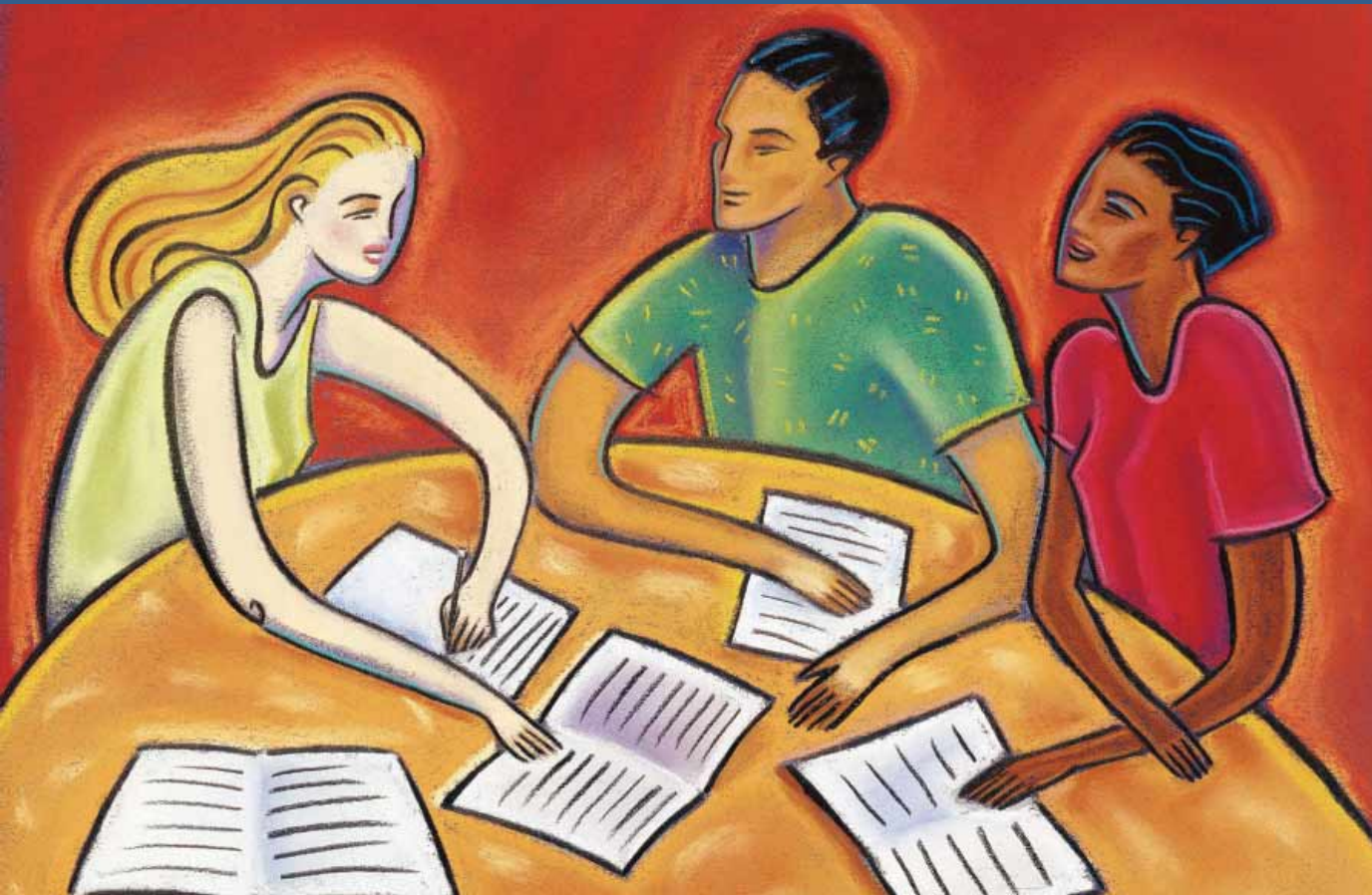
38 The proposed amendment would give the council president  
39 responsibility for selecting the chairperson rather than being elected  
40 by the membership.

41 (SPONSORS: HOGAN, LEARY, RUSSELL)

### 42 Actions History

43 December 8, 2008 - Considered by Legislative, Finance, and Administration Committee

# Finding Resources to Support Mentoring Programs and Services for Youth



November 2008



# Finding Resources to Support Mentoring Programs and Services for Youth



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November 2008



## Foreword

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Today's youth face new and often complex challenges and opportunities in their lives. Several social influences, including high rates of family mobility, a lack of social networks in neighborhoods, and larger and more diverse school settings, have changed the landscape of family and community life. As a result, communities nationwide are embracing efforts to promote the healthy growth and development of youth by providing them with the supports and experiences necessary to successfully transition to adulthood. Pressure to raise student achievement, the need for safe and enriching environments for youth during out-of-school time, a focus on building the skills and competencies of young people, and an emphasis on preventing risky behaviors have all fueled the demand for quality youth programs. In many communities, however, leaders are challenged to find and coordinate adequate funding and access resources to enhance the capacity of youth programs.

For youth programs to succeed, policymakers, program leaders, and intermediary organizations need resources and strategies to support quality programs over time. *Finding Resources to Support Mentoring Programs and Services for Youth* is an important addition to The Finance Project's body of resources on financing and sustaining supports and services for children, youth, and families. This brief outlines three strategies to finance and sustain mentoring programs and services for youth and illustrates these options through state and community examples.

- **Strategy 1: Building Partnerships with Businesses and Foundations.** This strategy outlines how youth mentoring programs can use partnerships with businesses and foundations to implement, expand, and sustain their organization.
- **Strategy 2: Conducting Community Fundraising to Generate Revenue.** This strategy describes how community fundraising can be used to raise revenue to support and sustain youth mentoring programs.
- **Strategy 3: Maximizing Public Revenue.** This strategy describes how tapping federal, state, and local revenue can contribute to a diversified portfolio for mentoring programs.

This publication is part of a series of products focused on tools, strategies, and resources for supporting and sustaining effective youth programs and policies. Each product presents options and strategies for financing and sustaining, or effectively governing and managing, youth programs and initiatives. Each product also illustrates these options with examples drawn from initiatives across the nation and highlights relevant considerations to assist leaders who are weighing the alternatives. This scope of work also includes an online clearinghouse of information and resources for supporting and sustaining youth programs and policies. It is our intention that this series of products and the clearinghouse, in addition to The Finance Project's extensive collection of resources on financing and sustaining promising initiatives for children, youth, and families, will provide useful information to policymakers, program and community leaders, and others concerned with supporting vital youth programs.



