



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-Four

AN ORDINANCE Related to Personnel

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bold text in *Chapter 62 – Personnel* as follows:

ARTICLE I. - IN GENERAL

Sec. 62-1. - Responsibility for personnel management.

- (a) The responsibility for developing and administering the elements of the personnel merit system shall be assigned to the city manager. ~~He~~ **The manager** shall draft policies, prepare amendments to the pay plan, prepare job descriptions and maintain accurate and confidential files of needed personnel information about each employee. All city departments shall supply the necessary requested information to maintain this personnel file.

Sec. 62-32. Membership of the board.

The personnel advisory board shall consist of eight elected eligible members plus one additional member appointed by a majority of the board, for a total of nine members, all of whom shall have completed the probationary period. The board appointee shall be an eligible department head if no department head has been elected through the voting process.

The board shall consist of two elected representatives from each of the three non-bargaining employee groups as follows:

Two member representatives from library,

Two member representatives from city hall,

Two member representatives from police, fire, public works, airport, parks and recreation, ~~and cemeteries,~~

Two member representatives at large, and

One board appointee, who shall be an eligible department head if no department head has been elected through the voting process.

All other employees, including the city manager, city attorney, city clerk, ~~deputy assistant~~ city managers, finance director, and human resources director shall not serve on the PAB.

Sec. 62-33. Selection and Term.

PAB representatives shall serve a maximum of two consecutive terms.

Every September, or at such other time determined by the PAB representatives, a general election will be held to fill vacancies for expired terms.

A system of voting shall be devised and administered by the human resources director for the purposes of conducting the general election.

Elected representatives shall be chosen by secret ballot of the eligible voters. Eligible voters include all regular, full-time or part-time, non-bargaining employees of the City of Keene who are identified on the city's classified pay scale, and have

completed the probationary period, with the exception of the city manager, city attorney, city clerk, ~~deputy assistant~~ city managers, finance director, and human resources director.

Vacancies in the board's membership occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term by a majority vote of the remaining board members. The PAB shall act to fill vacancies of uncompleted terms within 30 calendar days from the occurrence of the vacancy, except that if any elected board position becomes vacant within 60 days of the general election, the vacancy shall be filled at the regular election.

The chair, vice chair and secretary of the PAB shall be elected by a majority vote of all board members at the first meeting of the PAB following the general election in September, or at such other time determined by the board.

Sec. 62-34. - Advisory meetings.

The personnel advisory board shall meet at least monthly or more often as circumstances permit. Each meeting shall be noticed ~~using on departmental bulletin boards or other~~ available electronic resources, **as well as other appropriate communication methods**. Minutes shall be kept and made available ~~using on departmental bulletin boards, distributed via e-mail or other or other~~ available electronic resources, **as well as other appropriate communication methods**. ~~available electronic resources~~. The minutes shall be available for inspection as requested.

The personnel advisory board shall meet at least twice per year with the city manager. At these meetings, any items relative to the personnel system can be discussed. At the discretion of the board, written statements advising the city manager on matters pertaining to the personnel system may also be issued.

ARTICLE III. - GRIEVANCE PROCEDURE

Sec. 62-62. - Applicability.

Any regular ~~exempt~~ (non-bargaining unit) employee eligible to be a member of the Personnel Advisory Board who has ~~having~~ a grievance, view, or opinion pertaining to employment conditions or relationships with ~~his~~ **the** immediate supervisor or other employees may initiate the grievance procedure. The city manager, city clerk, city attorney, city treasurer or any employee who holds a position which is included in any state-certified bargaining unit shall be excluded from access to the grievance procedure. However, grievances, views or opinions regarding policies established by ordinance of the city council shall be limited to questions on the application of these policies.

Sec. 62-64. - Steps.

The following steps shall be followed whenever an employee initiates a grievance or point of view regarding employment conditions. All hearings shall be informal, and every effort shall be made to schedule them during the regular working hours of the employee. Any grievance or question is considered settled at the completion of any step, if all parties are satisfied. If the grievant's immediate supervisor is a department head, the grievance process may begin at step II. If the grievant's immediate supervisor is the city manager, the grievance process may begin at step III. Nothing in this procedure is intended to discourage employees from discussing problems or concerns with their supervisors at any time. Steps of the grievance procedure are as follows:

- (1) Step I. The aggrieved employee or the employee and ~~his~~ **the employee's** representative shall reduce the grievance to writing on a form provided by the city and signed by the employee involved and the employee's representative, if the employee has one, within five working days of the date of the grievance or ~~his~~ knowledge of its occurrence. The written grievance shall include a statement of the grievance and facts involved and also the remedy requested. The immediate supervisor shall write ~~the his~~ decision on the grievance form and shall sign it and give it to the grievant, with a copy to the grievant's representative if any, within two working days after the grievance has been submitted to **the employee's supervisor** ~~him~~ in written form.
- (2) Step II.
 - a. If the grievance has not been settled or no written decision is issued under step I, the employee and/or the employee's representative shall, within two working days after receiving the supervisor's written decision or the expiration of time given for the supervisor's written decision, whichever is earlier, submit the written grievance to the department head of the aggrieved employee.

- b. The department head shall hold a hearing within five working days after the grievance is submitted to him, and the his written and signed decision shall be given to the employee and the employee's his representative within five working days after the hearing.

(3) Step III.

- a. If the grievance has not been settled, the employee and/or his the employee's representative shall submit the written grievance to the city manager, or the Manager's his designee, within five working days after receiving the department head's written decision or if no response from the department head is received after five working days.
- b. The city manager or the Manager's his designee shall hold a hearing before the grievance advisory committee, with those involved in the grievance in attendance, within five working days after the committee chair is appointed. The signed written majority and minority (if any) recommendation of the grievance advisory committee shall be furnished to the city manager or the Manager's his designee by the chair of the grievance advisory committee within five working days after the hearing. The hearing shall be recorded, and a written copy of the minutes also shall be furnished to the city manager or the manager's his designee within five working days after the hearing.
- c. The City Manager or the Manager's his/her designee will study the records of the case, will consider the recommendations of the Grievance Advisory Committee, and may discuss the matter further with you the employee and may hold any additional hearing deemed he/she feels necessary or desirable. The decision of the City Manager or the Manager's his/her designee will be final and will be given in writing to you the employee and to other involved parties within ten (10) working days after receiving the recommendation of the Grievance Advisory Committee. **Any employee may request permission to be heard by the City Council. Permission to be heard may be granted at the discretion of the City Council, but being heard by the City Council does not include the authority of the City Council to alter the final decision of the City Manager.**

If the grievance is with a charter employee (city manager, city attorney, city clerk, or city treasurer), it should be forwarded to the chair and vice-chair of the city council committee responsible for personnel through the human resources director.

ARTICLE IV. - CLASSIFICATION AND PAY SCHEDULES.

DIVISION 1. - GENERALLY.

Sec. 62-92. - Employment classification.

- (d) *Wages and hourly rates.* Except when specific actions are taken during the course of the fiscal year in accordance with this chapter, wages and hourly rates for all positions, whether classified or not, shall be in accordance with the amounts designated in the adopted budget for that fiscal year. ~~Part-time employees hired before July 1, 1983, will continue to receive prorated benefits in accordance with the practice in effect up to that time.~~

DIVISION 2. - SCHEDULES

Subdivision V. - Annual Salary Schedules for Administrative and Clerical Personnel

Sec. 62-216. - General rules.

- (i) ~~Pay checks shall be issued at intervals as requested by the departments and approved by the finance director.~~

ARTICLE V. - POLICIES, PROCEDURES AND CONDITIONS OF EMPLOYMENT

DIVISION 2. - HOURS AND OVERTIME

Subdivision I. - In General

Sec. 62-276. - Hours of work.

- (a) Average workweeks for various regular full-time city employees and departments are based on operations and needs of the public, and they normally are as follows:
- | | |
|--|------------|
| • Administrative and office positions | 37.5 hours |
| • All certified fire department positions (except those listed in chapter 62-194) | 42 hours |
| • All non-administrative public works; certified fire department positions listed in chapter section 62-194; airport; facilities management; and parks, and recreation, cemeteries positions; | 40 hours |
| • All Library positions (except facilities management) | 38 hours |

- All non-administrative police department positions (~~except clerical~~)

40 hours

Subdivision II. - Overtime

Sec. 62-301. – Non-bargaining unit hourly employees.

- An employee whose position is classified as exempt, as defined in the federal Fair Labor Standards Act, is not eligible for overtime. If a position is classified as non-exempt and an employee is required to work in excess the normal workweek, the employee is entitled to straight time pay for hours worked up to 40 in a single **workweek** (Sunday through Saturday). ~~He~~ **The employee, excluding probationary firefighters,** is entitled to pay at 1½ times the regular hourly rate for hours worked over 40 in a single workweek (Sunday through Saturday). Base pay rates will be in accordance with *Article IV, Classification and Pay Schedules; Division 2, Schedules*. Should the schedule include an annualized pay rate, the hourly rate will be computed by dividing the annualized base amount from the pay schedule by **the annualized work schedule for that position, as outlined in Sec. 62-276.** ~~2,080 hours.~~ All overtime must be authorized in advance by the department head or department head's designee. From time to time, there may be exceptions to this policy; i.e., if the employee is eligible for and chooses compensatory time in lieu of overtime.
- When required to work on an observed holiday, a regular full-time non-exempt employee, excluding probationary police officers and probationary firefighters, will be paid for each hour worked at the rate of 1½ times the hourly rate, in addition to receiving pay for the observed holiday. When required to work on one of these actual holidays—January 1, ~~Easter Sunday~~ **Memorial Day**, July 4, the fourth Thursday of November, and December 25—a regular full-time non-exempt employee will be paid for each hour worked at the rate of double time, in addition to receiving pay for the observed holiday.

Sec. 62-303. - Probationary firefighters.

- Notwithstanding any other provisions of City Code to the contrary related to overtime and holidays, probationary full-time firefighters/EMTs shall be governed by this Section 62-303. Full-time firefighters/EMTs, who have not yet successfully completed 12 months of employment, will be compensated for overtime when required to work in excess of the established work schedule. Whenever such fire department personnel work in excess of the established work schedule, such time shall be compensated in minimum increments of ¼ hour. On such occasions, when work is an off-duty call back, fire department personnel will receive a minimum of ~~one~~ **two** hours' compensation for each response and, in addition, will be compensated in minimum increments of ¼ hour for time worked over the ~~first~~ **second** hour or portions of ¼ hour. Compensation for this overtime will be at a rate of 1½ times the regular pay rate.

Sec. 62-304. - On-call compensation for ~~IMS~~ IT department exempt positions.

~~IMS~~ Employees of the Information Technology (IT) department holding ~~exempt~~ positions who are required to wear a pager or carry a cell phone in order to respond to calls for immediate technical assistance during non-regular hours ~~be~~ are considered "on-call" and are to be compensated an amount equal to one day's normal rate of pay for each week of on-call duties. The on-call period is a continuous seven-day, prescheduled, rotating time period approved by the ~~IMS~~ IT director.