Cheryl D. Hayes  
President and Chief Executive Officer  
The Finance Project



## Introduction

Young people in today's society are experiencing more transient lifestyles, greater anonymity in their neighborhoods, increased media exposure, and increased pressures to attain higher education, placing new and challenging demands on them to acquire a skill set that is conducive to living a healthy, productive life in a highly competitive environment. These and other challenges have fueled a demand for quality, long-term youth mentoring programs (see Types of Mentoring Programs on page 5)<sup>1</sup>. Currently, more than 4,000 youth mentoring organizations nationwide connect youth to supportive, caring individuals who help provide guidance and stability to youth as they face adolescence<sup>2</sup>. Youth mentoring can be a singular focus of a program or serve as one focus of an organization. Although youth mentoring programs certainly are not cure-all solutions to the challenges youth face in today's communities, they can be an important complement to other quality social services programs. Youth in quality, long-term mentoring relationships experience a reduction in negative behavior and an increase in healthy social and emotional development. Consequently, these youth are more likely to have positive relationships with their parents and teachers, receive more emotional support from their peers, have greater self-worth, and have higher school attendance<sup>3</sup>.

Despite the heightened demand and the apparent benefits of quality, long-term mentoring programs, only 2.5 million of the 17.6 million<sup>4</sup> youth in special need of mentors have one<sup>5</sup>. Program leaders' inability to secure adequate funding to sustain these services is one primary contributor to this gap. Furthermore, even though federal funding for youth programs has increased during the past five years, federal funds alone cannot sustain quality programs<sup>6</sup>, which can be relatively expensive for certain organizations. The cost of running a youth mentoring program, coupled with budget shortfalls in many states<sup>7</sup>, has made it increasingly difficult for program leaders to access sufficient resources. Based on a survey of 1,000 mentoring organizations, more than half (53.8 percent) of the programs surveyed are concerned they will have to shrink in size or end their operations because of a lack of funding<sup>8</sup>.

<sup>1</sup> Rhodes, J. E., Roffman, J., & Grossman, J. B. (2002). "The Rhetoric and Reality of Youth Mentoring". *New Directions for Youth Development: Theory, Practice, and Research: A Critical View of Youth Mentoring*. San Francisco: Jossey-Bass.

<sup>2</sup> David L. DuBois, Bruce E. Holloway, Jeffrey C. Valentine, and Harris Cooper, "Effectiveness of Mentoring Programs for Youth: A Meta-Analytic Review," *American Journal of Community Psychology* (2002), [http://findarticles.com/p/articles/mi\\_go2669/is\\_200204/ai\\_n6884302](http://findarticles.com/p/articles/mi_go2669/is_200204/ai_n6884302).

<sup>3</sup> Jean Rhodes, Jean Grossman, and Nancy Resch, "Agents of Change: Pathways Through Which Mentoring Relationships Influence Adolescents Academic Adjustments". *Child Development*, Volume 71, Number 6 (2000), <http://crcw.princeton.edu/jgrossman/agents%20of%20change.pdf>.

<sup>4</sup> For the methodology used to arrive at this number, see [http://www.mentoring.org/mentors/about\\_mentoring/statistics\\_and\\_research/](http://www.mentoring.org/mentors/about_mentoring/statistics_and_research/).

<sup>5</sup> Mentor: "About Us," [http://www.mentoring.org/about\\_mentor/](http://www.mentoring.org/about_mentor/).

<sup>6</sup> Although federal funding has increased during the past five years, President George W. Bush's FY 2009 budget proposes to cut mentoring funding in half by eliminating the Department of Education's Mentoring Grants.

<sup>7</sup> Iris Lav and Elizabeth McNichol, 29 States Faced Total Budget Shortfall of at Least \$48 Billion in 2009 (Washington, D.C. Center on Budget and Policy Priorities, 2009), <http://www.cbpp.org/1-15-08sfp.htm>.

<sup>8</sup> Mentor: "Fact Sheet," [http://www.mentoring.org/take\\_action/advocate\\_for\\_mentoring/funding\\_for\\_mentoring\\_fact\\_sheet/](http://www.mentoring.org/take_action/advocate_for_mentoring/funding_for_mentoring_fact_sheet/).

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This brief, *Finding Resources to Support Mentoring Programs and Services for Youth*, highlights three strategies that leaders and stakeholders can use to address these concerns: building partnerships with businesses and foundations, conducting community fundraising to generate revenue, and maximizing public revenue. Although each strategy is described separately, the strategies can be combined to improve the funding options for mentoring programs.

In addition, this brief highlights different public and private resources that can support mentoring initiatives. In particular, it provides information on 25 federal funding sources that can be used to finance and sustain these programs. This brief also profiles selected mentoring programs that have successfully implemented the recommended funding strategies.

## Types of Mentoring Programs\*

Mentoring is typically defined as a “sustained relationship between a young person and an adult in which the adult provides the young person with support, guidance, and assistance.”\*\* However, mentoring can assume many forms and fulfill a variety of objectives.

- **Traditional One-to-One Mentoring.** One-to-one mentoring places one adult in a relationship with one youth.
- **Group Mentoring.** Group mentoring involves one adult mentor forming a relationship with a small group of young people.
- **Team Mentoring.** Team mentoring involves several adults working with small groups of young people.
- **Peer Mentoring.** Peer mentoring involves a caring youth working with another young person.
- **E-mentoring (also known as online mentoring or telementoring).** E-mentoring connects one adult with one youth on the Internet or by phone. During the summer months, e-mentoring can serve as a bridge for mentors and mentees who were in a traditional one-to-one mentoring relationship during the school year.

Notes: \* See <http://www.iowamentoring.org/body.cfm?id=99>.

\*\* See <http://www.familyworks.org.nz/Site/Regions/Southland/buddy.aspx>.



## **Strategy I: Building Partnerships with Businesses and Foundations**

Partnering with businesses and foundations is one approach youth mentoring programs can pursue to implement, expand, and sustain their organization (see *Who Are Potential Business and Foundation Partners?* on page 7). Partnerships can help attract both cash and in-kind contributions, leverage additional funding, provide access to technical expertise, and raise the visibility of a youth mentoring program. Lastly, partnerships can also raise awareness of youth mentoring initiatives.

To engage private organizations (e.g., businesses and foundations), youth mentoring programs should highlight the benefits that could result from a partnership. By joining forces with a credible youth mentoring organization, businesses can create a sense of goodwill and community investment that can help attract and retain good employees, foster a strong brand identity, and positively contribute to the future workforce. For example, through their partnership, businesses can help foster future employees by affording young people early access to internships and employment opportunities. In addition, businesses are eligible to receive tax benefits for all contributions of cash and in-kind resources to nonprofit community entities such as youth mentoring programs.