Sec. 62-305. - Advance approval.

All overtime must be authorized in advance by the department head **or department head's designee.**

DIVISION 3. – LEAVES

Subdivision II. - Vacation

Sec. 62-396. - Authorized.

Commencing with the first month of employment a regular full-time employee holding a position recognized in chapter 2, section 231 (city council appointments), chapter 62, section 166 (probationary public works) or chapter 62, section 194 (administrative, office, technical and management) will begin to accrue vacation leave at a rate of five-sixths regular working days or working shifts per month of continued employment. On the seventh anniversary date, the accrual rate for the basic workweek will increase to 1¼ days per month. On the fifteenth anniversary date, the rate will increase to 1½ days per month. Vacation leave may be accrued, based on the employee's average normal workweek, to a maximum of 30 workdays. With the exception of city council appointments under chapter 2 section 231, where the city manager determines it to be in the city's interest to do so, he may authorize other specific vacation leave provisions for a regular full-time employee at the time of employment of such employee. Any such other specific vacation leave provisions

authorized by the city manager shall be in writing and will not exceed $1\frac{2}{3}$ days per month accrual. **A day is defined in Sec. 62-421. below.**

Subdivision III. - Sick Leave.

Sec. 62-421. - Authorized.

- (a) Sick leave accrual. After completion of six months of continuous service **or twelve months for firefighters or police officers**, a regular full-time employee shall be eligible for sick leave pay. **As defined below**, sick leave shall be accrued at the rate of one day per month, commencing with the first month of employment **awarded initially lump sum after completion of the period of continuous service**. Sick leave may be accumulated ~~to a total maximum amount of 36 workweeks 180 days effective July 1, 2004,~~ based on the following schedule:

40.0-Hour Workweek = 8-hour day

Years of Service	Accumulation
Up to 20	960 hours 120 days
21	1,056 hours 132 days
22	1,152 hours 144 days
23	1,248 hours 156 days
24	1,344 hours 168 days
25	1,440 hours 180 days

40.0-Hour Workweek = 10-hour day for sworn Police

Years of Service	Accumulation
Up to 20	1,200 hours
21	1,320 hours
22	1,440 hours
23	1,560 hours
24	1,680 hours
25	1,800 hours

37.5-Hour Workweek = 7.5 hour day

Years of Service	Accumulation
Up to 20	900 hours 120 days
21	990 hours 132 days
22	1,080 hours 144 days
23	1,170 hours 156 days
24	1,260 hours 168 days
25	1,350 hours 180 days

38-Hour Workweek = 7.6 hour day

Years of Service	Accumulation
Up to 20	912.0 hours 120 days
21	1,003.2 hours 132 days
22	1,094.4 hours 144 days
23	1,185.6 hours 156 days
24	1,276.8 hours 168 days

25	1,368.0 hours	180 days
----	---------------	---------------------

42-Hour Workweek = **8.4 hour day**

Years of Service	Accumulation	
Up to 20	1,008.0 hours	120 days
21	1,108.8 hours	132 days
22	1,209.6 hours	144 days
23	1,310.4 hours	156 days
24	1,411.2 hours	168 days
25	1,512.0 hours	180 days

Up to one workweek (37.5, 38, 40, or 42 hours, according to department or division) of sick leave may be transferred to vacation leave, provided the employee has an accumulation of not less than 24 days of sick leave after the transfer and, further, provided that any sick leave used for sickness in the previous 12 months will be deducted from the hours available for transfer. Fifty percent of the value of accumulated sick leave, in straight-time wages, will be paid to an employee upon retirement ~~under Chapter 62, Article V, Division 3, Subdivision III, Sec. 62-421. of the City Code.~~ For the purposes of this section, “retirement” as used in the preceding sentence shall mean leaving the service of the city and being eligible to draw a retirement allowance under the New Hampshire Retirement System; **being at least age 60 and leaving the service of the City after completing at least 10 years of continuous service;** or leaving the service of the city after having completed **at least 20 years of continuous service.**

Sec. 62-422. - Use of sick leave.

On prior approval of the department head, **accrued** sick leave may be used by any regular full-time employee who successfully has completed six months of continuous employment. It may be used when the employee is ~~ill~~ **unable to perform work duties due to illness or disability, including pregnancy;** to ~~enable him~~ **meet medical, dental or other care provider appointments to take physical examinations, or for other sickness prevention needs for the employee or immediate family members, as defined below;** ~~It also may be used when the employee has been exposed to a contagious disease of such a nature that presence at work could endanger the health of others; to care for the employee’s injured or ill minor child, including stepchildren or foster children, for such reasonable period as attendance with the child may be necessary; or when there is serious illness or death in your immediate family; for the birth of a son or daughter, the placement of a son or daughter with the employee for adoption or foster care, and bonding with the newborn or newly placed child—so long as it occurs no later than eighteen (18) weeks following the birth or the placement.~~ Immediate family is defined as spouse, child, stepchild, parent, stepparent, brother, sister, father-in-law, mother-in-law, grandparent, or relative living in the employee’s household.

The employee must notify ~~his~~ **the** department head or the department head’s designee within one hour of the starting work time of any illness or injury which will prevent ~~him~~ **the employee** from reporting for work. The department head will decide whether or not to accept the absence as justified sick leave and to sign off on same to the payroll administrator. The department head or the human resources director may require a doctor’s certificate or other proof of sickness, accident, or appointment(s) before payment of sick leave is authorized.