Like private businesses, foundations also provide funding and other supports to nonprofit organizations. If program leaders can clearly demonstrate how their mission and activities align with foundation priorities and can develop convincing grant proposals, they will find foundations to be strong, supportive partners.



## Who Are Potential Business and Foundation Partners?

Different business partners can bring significant resources to mentoring programs and can include large corporations as well as local grocery stores and retail shops.

- **Large national corporations.** Large national corporations with branch offices (e.g., banks and insurance companies) are likely to have corporate foundations that give to programs in the communities where the corporation operates.
- **Local store managers of large, national retailers.** Local store managers of large, national retailers that have stores and outlets in the community frequently have the discretion to make contributions of cash, goods, and services to programs and organizations that their employees and customers value.
- **Local businesses of all sizes.** Local businesses of all sizes are a good source of in-kind donations to support program activities and community fundraising efforts.

Like businesses, a variety of foundation partners can support mentoring programs.

- **Independent foundations.** The endowment of these private grant-making organizations generally is derived from a single source. Several independent foundations are family foundations, with funds coming from a single family. Family members typically serve on the board of trustees or in leadership roles. Independent foundations often define specific areas of interest in which they focus their giving and may limit their awards to a specific geographic region or area.
- **Corporate foundations.** The endowment and annual contributions of these private grant-making organizations come from a profit-making corporation. Their giving tends to be in fields related to corporate activities and interests and in communities where they operate.
- **Community foundations.** These grant-making organizations serve as foundation co-ops. Many donors pool their trust funds into a single entity and gain economies of scale from shared staff and management. Community foundations generally limit their giving to their community. They can support a wide array of activities or focus their investments in specific program areas. Community foundations are now the fastest-growing form of foundations in the United States.
- **United Way.** Many communities have a United Way branch. United Ways are nonprofit organizations that conduct annual fundraising campaigns and distribute grants to support local programs and organizations. Each local United Way sets its own program priorities and selects organizations working in areas that reflect those priorities.



## Types of Resources Business and Foundation Partners Provide

Business and foundation leaders can provide valuable financial and in-kind resources to youth mentoring programs, including grants and goods and services.

**Foundation Grant-Making.** Many mentoring programs receive foundation grants to support programming, activities and events, equipment and supplies, professional development, and program evaluation (see *Winning the Grant* on page 9). Foundation grants are usually time-limited—providing funding for only one, two, or three years—and they can rarely be used to cover ongoing operating expenses. However, some foundations with grant-making initiatives focused specifically on mentoring establish a stronger partnership with mentoring organizations by helping them raise additional funds, recruit volunteers, and convene stakeholders to raise awareness of the importance of mentoring. Foundations can also provide various types of training and technical assistance that improve the capacity of mentoring organizations (see *Partnering to Provide Mentoring to Youth in Foster Care* below).

### *Partnering to Provide Mentoring to Youth in Foster Care*

The Child Welfare League of America (CWLA), the nation's oldest and largest member-based child welfare organization, in partnership with FosterClub, a national nonprofit organization committed to giving young people a voice, has secured funding from the New York Life Foundation to launch *Fostering Healthy Connections*. The three-year initiative is a peer mentoring program in which former foster youth mentor children currently in the foster care system. This initiative seeks to support eight CWLA member agencies in developing or enhancing peer mentoring programs. The peer mentoring programs aim to prepare current and former foster youth to develop healthy connections in order to improve their educational and behavioral outcomes and to strengthen their interpersonal relationships.

CWLA acts in an intermediary grant-maker role and assists member agencies by providing funding, training, consultation, and technical assistance on program sustainability, resource development, and fundraising. The organization, in consultation with project partners, FosterClub, and Father Maloney's Boys' Haven mentor program, provides sites with mentor and mentee training as well as youth-friendly online resources, tools, and materials to ensure success across selected sites. For more information, see <http://www.cwla.org/programs/fostercare/peermentoring.htm>.

## Winning the Grant

To increase the chances that a funding request will be granted and help avoid common grant-writing pitfalls, program leaders can follow several tips to strengthen their grant applications.

- ✓ **Do the research.** Not all funders will be a good fit. Program leaders should do additional research to narrow the focus of the grant and identify other funding opportunities that are best suited to their mentoring program. Also, program leaders should understand the difference between restricted and unrestricted funds and be prepared to follow reporting requirements.
- ✓ **Review proposal requirements and follow directions.** Program leaders should pay close attention to application deadlines; directions for submitting the proposal (e.g., hard copy or electronic copy and the number of copies); any requested supplemental information; guidelines regarding letters of commitment or support; and all formatting requirements.
- ✓ **Ask questions.** If any of the proposal guidelines are unclear or if program leaders have questions about eligibility or the decision-making process, they should not hesitate to ask the funder.
- ✓ **Be organized, clear, and concise in the request.** Successful proposals are well written, clearly articulated, and to the point. Good structure and organization are essential in building a compelling case for funding a youth mentoring program. Including a strategic plan describing mission, values, goals, objectives, and projected budget can also be helpful.
- ✓ **Proofread the proposal.** Program leaders should give the proposal a careful review before it is submitted. Comparing the scope of work, budget, and timeline can help ensure consistency in the proposal.
- ✓ **Seek help if needed.** Program leaders should not be reluctant to seek help with grant-writing tasks. If additional support is needed and the resources are available, professional grant writers can be particularly helpful in developing some of the boilerplate language that is included in any proposal. However, if resources are limited, local colleges and universities can often help identify graduate students or other staff who can help prepare proposals.
- ✓ **Start early and be patient.** To avoid a time crunch, those responsible for carrying out the proposal should be aware of how long it will take from application to approval. Approving a grant can sometimes be a lengthy process, so it is best to begin to identify funding opportunities well before the program needs the funding.
- ✓ **Remember that proposals get easier over time.** To make future proposal writing much easier, electronic and hard copies of proposal information should be stored in one place. This includes all of the research materials and final grant applications. Developing a system for tracking and managing grants and proposals can help program leaders successfully manage the program's funding needs.



**Corporate and Business Donations.** In addition to contributing cash, directly or through corporate foundations, national corporations and local businesses can also donate goods and services (see Being Strategic in Cultivating Corporate Support below and Memphis Grizzlies Charitable Foundation on page 11). For example, grocery stores can donate food for community events, or local businesses can donate gift certificates that programs can use for community fundraising efforts (e.g., galas and silent auctions). Businesses can also donate office equipment (e.g., computers, printers, and copiers) or office space to support a youth mentoring program.