Sec. 62-424. - Injury leave.

(b) If an on-the-job injury occurs, the city will pay injury leave to eligible employees for such period of disability absence, the employee’s regular pay. Payment will be made up to a maximum of seven calendar days for such period during which insurance payments are not made under worker’s compensation insurance. Beyond the maximum seven-day period for which injury leave may be extended, the employee may be paid, after receipt by the city of satisfactory evidence of disability from a physician, from any accumulated sick leave the employee may have until worker’s compensation payments begin. **Upon commencing worker’s compensation payments, employees may request to supplement those payments through use of accrued Sick Leave to maintain their regular base pay. In accordance with NHRS requirements, such use of accrued sick leave may fund no more than forty (40%) percent of regular weekly base pay.** If worker’s compensation coverage is later denied on the grounds that

the injury was not job related, the city shall be reimbursed by the employee for any injury leave payment made to the employee or the city may charge the injury leave time extended to the employee's accumulated sick leave to the extent it is available. If a worker's compensation coverage is awarded retroactively or if a settlement of a worker's compensation claim is made with the carrier that is intended to cover past salary or wages provided to the employee by the city from injury leave or sick leave, the employee shall reimburse the city for such injury leave or sick leave that later was covered and paid to the employee under worker's compensation insurance. On reimbursement, the city shall credit the employee's sick leave accrual account with the amount of sick leave reimbursed. In no event will an employee be eligible to receive a duplicate regular benefit such as full injury leave or sick leave and full worker's compensation benefits that would provide the employee with more than the employee's regular weekly pay. The city shall have the right during the period of absence to be provided with an initial medical opinion and any existing medical records indicating the condition of the employee at no cost to the city and also shall have the right to require additional medical opinions at its cost.

Sec. 62-426. - Donation of sick leave.

When a regular full-time employee, because of illness or injury, has used up or is about to use up all ~~of his~~ accumulated sick leave, the city manager may **authorize**, where ~~he it is determined~~ that the employee has kept a good attendance record and a good work record, the donation by other interested city employees of sick leave to such employee. The following provisions and restrictions shall be incorporated into any such sick leave donation procedure set up by the city manager, in addition to any other restrictions or requirements ~~he deemed~~ appropriate at the time:

To be eligible to receive sick leave donations,

- (1) The employee must be a regular full-time employee of the City of Keene who successfully has completed 12 month of continuous employment for firefighters and police officers or six months of continuous employment for all other employees.
- (2) ~~He~~ **The employee** must be subject to a medically certified illness, injury, impairment, or physical/mental condition.
- (3) A certified healthcare provider must provide certification for need of the absence.
- (4) ~~He~~ **The employee** must have exhausted all ~~his own~~ available leave balances (sick, vacation, personal, etc.).
- (5) ~~He~~ Cannot be an employee:
 - a. Who normally would not have worked the hours for which ~~he~~ **the employee** is soliciting sick leave donations.
 - b. Who is on an approved leave of absence for other than personal illness or injury.
 - c. Who is on administrative leave or who is suspended from assigned duties without pay.
 - d. Whose employment with the City is terminated.

To be eligible to donate sick leave to another eligible employee,

- (1) The employee must be a full-time regular employee of the City of Keene.
- (2) The employee must have accrued at least **192 hours** ~~24 days~~ of accumulated sick time as of the donation.
- (3) The employee's donation of sick leave is totally voluntary. No employee will be coerced, ~~initiated~~, or financially induced into donating leave.
- (4) The donor cannot be an employee:
 - a. Who is on a leave of absence.
 - b. Who is on administrative leave or who is suspended from assigned duties without pay.
 - c. Whose employment with the city is terminated.

Subdivision V. - Personal Leave.

Sec. 62-476. - Personal leave.

Regular full-time employees shall receive one personal leave day, **as defined by Sec. 62-421 above**, for each quarterly period of a calendar year (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) during which they have perfect attendance, beginning with their first day of employment. New hires with perfect attendance shall receive a prorated award considering attendance from date of hire to the end of a quarter. After the first six months of employment, the term "perfect attendance" shall mean no use of sick leave. Balances of any such earned personal leave must be taken prior to June 30 or December 31, or it will be lost. Such earned personal leave may be taken when approved in advance by the department head. ~~The use of such personal leave will not be charged to accumulated sick leave, and such earned personal leave will not count toward the maximum vacation accumulation of 30 days.~~

Subdivision VIII. - Bereavement/Funeral Leave.

Sec. 62-541. - Funeral leave authorized.

~~After successful completion of either 12 months of continuous service for firefighters and police officers or six months of continuous employment for all other eligible employees,~~ Regular Full-time employees are authorized up to three days' funeral leave with pay for a death in the employee's immediate family. Immediate family is defined as spouse, child, stepchild, parent, stepparent, brother, sister, father-in-law, mother-in-law, grandparent, grandchild or relative living in the employee's household. Funeral leave for persons outside the immediate family may be approved by the department head, and such leave shall be charged to accumulated vacation, personal, or compensatory leave.

Subdivision IX. - Military Leave.

Sec. 62-561. - Military leave authorized.

- (a) ~~If A~~ regular full-time employee receivesing orders to report for military duty, ~~he~~ should let ~~the his~~ supervisor know at once. The employee will be afforded all privileges required by law.
- (c) Reservists or National Guard members who are activated and remain on "active duty" by the military are covered by the following:
 - (2) To a maximum of \$12,000.00, per year, the city shall:
 - a. Continue to pay the activated reservist or guard member any differential between ~~his~~ current city salary and ~~his~~ military pay, including the basic allowance for housing and basic allowance for subsistence.

Subdivision X. - Absence Without Leave

Sec. 62-581. - Prohibited.

No employee may be absent from duty without the permission of the ~~his~~ supervisor or department head. Any employee who is absenting himself without the permission of ~~the his~~ supervisor may be subject to disciplinary action for the first offense and may be discharged from the city for the second offense. After three consecutive days of absence without leave, the city manager may declare the position vacant, and the employee automatically waives all rights to ~~the his~~ position and all rights to applicable ~~his~~ benefits thereafter.

Subdivision XI. - Crime Victim Leave.

Sec. 62-582. - Authorized.

~~Employees who are victims of certain crimes will be permitted to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime in accordance with the New Hampshire Crime-Victim Employment Leave Act of 2005, RSA 275:61. The purpose of crime victim leave is to assist employees to balance their work and family lives by taking reasonable leave to meet outside personal and family obligations.~~

Sec. 62-583. -- Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:-~~

~~Crime means "an offense designated by law as a felony or a misdemeanor."~~

~~Employee means every full-time, part-time, or contract employee on the City of Keene's payroll.~~

~~Immediate family of any victim who is a minor, who is incompetent, or who is the victim of a homicide means the "father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim."~~

~~Victim means "any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. Victim also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim."~~

Sec. 62-583.1 -- Right to leave work/limitations on leave.

~~If you are a victim of a crime you may take leave to attend court or other legal or investigative proceedings associated with the prosecution of the crime. The city will not discharge you for exercising your right to leave work under this policy, and you will not lose seniority while absent from under this leave policy. The city may limit this leave, however, if it would create an undue hardship to the organization. Undue hardship means "a significant difficulty and expense," considering the size of the department, the employee's position and role within the organization, and the city's need for the employee.~~

Sec. 62-584. -- Notice.

~~Before you may take leave under this policy, you must provide your department head with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to you by the court or agency responsible for providing notice.~~

~~You should provide as much notice as possible regarding the need for this leave. When the need for crime victim leave is not foreseeable, give verbal notice to your supervisor as soon as practicable under the facts and circumstances of the particular case. It is expected that you will give such notice within no more than one or two days of learning of the need for leave, except in extraordinary circumstances when such notice is not feasible.~~

~~Sec. 62-585. -- Paid and unpaid leave.~~

~~The city requires the substitution of accrued paid leave for unpaid leave. Accordingly, all eligible employees who take crime victim leave will use all accrued paid vacation or personal leave or compensatory time before taking unpaid leave under this policy. Sick Leave may be used only in accordance with the city's sick leave policy. The city will limit the shortest leave period to one hour.~~

~~Sec. 62-586. -- Confidentiality.~~

~~The city will maintain the confidentiality of any written documents or records you submit relative to your request to leave work under this leave policy.~~

~~Sec. 62-587. -- Discrimination prohibited.~~

~~The city will not discharge, threaten, or otherwise discriminate against you regarding the compensation, terms, conditions, location, or privileges of your employment because you exercised your right to leave work as provided under this policy.~~

~~Sec. 62-588. -- Other employment and overtime.~~

~~If a scheduling conflict occurs, priority must be given to the efficient operations of the city and to your department, wherever possible, as opposed to those of the second employer, when scheduling *Crime Victim Leave*.~~

The City will grant Crime Victim Leave in accordance with state law if an employee or applicable member of the employee's family becomes a victim of applicable crimes. Before taking leave, the employee must provide the department head with a copy of the notice of each scheduled hearing, conference, or meeting that is provided by the court or responsible agency. As much notice as possible regarding the need for this leave should be provided to the department head. The City may limit this leave if it would create an undue hardship to the organization.

The City requires the substitution of accrued paid leave for unpaid leave for this purpose. Sick Leave may be used only in accordance with the City's Sick Leave policy.

Subdivision XII. - State of Emergency Leave.

Sec. 62-592. - Authorized.

~~Eligible employees who are called into service after the State of New Hampshire has declared a state of emergency are permitted to take a leave of absence without pay from their employment with the City of Keene, unless certified as essential to the City of Keene's own emergency relief efforts. This state of emergency leave is in accordance with RSA 275:66, state of emergency leave.~~

~~Sec. 62-593. -- Definitions.~~

~~The following definitions govern this policy:~~

~~A state of emergency exists "when the governor or the general court declares a state of emergency under RSA 4:45."~~

~~Eligible employee means a member of a fire department, rescue squad, or emergency medical services agency who is called into service of the state or a political subdivision.~~

~~Sec. 62-594. -- Right to leave work/limitations on leave.~~

~~Eligible employees, as defined above, will have the right to take leave without pay from the City of Keene to respond to the emergency.~~

~~The city may limit this leave, however, if it certifies to the director of emergency services, communications, and management or to the head of the local emergency management agency that the employee is essential to the city's own emergency or disaster relief activities. Such certification would exempt eligible employees from this service to the state or to a political subdivision.~~

~~Sec. 62-595. -- Paid and unpaid leave.~~

~~The city will not require an employee to use accrued paid leave for the period of emergency service. However, the employee may choose to take any paid leave other than sick for the period of emergency service.~~

~~Sec. 62-596. -- Notice.~~

~~Before an employee may take state of emergency leave, he must ensure that the department head has been provided with a copy of the written notice from the director of emergency services, communications, and management or by the head of a local organization for emergency management (as established under RSA 21 P:39). If the employee belongs only to the Keene Fire Department, notice will have been provided to the Keene Fire Chief. If the employee is a member of another~~