### *Being Strategic in Cultivating Corporate Support*

100 Black Men of North Metro, a chapter of 100 Black Men of America, Inc., established Men of Tomorrow (MOT), a community-based mentoring program for African American male teens. To support itself, the chapter, located in Roswell, Georgia, has cultivated private corporate sponsorships, which account for half of its revenue and in-kind support. To build goodwill and interest in the chapter's programs, North Metro runs an annual achievement program. This event recognizes the achievements of the organization's mentees and also recognizes community leaders who have supported the chapter. Also, to continue building relationships with influential leaders and raise the visibility of the chapter's programs, key corporate officers are invited to signature events such as the Youth Achievement Luncheon, the Annual Golf Tournament, and a New Year's Eve Gala. By sharing program results and success stories, these events provide a significant networking opportunity to attract additional revenue and volunteers. North Metro's corporate partners include UPS, AT&T, State Farm, and Delta Airlines. For more information, see <http://www.northmetro100.org/>.



## Memphis Grizzlies Charitable Foundation

Mentoring at-risk youth is a key priority for the Memphis Grizzlies Charitable Foundation, the Grizzlies' philanthropic arm. The National Basketball Association team has developed a name for itself in the local community not just for sports, but also for grant making and capacity building for area nonprofit organizations. The foundation fosters collaboration among organizations to promote opportunities for urban youth through sports, education, and mentoring programs. It has contributed more than \$20 million to the community, with more than three-quarters of the funding supporting organizations with mentoring programs. Highlights of this giving include the establishment of Grizzlies Academy, a "second-chance" public high school; the Memphis Grizzlies Athletic Center, a first-class public gymnasium with year-round programming and academic support; and Stax Music Academy, a public charter school and after-school program offering tutoring, mentoring, and music instruction and performance opportunities.

Knowing that grant making alone will not sustain mentoring programs, the Memphis Grizzlies Charitable Foundation has also helped develop the capacity of external organizations. The foundation has been directly involved in recruiting volunteer mentors among Grizzlies team personnel, corporate partners, and civic organizations; in initiating fundraisers, speaking engagements, promotional campaigns, and special events to attract additional corporate and foundation partners for financial and volunteer support; and in collaborating with the team's community investment department to donate game tickets and team-signed merchandise. In recognition of its commitment to the community, the Memphis Grizzlies Charitable Foundation received the 2007 Steve Patterson Award for excellence in sports philanthropy from the Sports Philanthropy Project and the Robert Wood Johnson Foundation. For more information, see [http://www.nba.com/grizzlies/community/foundation\\_history\\_mission.html](http://www.nba.com/grizzlies/community/foundation_history_mission.html).

### Considerations in Using Strategy I

- Program leaders must make a strong case for businesses and corporations to invest in their program by demonstrating the positive effects of their mentoring services on youth.
- Program leaders should use their board of directors to develop partnerships with corporations and foundations, two entities that can provide a wide range of potential supports, including technical assistance, supplies, office space, and linkages to other partners and potential sources of revenue.
- Partners should share values and priorities and have a mutual self-interest in the mentoring organization's mission.
- Program leaders should acknowledge partner support through public forums whenever possible. Opportunities that build goodwill through public recognition can help keep partnerships strong and attract new partners.



## Strategy 2: Conducting Community Fundraising to Generate Revenue

Fundraising is another approach program leaders can use to raise revenue for mentoring programs. In addition to increasing revenue and in-kind support, successful community fundraising can bring in new volunteers, community partners, board members, and, perhaps most importantly, stronger community commitment to the organization's mission and the young people being served (see Types of Community Fundraising Strategies on page 13).

While successful fundraising can lead to additional revenue and opportunities for organizations, it can also impose significant costs. Community fundraising can be challenging and time consuming, requiring specific expertise and organizational capacity. In a survey of 1,000 mentoring programs, for example, 78 percent noted that fundraising is “very difficult” or “somewhat difficult”.<sup>9</sup> Several steps are involved in developing a fundraising plan, such as generating board members' interest and commitment to the fundraising goals, cultivating and nurturing relationships with current and potential donors, developing staff and administrative capacity, building a volunteer base, and aligning fundraising strategies with available organizational resources (see Fundraising Is a Strategic Process on page 13).



<sup>9</sup> See Mentor: “Invest in Future of America’s Children: Support Funding for Mentoring”.  
[http://www.mentoring.org/take\\_action/advocate\\_for\\_mentoring/funding\\_for\\_mentoring/fact\\_sheet/](http://www.mentoring.org/take_action/advocate_for_mentoring/funding_for_mentoring/fact_sheet/).

## Fundraising Is a Strategic Process

Fundraising should be based on a clear sense of:

- ✓ Why contributions are needed and what they will accomplish?
- ✓ How much funding currently is available and how much must be generated through fundraising?
- ✓ What monetary and nonmonetary resources are needed to launch a successful fundraising campaign or event?
- ✓ What strategies make sense and how can they be implemented most effectively?
- ✓ Who is the target audience?

## Types of Community Fundraising Strategies

Program leaders can use several community fundraising strategies and activities to meet their program's funding needs.

- **Annual giving appeals** are comprehensive efforts (e.g., direct mail) to bring in funds throughout the year, usually from a large and varied group of donors, to support both general operating expenses and programming.
- **Special events** can be an engaging way to raise restricted or unrestricted funds for an initiative, increase a program's visibility, and build community support.
- **Unrelated business income** can be earned through a wide range of activities, including selling merchandise, renting and leasing office space, and entering into business ventures, whether these activities are part of the organization's mission-driven activities or constitute a separate business.
- **Capital campaigns** raise money for a specific capital project, such as purchasing or renovating a building.
- **Planned giving** is one of the least commonly used strategies for community fundraising, especially among smaller youth organizations. This strategy includes activities focused on securing gifts to sustain an organization over the long term (e.g., a one-time gift or contributions as part of an estate).
- **Shared revenue appeals** are an efficient and generally low-maintenance strategy for raising unrestricted funds or raising funds for specific purposes or projects. This strategy entails partnering or pairing with another entity, such as a local business to present a joint fundraising appeal that benefits both organizations.



Although leaders who serve youth are generally deeply committed to their program and the young people they support, fundraising may not be an area of expertise. To build this knowledge and these skills, some program leaders have joined national networks and national regional charities such as Big Brothers Big Sisters or the National Mentoring Partnership/MENTOR (see A Diverse Set of Fundraising Strategies below). Through these relationships, organizations can access resources to fully or partially subsidize their annual program budgets and can also receive administrative, consultative, and technical support (see Important Fundraising Resources on page 15, Organizational Support for Community Fundraising on page 16, and State and Local Mentoring Partnerships on page 19).