~~fire department, rescue squad, or emergency medical services agency, written notice will have been provided to the head of that agency. A copy must be provided to the department head with as much notice as possible regarding the need for this leave. When the need for state of emergency leave is not foreseeable, at least verbal notice must be given to the supervisor as soon as practicable under the facts and circumstances of the particular case.~~

~~Sec. 62-597. -- Discrimination prohibited.~~

~~The city will not discharge, threaten, or otherwise discriminate against any employee regarding the compensation, terms, conditions, location, or privileges of employment because the employee exercised the right to leave work under this policy, and the employee will not lose seniority while absent from under this leave policy.~~

The City will grant leave without pay in accordance with state law to eligible employees called into service after the State of New Hampshire has declared a state of emergency unless those employees are certified as essential to the City of Keene's own emergency relief efforts. Before taking leave, the employee must provide the department head with a copy of the notice from the director of emergency services, communications, and management or by the head of a local organization for emergency management. As much notice as possible regarding the need for this leave should be provided to the department head.

Employees may elect to use eligible accrued paid leave for the period of emergency service.

Sec. 62-598. - Earned time.

~~Employees classified as having regular employment will receive leave defined as *earned time*. *Earned time* may be used for any purpose, including sickness, vacation, bereavement, holiday, or personal time as approved by the employee's supervisor.~~

- ~~(1) All eligible employees will receive *earned time* based on the following criteria:
 - ~~a. The employee must have received a satisfactory performance evaluation.~~
 - ~~b. The part time position that the employee holds must be an authorized position listed on the non-union administrative, office, technical and management class allocation and pay schedule or other authorized pay schedule.~~
 - ~~c. In calculating the *earned time*, hours worked in excess of those regularly scheduled are not included.~~~~
- ~~(2) Qualified part time regular employees will receive *earned time* as follows:
 - ~~a. *Earned time* may be accumulated from year to year to a maximum of 20 days and will be accumulated based on the employee's length of service as follows:
 - ~~1. Between zero and 12 months of service No *earned time*.~~
 - ~~2. Between 12 and 59 months of continuous service Ten days of pro-rated *time*.~~
 - ~~3. After at least 60 months of continuous service 15 days of pro-rated *time*.~~
 - ~~4. If declining health insurance and proving coverage elsewhere One additional week of pro-rated *time*.~~~~~~
- ~~(3) Nonqualified part time regular employees will receive *earned time* as follows:
 - ~~a. *Earned time* may not be accumulated from year to year; *earned time* not used within the calendar year *earned* will be forfeited.~~
 - ~~b. *Earned time* will be accumulated based on the employee's length of service as follows:
 - ~~1. Between zero and 24 months of continuous service No *earned time*.~~
 - ~~2. After at least two months of continuous service The number of hours equivalent to one standard workweek for, up to a maximum of 29 hours.~~~~~~
- ~~(4) Employees not classified as having regular employment are not eligible for *earned time*.~~

Employees classified as having regular employment will receive leave defined as earned time. Earned time may be used for any purpose, including sickness, vacation, bereavement, holiday, or personal time as approved by the employee's supervisor.

(a) All eligible employees will receive earned time based on the following criteria:

- (1) The part-time position that the employee holds must be an authorized position listed on the *non-union administrative, office, technical and management class allocation schedule* that has approximately the same number of scheduled hours each week and is intended to continue into the foreseeable future.**
- (2) In calculating the earned time, if an employee has hours worked in another employment status such as seasonal or contract, those hours are not included.**

- a. **Qualified regular part-time employees, subject to an authorized schedule of 30-34 hours, will receive earned time as follows:**
 1. **Commencing with the first month of employment and through forty-eight (48) months of continuous service—accrued weekly at a rate equivalent to two average workweeks for the employee.**
 2. **After forty-eight (48) months of qualified part-time continuous service — Accrued weekly at a rate equivalent to three average workweeks for the employee.**
 3. **A regular qualified part-time employee or Affordable Care Act (ACA) eligible contract employee (as defined in Sec. 62-92(b)) who declines health insurance and proves qualifying coverage elsewhere, the equivalent of one additional average workweek of pro-rated time awarded lump sum considering special or open enrollment timelines.**
 4. **Earned time may be accumulated from year to year to a maximum of 160 hours.**
- b. **Regular part-time employees, subject to an authorized schedule of less than 30 hours weekly, will receive earned time as follows:**
 1. **Between 0 and 12 months of continuous service — No earned time.**
 2. **Commencing after the twelfth (12) month of continuous service — Accrued weekly at a rate equivalent to one average workweek for the employee, up to a maximum of 30 hours.**
 3. **Earned time may be accumulated from year to year to a maximum of 60 hours.**
- c. **Employees not classified as having regular employment, excluding ACA eligible contract employees, are not eligible for earned time.**

DIVISION 4. – BENEFITS.

Sec. 62-611. - Insurances.

- (a) **Medical insurance for non-bargaining unit employees:**
 - (1) **The city will, for all non-bargaining unit regular full-time employees, pay ~~95~~ 92 percent of the cost of option I of the medical plan premium that the city makes available to employees as of July 1, ~~2020~~, 2022; pay ~~94~~ 91 percent as of July 1, 2024, 2025; and pay ~~92~~ 90 percent as of January 1, ~~2022~~ 2026; and pay 89 percent as of July 1, 2026.** In the event that the city's percentage of the cost of option I exceeds 100 percent of the cost of any other option offered by the city, no monies will be due the employee.
 - (2) **If an employee's spouse is also a regular full-time employee of the city, the city will offer one two-person medical plan or one family medical plan, as appropriate, so that each employee and his family members, if any, receives the same coverage but not greater coverage than other employees receive.**
- (b) **Dental insurance.** The city shall make available for all regular full-time employees a dental insurance plan. The plan shall be contributory at \$1.00 per year. Participants shall have the right to opt out of coverage. If an employee's spouse is also a regular full-time employee of the city, the city will offer one two-person dental plan or one family dental plan, as appropriate, so that each employee and his family members, if any, receives the same coverage but not greater coverage than other employees receive.
- (c) **Employee death and dismemberment benefit.**
 - (1) **The city shall provide a death and an accidental dismemberment benefit for each regular full-time employee once his eligibility is established. The benefit providing for a payment in a maximum amount of one times the employee's annual base pay (base pay to exclude overtime, bonus incentives, shift differential, or other compensation of this nature) for each loss, as prescribed in written guidelines for the eligibility and administration of the benefit, which may be amended from time to time. This benefit may be provided through term life insurance, or otherwise, at the election of the city.**
- (d) **Employee long-term disability insurance benefit.** The city shall provide a long-term disability benefit for each regular, full-time employee once his eligibility is established. The benefit provides for a payment of a portion of monthly earnings up to a specified maximum for each disability, as prescribed in written guidelines for the eligibility and administration of the benefit, which may be amended from time to time. This benefit may be provided through a disability insurance policy, or otherwise, at the election of the city.
- (e) **Insurances for qualified part-time employees:**
 - (1) **In accordance with the Affordable Care Act, qualified part-time employees will be offered coverage under the city's group health insurance plan. The cost to each eligible part-time employee electing coverage will be seven percent of the employee's wages up to a maximum of 40 percent of the premium cost for individual coverage.**

If the qualified part-time employee chooses to insure any legal dependents, the employee must pay 100 percent of the dependent coverage in addition to the share of the individual coverage. The premium amount calculated at enrollment will be in effect for the remainder of the plan year unless the employee's pay rate changes, in which case an adjustment may be made accordingly but not to exceed the maximum dollar contribution allowed by law or by applicable federal or state regulation.

- (2) Qualified part-time employees will be offered coverage under the city's group dental insurance plan. The cost to each eligible part-time employee electing coverage will be 50 percent of the premium cost for individual coverage. ~~If the~~ A qualified part-time employee chooses ~~ing~~ to insure any legal dependents, ~~he~~ must pay 100 percent of the dependent coverage in addition to the share of the individual coverage.

Sec. 62-612. - Tuition assistance plan.

The ~~purpose of the~~ Tuition Assistance Program is ~~provided twofold to provide support financially for the development of the employee's knowledge and skills and knowledge that will be of direct benefit to the City's business results and service excellence, as well as and to further encourage you to further your self-development, both of which will be of direct benefit to the City's effective business operations. This self-development, by means of financial assistance for education undertaken while carrying on your regular work, can assist the employee in for your current role assignments and can help you prepare for higher-level positions by means of financial assistance for education undertaken while carrying on your regular work.~~ Guidelines are as follows:

- (1) ~~You~~ **The employee** may apply for tuition assistance after successful completion of twelve (12) months of continuous regular full-time ~~regular~~ employment. **"Successful completion" means earning a minimum grade equivalent to a "C" for an undergraduate course and a minimum grade equivalent to a "B" for graduate-level courses.**
- (2) ~~(3)~~ To qualify for tuition assistance, the course(s) taken must:
 - Relate to one of the following: to improve ~~your~~ **employee** skills or to update technical knowledge required for ~~you're the~~ current position; **or for to preparation you** for changes in duty requirements. ~~Courses cannot be taken for recreational or miscellaneous reasons — They must be related to your job requirements.~~
 - Be required for the completion of a high school diploma;
 - Be required for the completion of an appropriate college degree;
 - Be a continuing education class in ~~you're the~~ **employee's** career field; or
 - Be a review course leading to qualifying examinations where, in the opinion of the department, your job requires the maintenance of the professional licenses **or certification** obtained by these examinations.
- (3) ~~(2)~~ The school, college or university or the business, trade or ~~online correspondence~~ school offering the course(s) **or program** must be accredited by the state, ~~or by an~~ **city-recognized professional** accrediting organization, or ~~recognized~~ by the U.S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965, as amended (HEA).
- (4) All courses are subject to the prior approval of ~~you're the~~ department head, the human resources director, and the city manager. For degree programs, the major must be in a field of direct value to the city. Because a degree program represents a significant expenditure by the city and substantial effort on ~~you're the employee's~~ part, ~~you the employee~~ must complete and submit the pre-approval section of the tuition assistance request form prior to enrolling in a course before ~~you~~ starting a degree program and submit it for approval.
- (5) ~~Costs are charged to your department.~~ For budgeting purposes, ~~you the employee~~ must inform ~~you're the~~ department head in writing by ~~each year's no later than February 1 deadline each year~~ of any planned request for assistance under this ~~plan program~~, along with an estimate of costs, so ~~you're the city department~~ reasonably can plan for it in the ensuing budget year. If ~~you the employee~~ does not comply with this requirement, ~~you the employee~~ may be denied assistance under the ~~plan program~~. **Application may be made by completing a Tuition Assistance Request, available through the Human Resources Department.**
- (6) The only costs covered under the tuition assistance program are tuition and books. Any other fees or expenses are not covered.