## *A Diverse Set of Fundraising Strategies*

Big Brothers Big Sisters of America is one of the oldest and most established mentoring organizations, with affiliates in cities and regions nationwide. Established in 1952, Big Brothers Big Sisters of Central Maryland (BBBS of Central Maryland) has served more than 30,000 youth. With support from its national office, the chapter has received funding for a development officer to help marshal local support from corporations and foundations.

The development officer has helped Big Brothers Big Sisters of Central Maryland generate revenue through a diverse set of fundraising strategies, including a direct mail and an online marketing campaign as well as annual signature events. More than 150 individuals have made contributions to the organization through planned giving efforts. To attract corporate and foundation donors, the Harry and Jeanette Weinberg Foundation has awarded BBBS of Central Maryland a \$1 million challenge grant, matching every dollar contributed by donors during the next three years. For more information, visit <http://www.biglittle.org/>.



## Important Fundraising Resources

Important fundraising resources include:

- monetary support, which can come from individual donors;
- sponsors;
- maintenance of donor and potential donor lists or databases;
- volunteers;
- in-kind contributions;
- community leadership and endorsements;
- board support; and
- marketing materials.





## Organizational Support for Community Fundraising

Friends of the Children (FOC), a Portland, Oregon-based nonprofit organization, has provided mentoring to at-risk youth for the past 15 years. With a unique staffing structure supporting paid and professionally trained mentors, the organization makes 13-year commitments to each child, from the start of kindergarten to high school graduation. In close partnership with the school district, FOC serves more than 300 youth in more than 100 schools in five counties throughout the metropolitan area.

With more than one-third of its revenue coming from fundraisers, FOC has created multiple avenues by which individuals, corporations, and foundations can support the organization. The ninth annual Friend Raiser brought in more than \$1 million, with more than 700 of Portland's business and community leaders donating food and drinks, bidding on silent auction items, and watching live performances from youth participating in the program. Other successful fundraising strategies include the organization's annual Bowl-a-Thon and its Holidays with the Trail Band, a three-night weekend musical event. A combination of small and large annual events generates vast corporate and community support and raises the organization's visibility within the city's many professional and social circles. For more information, see <http://www.friendsofthechildren.org/aboutus.html>.

### Considerations for Using Strategy 2

- The amount of money raised should exceed the cost of the fundraising activity. Fundraisers can be labor intensive and, sometimes, they do not generate enough revenue to justify the cost.
- Fundraising and solicitation are often vulnerable to the fluctuations of local economic conditions and may also be affected by competition from other special causes and community organizations for volunteers and contributions. When planning for annual events, program leaders should account for the ever-changing environment in which they operate.
- Fundraising events should both be fun for contributors and fundraisers and raise the visibility of the organization.
- As members of large national affiliate networks, some mentoring organizations are linked to national and regional charities or religious organizations that can help raise money to fully or partially subsidize their annual program budgets.

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## Strategy 3: Maximizing Public Revenue

Accessing and drawing down the maximum amount obtained from federal, state, and local revenue can contribute to a diversified funding portfolio for mentoring programs. Tapping these sources can provide stable revenues, expand resources, and free existing funds for other purposes (see Maximizing Federal Funding Sources to Support Mentoring Programs on page 18). Some of these approaches are more relevant at the program level, where program leaders match the needs of youth with available resources, while other approaches are best accomplished at the intermediary or state level, where the program funding is administered (e.g., Big Brothers Big Sisters of America).

Successfully implementing this strategy involves multiple steps, including identifying relevant funding sources, learning who in the state or community makes decisions about how funds are allocated, and implementing a plan to access the funds. For certain federal grants—typically formula or block grants—state and local governments are given broad flexibility in implementing their initiatives and allocating program funds to meet regional and local needs. To increase their chances of accessing these types of grants, program leaders should build relationships with elected officials and form partnerships with key champions.

In recent years, state and local leaders have partnered with program leaders and championed youth mentoring programs (see Generating the Support of Local Legislators on page 19 and Transitioning to State Funding on page 20). Many state leaders are responsible for allocating federal and state program funds to local providers. State and local leaders have also generated revenue through taxes and fees to support children and youth services, including mentoring. In addition to accessing additional resources, partnerships with leaders in state and local government can help increase the visibility of youth mentoring initiatives. However, just like business leaders and foundation executives, state and local government officials will evaluate investment and partnership opportunities against criteria that are relevant to their institutional interests. Therefore, building partnerships with officials whose interests are aligned with mentoring initiatives is beneficial.



## Maximizing Federal Funding Sources to Support Mentoring Programs

Initially implemented as a small mentoring program in a northern Minnesota YMCA nearly 65 years ago, Mentor Duluth is now a collaboration of seven youth-serving agencies: the YMCA, the local Boys and Girls Club, Neighborhood Youth Services, Proctor/Hermantown Community Education, Valley Youth Center, the YWCA, and the Copeland Community Center. The collaboration supports nearly 600 mentoring matches. In addition to being supported by local foundations and the local United Way, Mentor Duluth has been successful in accessing different federal funding sources, including the Community Development Block Grant (CDBG). Realizing that sustaining program activities on foundation support alone would prove nearly impossible, Mentor Duluth leaders conducted community-wide grassroots campaigns to persuade city council and community members to funnel CDBG funds toward public service activities that would support mentoring opportunities. These efforts have proven successful; in collaboration with other youth-serving organizations, Mentor Duluth has received at least \$25,000 annually during the past 12 years.

Mentor Duluth uses other federal sources to support its staffing and organizational needs. In 2002, the organization partnered with Serve Minnesota, a statewide commission on volunteer service, to tap an existing AmeriCorps program. As a result, Mentor Duluth gained one AmeriCorps member to provide staffing support. To further capitalize on this partnership, Mentor Duluth submitted an additional application to develop a separate AmeriCorps program to be located in northern Minnesota that would support all Mentor Duluth sites. This application resulted in a planning grant that increased the organization's operating capacity. Now, more than 100 AmeriCorps members support staff and provide tutoring and mentoring services to youth in collaboration sites.

Mentor Duluth is also a recipient of a three-year, \$600,000 Mentoring Grant funded by the U.S. Department of Education. The grant helps support Mentor Duluth's school-based mentoring program. In addition, Mentor Duluth was recently awarded a grant from the U.S. Department of Health and Human Services' Compassion Capital Fund. The funding, approximately \$2.25 million over three years, will support mini-grants to build the capacity of local mentoring programs. Moreover, the organization has submitted a proposal to receive funds from the Support for Mentoring Initiatives Program through the Office of Juvenile Justice and Delinquency Prevention. For more information, see <http://www.mentorduluth.org/>.



## State and Local Mentoring Partnerships

Currently, 31 state and local mentoring partnerships across 25 states are affiliated with the National Mentoring Partnership/MENTOR.\* These state and local mentoring partnerships provide local grassroots mentoring organizations with valuable technical assistance tools and resources. Two mentoring partnerships are highlighted below.

Oregon Mentors is a statewide organization that provides technical assistance to local mentoring programs on volunteer recruitment, background checks, annual conferences, and funding opportunities. The organization has an annual budget of \$580,000, with 85 percent coming from foundations and corporations and 15 percent coming from individual and in-kind contributions. In addition, 5 percent of proceeds generated from an annual luncheon are used to fund training scholarships on capacity building. For more information, visit <http://oregonmentors.org/>.

The Mentoring Partnership of Southwestern Pennsylvania provides technical assistance to mentoring organizations in Allegheny County and the greater Pittsburgh area. It brings together local mentoring leaders to raise awareness of youth issues. For more information, see <http://www.mentoringpittsburgh.org/start.htm>.

Note: \*More information on mentoring partnerships in each state is available at <http://www.mentoring.org/>.

## Generating the Support of Local Legislators

As part of a national umbrella mentoring organization with more than 400 affiliates, Big Brothers Big Sisters of the Lehigh Valley serves 400 children and youth in one-to-one mentoring relationships in school-based or community-based programs. To support mentoring activities, Big Brothers Big Sisters of Lehigh Valley accesses a variety of funding sources, including individual giving, corporate partnerships, local foundations, and resources from the national Big Brothers Big Sisters of America organization. However, the Lehigh Valley organization has been especially successful in building relationships with key legislative and advocacy leaders to maximize state and local revenue.

To generate interest in mentoring at the local level, the organization developed a strategy of holding breakfasts for Lehigh Valley. These breakfasts not only provide an opportunity for the organization to converse with legislators about the need for funding, but also provide opportunities for members to interact with mentees from their jurisdiction and to learn firsthand about the positive effects of mentoring. Over the years, Big Brothers Big Sisters of the Lehigh Valley has asked the state legislature to pass a bill waiving the fee for mentoring organizations to conduct background checks for volunteers and requesting they work in collaboration to support additional funding. In addition, the Pennsylvania Big Brothers Big Sisters holds an annual legislative breakfast, hoping to secure funds for Pennsylvania Big Brother Big Sister affiliates. For more information, see <http://www.bbbslv.org/>.



## Transitioning to State Funding

To address the lack of community resources for college-bound high school students, the Oregon Student Assistance Commission (OSAC) and the Oregon Community Foundation formed a partnership in 1998 to create a new mentoring initiative, Access to Student Assistance Programs in Reach of Everyone (ASPIRE). ASPIRE matches trained volunteers with high school students to provide one-on-one mentoring throughout the processes of applying for college, for financial aid, and for scholarships. In 2002, ASPIRE developed a partnership with The Ford Family Foundation from which it received additional funds to expand the initiative to rural communities in the state. Most programs face challenges in finding foundations that support long-term operations, but The Ford Family Foundation provided ASPIRE with financial support for eight years. For six years, ASPIRE also received \$66,375 annually from the federal GEAR UP program, which further helped expand ASPIRE into 17 additional schools. The initiative began with four schools in 1998, and it currently has been adopted in 115 sites throughout the state.

Due to its demonstrated success, in 2007, Governor Ted Kulongoski and state legislators enacted legislation making ASPIRE an official state program and provided state general funds to expand ASPIRE's reach. This has enabled ASPIRE to transition from private support to a mix of private and state support. Eligible sites receive a partnership grant to help support a part-time ASPIRE coordinator staff position at their school. Each site provides an equivalent match. Foundation grants continue to help low-income schools with this match. For more information, see <http://www.aspireoregon.org/faqs.html>.



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## Highlights of Federal Funding Sources

Twenty-five federal funding sources can be tapped to support mentoring programs (see Federal Funding 101 below). They span eight different agencies, including the Department of Education, Department of Health and Human Services, Corporation for National and Community Service, Department of Justice, Department of Housing and Urban Development, Department of Labor, Department of Defense, and Department of Agriculture (see Federal Funding Sources to Support Mentoring Programs on pages 22-25).

### Federal Funding 101

Federal funds are distributed through different mechanisms, which can affect how program leaders access funds. The mechanisms used to fund mentoring programs include contracts, formula or block grants, and discretionary or project grants.

**Contracts** between federal, state, and local governments and private or public agencies require the provision of specified services. Often, contractors must also meet performance standards.

**Formula or block grants** can support a wide range of activities. States and localities often have flexibility in determining how to spend formula and block grants to meet specific program goals. Formula grants typically provide federal funding to states according to their need (e.g., the number or percentage of needy children and families), while block grant funding does not guarantee coverage for all eligible parties.

**Discretionary or project grants** fund targeted program activities, from preventing juvenile delinquency to providing educational enrichment. These funds are usually awarded through a competitive process and flow from the government agency administering the grant program directly to grantees. Federal and state agencies make announcements concerning the availability of funding, the timeframe for submitting proposals, and the criteria for selection. Mentoring program leaders can monitor the Federal Register\* and relevant federal agency websites to keep abreast of requests for proposals and submission deadlines. For state discretionary grant program funding announcements, program leaders can monitor state agency websites.

Note: \*For more information, see <http://www.gpoaccess.gov/fr/>.



## Federal Funding Sources to Support Mentoring Programs

Federal Funding Source	Description
Mentoring Grants	These discretionary grants are provided to programs that assist at-risk children through the support and guidance of a mentor to improve academic performance; improve interpersonal relationships between children and their peers, teachers, other adults, and family members; reduce dropout rates; and reduce juvenile delinquency and gang involvement. Local education agencies (LEAs), nonprofit community-based organizations (CBOs), faith-based organizations, and organizations in partnership with an LEA and a nonprofit CBO may apply to receive funds. For more information, see <a href="http://www.ed.gov/programs/dvpmentoring/index.html">http://www.ed.gov/programs/dvpmentoring/index.html</a> .
21st Century Community Learning Centers	This formula or block grant program supports the creation of community learning centers that provide academic enrichment opportunities, including tutoring, mentoring, homework help, and community service as well as music, arts, sports, and cultural activities for children, particularly students who attend high-poverty and low performing schools. For more information, see <a href="http://www.ed.gov/programs/21stcclc/index.html">http://www.ed.gov/programs/21stcclc/index.html</a> .
Education for Homeless Children and Youths: Grants for State and Local Activities	This formula or block grant program can be used for activities that will facilitate the educational success of homeless children and youth, including tutoring, mentoring, summer enrichment programs, the provision of school supplies, and professional development designed to heighten educators' understanding and sensitivity to the needs of homeless children and youth. For more information, see <a href="http://www.ed.gov/programs/homeless/index.html">http://www.ed.gov/programs/homeless/index.html</a> .
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	States and partnerships can use this discretionary grant to provide early college preparation and awareness activities to participating students through comprehensive mentoring, counseling, outreach, and other supportive services. For more information, see <a href="http://www.ed.gov/programs/gearup/index.html">http://www.ed.gov/programs/gearup/index.html</a> .
Safe Schools/Healthy Students Initiative	This discretionary or project grant, administered through the Office of Elementary and Secondary Education, provides funding to promote healthy childhood development and prevent violent behaviors through fully linked education, mental health, law enforcement, juvenile justice, and social services systems. For more information, see <a href="http://www.ed.gov/programs/dvpsafeschools/index.html">http://www.ed.gov/programs/dvpsafeschools/index.html</a> .
School Dropout Prevention Program	This discretionary grant program supports effective, sustainable, and coordinated dropout prevention and reentry programs in high schools with annual dropout rates that exceed their state average annual dropout rate. For more information, see <a href="http://www.ed.gov/programs/dropout/index.html">http://www.ed.gov/programs/dropout/index.html</a> .
TRIO	TRIO discretionary grants can be used for educational opportunity outreach programs designed to motivate and support students from disadvantaged backgrounds. TRIO includes six outreach and support programs targeted to serve and assist low-income, first-generation college students, as well as students with disabilities, progress through the academic pipeline from middle school to post-baccalaureate programs. For more information, see <a href="http://www.ed.gov/about/offices/list/ope/trio/index.html">http://www.ed.gov/about/offices/list/ope/trio/index.html</a> .

U.S. Department of Education

	<b>Federal Funding Source</b>	<b>Description</b>
<b>Corporation for National and Community Services</b>	Foster Grandparent Program	These discretionary grants enable organizations to recruit volunteers who can apply skills learned during their work years to serve low-income families and communities, including activities such as mentoring at-risk youth. For more information, see <a href="http://seniorcorps.org/about/programs/fg.asp">http://seniorcorps.org/about/programs/fg.asp</a> .
	Learn and Serve America	Learn and Service America discretionary grants are used to encourage elementary and secondary schools and community-based agencies to develop and offer service-learning opportunities for school-age youth. For more information, see <a href="http://www.learnandserve.org/for_organizations/funding/index.asp">http://www.learnandserve.org/for_organizations/funding/index.asp</a> .
<b>U.S. Department of Health and Human Services</b>	Community Services Block Grant (CSBG)	This formula or block grant provides funds to states, most of which are passed to local community action agencies to address employment and other needs of low-income families and individuals. CSBG funds can also be used to promote positive youth development and youth crime prevention, including initiatives that incorporate positive youth development and intervention models such as youth mediation, youth mentoring, life-skills training, job creation, and entrepreneurship programs. For more information, see <a href="http://www.acf.hhs.gov/programs/ocs/csbg/">http://www.acf.hhs.gov/programs/ocs/csbg/</a> .
	Mentoring Children of Prisoners	This program awards discretionary grants to community organizations that provide children and youth of incarcerated parents with mentors. Each mentoring program is designed to ensure mentors provide young people with safe and trusting relationships; appropriate guidance from a positive adult role model; and opportunities for increased participation in education, civic service, and community activities. Grant recipients must use their funds to provide services, both directly and in collaboration with other local agencies. This includes preserving families and connecting children with their imprisoned parent, if and when appropriate, and cultivating mentors from within the child's family and community. For more information, see <a href="http://www.acf.hhs.gov/programs/fbci/progs/fbci_mcp.html">http://www.acf.hhs.gov/programs/fbci/progs/fbci_mcp.html</a> .
	The John H. Chafee Foster Care Independence Program (CFCIP)	These formula or block grants help states and localities establish and carry out programs to assist youth aging out of the foster care system. Intended beneficiaries are current and former foster youth up to age 21. For more information, see <a href="http://www.acf.hhs.gov/programs/cb/programs_fund/state_tribal/jh_chafee.htm">http://www.acf.hhs.gov/programs/cb/programs_fund/state_tribal/jh_chafee.htm</a> .
	Runaway and Homeless Youth—Street Outreach Program (SOP)	These discretionary grants can be used to provide education and prevention services, as well as to establish and build relationships between street youth and program outreach staff, to help youth leave the streets. Youth initiatives can also use the funds to provide support services for runaway and homeless youth, including mentoring, service opportunities, health care, and case management. For more information, see <a href="http://www.acf.hhs.gov/programs/fysb/content/youthdivision/programs/sopfactsheet.htm">http://www.acf.hhs.gov/programs/fysb/content/youthdivision/programs/sopfactsheet.htm</a> .
	Social Services Block Grant (SSBG)	Youth initiatives can use these formula or block grants to support activities that promote youth self-sufficiency, including financial literacy, employment training, and mentoring. For more information, see <a href="http://www.acf.hhs.gov/programs/ocs/ssbg/">http://www.acf.hhs.gov/programs/ocs/ssbg/</a> .
	Temporary Assistance for Needy Families (TANF)	This program uses formula or block grants to assist needy families with children so children can be cared for in their own homes; reduces dependency by promoting job preparation, work, and marriage; reduces and prevents out-of-wedlock pregnancies; and encourages the formation and maintenance of two-parent families. Grantees and program site leaders can work with their county human services agency to learn more about how these funds are allocated and whether this funding source will be available to supplement mentoring program grants. For more information, see <a href="http://www.hhs.gov/ocr/tanf/">http://www.hhs.gov/ocr/tanf/</a> .

(cont'd on next page)



## Federal Funding Sources to Support Mentoring Programs (cont'd.)

	Federal Funding Source	Description
Department of Justice	Drug-Free Communities Support Program	This discretionary or project grant provides funding to help reduce substance abuse among at-risk children and youth and to reduce substance abuse over time among adults. For more information, see <a href="http://www.ondcp.gov/dfcl">http://www.ondcp.gov/dfcl</a> .
	Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program	Youth initiatives can use formula or block grants to partner with eligible agencies to support crime prevention activities. For more information, see <a href="http://www.ojp.usdoj.gov/BJA/grant/byrne.html">http://www.ojp.usdoj.gov/BJA/grant/byrne.html</a> .
	Juvenile Justice and Delinquency Prevention: State Formula Grants	These formula or block grants are awarded to states and territories to increase the capacity of state and local governments to support the development of more effective education, training, research, prevention, diversion, treatment, accountability-based sanctions, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. Grants can be used for program-related activities, such as academic support, dropout prevention and recovery, character building, leadership development, and mentoring. For more information, see <a href="http://ojjdp.ncjrs.org/funding/funding.html#3a">http://ojjdp.ncjrs.org/funding/funding.html#3a</a> .
	Weed and Seed Program	These discretionary grants must be used for program-related activities under the following four categories: 1) law enforcement; 2) community policing; 3) prevention, intervention, and treatment; and 4) neighborhood restoration. Programs can use funds to support activities that reduce risky behaviors and encourage positive youth development. For more information, see <a href="http://www.ojp.usdoj.gov/ccdo/ws/welcome.html">http://www.ojp.usdoj.gov/ccdo/ws/welcome.html</a> .
U.S. Department of Labor	Workforce Investment Act (WIA) Youth Activities	Mentoring programs can benefit from WIA formula or block grants that support older youth by engaging them as staff and helping them gain valuable training, employment skills, and hands-on experiences. Older youth can work as tutors, mentors, chaperones, and program instructors. For more information, see <a href="http://www.doleta.gov/youth_services">http://www.doleta.gov/youth_services</a> .
	Job Corps	Job Corps is the nation's oldest and largest residential education and job training program for at-risk youth ages 16 through 24. Due to its intensive and comprehensive services, it is also one of the most expensive youth education and training programs. The program serves approximately 70,000 students each year at 118 Job Corps centers nationwide. The centers provide academic education, vocational training, residential living, mentoring, and other services to students. For more information, see <a href="http://www.jobcorps.dol.gov/">http://www.jobcorps.dol.gov/</a> .
	YouthBuild Program	These discretionary grants provide funding assistance for multidisciplinary activities and services to assist economically disadvantaged out-of-school youth. YouthBuild programs help young adults get the education and employment skills they need to achieve economic self-sufficiency, develop leadership skills, and build commitment to community development by constructing homes to help meet the housing needs of homeless persons and low-income families. Very low-income young adults, ages 16 to 24, who have dropped out of high school are eligible. For more information, see <a href="http://www.doleta.gov/reports/youthbuild_program.cfm">http://www.doleta.gov/reports/youthbuild_program.cfm</a> .

	<b>Federal Funding Source</b>	<b>Description</b>
<b>U.S. Department of Housing and Urban Development</b>	Community Development Block Grant (CDBG)	This formula or block program supports activities related to neighborhood revitalization, economic development, and community services and facilities. Up to 15 percent of federal CDBG funds can be used to support public service needs, including mentoring programs. Localities determine how CDBG funds are spent. For more information, see <a href="http://www.hud.gov/offices/cpd/communitydevelopment/programs/">http://www.hud.gov/offices/cpd/communitydevelopment/programs/</a> .
<b>U.S. Department of Agriculture</b>	Cooperative Extension Service: 4-H Youth Development Program	The 4-H Youth Development program aims to work with urban youth to provide opportunities and supports, such as educational enrichment, mentoring, civic engagement, leadership, and life skills. Mentoring program leaders can partner with 4-H staff, volunteers, and teachers to include projects and programming among their objectives and activities and access funds by partnering with local extension programs to provide services or to establish a 4-H program themselves. For more information, see <a href="http://www.csrees.usda.gov/youthdevelopment4h.cfm">http://www.csrees.usda.gov/youthdevelopment4h.cfm</a> .
<b>U.S. Department of Defense</b>	National Guard Youth ChalleNGe Program	This formula or block grant is administered through the Department of Defense's National Guard Bureau using the National Guard to provide military-based training, including supervised work experience in community service and conservation projects. This program focuses on civilian youth, ages 16 to 18, who cease to attend secondary school after graduating so as to improve their life skills and employment potential. Youth initiatives can partner with state-level ChalleNGe programs to afford youth access to development activities related to academic preparation, career exploration, physical fitness, life-coping skills, and community service. For more information, see <a href="http://www.ngycp.org/">http://www.ngycp.org/</a> .

### Considerations for Using Strategy 3

- Program leaders should ensure their organization has the capacity to track and respond to relevant grant or proposal announcements.
- Program leaders must assess whether efforts to win a grant proposal are worth the payoff and whether their organization has the capacity to manage a particular grant. Systems should be in place to meet reporting requirements; other funds or in-kind resources should also be identified to meet matching requirements.
- Program leaders should build relationships and form partnerships with key champions in state and local government to access public revenue. Policymakers can play a pivotal role in providing leadership for mentoring programs in the community. As powerful champions, they can use their voices and positions to raise public awareness about the need for quality mentoring efforts.



## Conclusion

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**M**entoring programs provide the necessary supports and services that can help young people develop the skills and confidence necessary to transition to adulthood. Meaningful relationships with caring role models can help youth understand the world they live in, gain access to educational and employment opportunities, and develop life skills and permanent connections. Currently, more than 25 federal funding sources administered by eight federal agencies can be used to support and sustain youth mentoring programs that promote these connections. In addition to federal funding, programs can develop partnerships with foundations, state and local government partners, and for-profit, nonprofit, and community-based organizations to help fund, sustain and expand their mentoring activities and services. This brief can be a useful tool in helping youth mentoring initiatives find resources to carry out their mission.

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## About The Finance Project

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**Helping leaders finance and sustain initiatives that lead to better futures for children, families, and communities.**

The Finance Project is an independent nonprofit research, training, consulting, and technical assistance firm for public- and private-sector leaders nationwide. It specializes in helping leaders plan and implement financing and sustainability strategies for initiatives that benefit children, families, and communities. Through a broad array of tools, products, and services, The Finance Project helps leaders make smart investment decisions, develop sound financing strategies, and build solid partnerships. To learn more, see <http://www.financeproject.org>.

**Sustaining and Expanding Youth Programs and Policies**

This publication is part of a series of tools and resources on financing and sustaining youth programming developed by The Finance Project with support from Underage Tobacco Prevention: Philip Morris USA, an Altria Company. These tools and resources are intended to help policymakers, program developers, and community leaders develop innovative strategies for implementing, financing, and sustaining effective programs and policies. To access these resources and for more information on this project, see [http://www.financeproject.org/special/irc/youth\\_about.cfm](http://www.financeproject.org/special/irc/youth_about.cfm).



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