- (7) ~~The City's A~~ portion of the tuition and books may be either reimbursed by the City after successful completion of the course ~~or paid in advance at the time of enrollment~~. **Successful completion is defined in guideline 1 above.**
- (9) (8) ~~Employees may enroll in a maximum of two courses in an academic term. The Ceourses being taken concurrently by an employee must not interfere with effective job performance.~~
- (8) (9) The city **may** loan in advance, or ~~will~~ provide reimbursement **in the form of a loan** at successful completion of the course, **as defined in guideline 1**, ~~(a portion of up to three quarters ($\frac{3}{4}$))~~ of the current tuition rate **and/or book costs** for courses at any accredited institution) **as authorized by the operating budget and** if approved in advance by the City Manager. Expenses must be validated by receipts or invoices. ~~Once you successfully have completed the course~~ **has been completed successfully, you the employee** must re-submit the tuition assistance request **loan/reimbursement form within 30 days of completion of the course** ~~must be resubmitted~~ to the human resources director, **and attaching an original grade report as evidence of the your passing grade.** In no case may the combination of assistance under a federal, state, or other student **or veteran** aid program and the city's tuition assistance total more than 100 percent of ~~your~~ **tuition and/or book costs.**
- (10) ~~———— The City also will loan in advance, or provide reimbursement at successful completion, (a portion of up to three quarters ($\frac{3}{4}$) of book costs) (not including any shipping fees) for any approved course. Expenses must be validated by receipts or invoices. If book costs have been paid on your behalf up front and the course is not completed successfully, you must repay the book loan. Successful completion means earning a minimum grade of "C" for an under-graduate course and a minimum grade of "B" for graduate level courses. If you do not meet these minimum grade requirements, you must repay the entire loan. To provide evidence of successful course completion, you must submit an original grade report. Failure to do so will require full refund to the city of all monies received for the semester in question. If book costs have been paid on your behalf up front and the course is not completed successfully (as defined above), you must repay the book loan. In no case may the combination of assistance under a federal, state, or other student aid program and the city's tuition assistance total more than 100 percent of your book costs.~~
- (104) ~~Whether paid in advance or reimbursed after successful completion of the course,~~ Reimbursement benefits under the tuition assistance program ~~further~~ are considered a loan in that, for each course supported in part by the city, **you the employee** must repay the city with time by agreeing to remain with the city for at least six (6) months after completion of each course, on a non-overlapping basis. Successful completion of the above-mentioned six-month period will constitute repayment of the city loan for one course.
- (112) Courses must begin and end while ~~you are~~ in active employment status. If you leave city employment or are dismissed within six months after completing a course and your tuition assistance was paid in advance, you must repay the city's portion of the loan or the pro-rated portion of the loan that has not been repaid for the employment-time requirements mentioned above. If your tuition assistance was to be reimbursed at the end of successful completion of your course(s), you are not eligible for reimbursement. Employees who are laid off or who are terminated because of a reduction in force will receive refunds following successful completion of an approved course that commenced while ~~you were~~ in active status.
- (123) ~~You~~ **Employees** should enroll in courses offered at times that will not hinder ~~you're~~ **their** ability to work ~~your~~ **their** regularly scheduled hours. If this is impossible, ~~you~~ **they** may wish to apply for education leave. To be eligible for the use of the tuition assistance program, ~~you're~~ **their** overall job performance must meet the expectations of ~~your~~ **the** supervisor and department management.
- (134) Refunds made under this plan may be considered taxable income **and employees are responsible to pay their share of the federal income tax.** Employees should retain adequate records to support the claim of a deduction they may make on their personal income tax returns for any unreimbursed or reimbursed portions. **Employees** ~~You~~ may wish to consult **their** ~~your~~ own tax accountant or attorney regarding this benefit.
- (145) While completion of courses may improve ~~you're~~ **the employee's** qualifications, it should not be construed as a guarantee of any future action on the part of the city.

(156) Any certificate(s) and/or degree(s) forwarded to Human Resources for the employee's personnel file will document efforts to improve the quality of job performance.

Sec. 62-613. - Pension and retirement for regular full-time employees.

The city hereby accepts the provisions of the state retirement system subject to the following restrictions:

- (5) All employees are eligible, without city participation, to join ~~a one of the following Section 457 Deferred Compensation Plans, with which the City is affiliated, an eligible deferred compensation plan as governed by Section 457(b) of the Internal Revenue Code. I.C.M.A.R.C., Nationwide Retirement Solutions, State of New Hampshire Public Employees Deferred Compensation Plan, and Valic Financial. All of the Any such plans is are~~ fully employee funded and are of no cost to the City of Keene.


Sec. 62-615. - Liability, insurance and indemnification of city officers and employees.

~~The city shall indemnify and save harmless from loss or damage occurring after the effective date of the ordinance from which this section derives each and every current or former city officer, official and employee, whether elected, appointed or retained, excluding independent contractors and any other parties determined by the city council not to be a city officer, official or employee of the city, in accordance with state statutes, provided that the city council shall have first determined that at the time of the accident resulting in the injury, damage or destruction at issue the officer, official or employee of the city was acting as such in good faith and within the scope of his employment or office. Further, any city officer, official or employee requesting indemnification and to be saved harmless for loss or damage pursuant to this section shall notify the city by filing with the city clerk his request and the reason or basis therefor within 14 days of the date upon which he knows or should have known of such claim, or the city may decline to indemnify or save him harmless therefor. Any legal fees, costs or other expenses incurred by the officer, official or employee prior to his request having been filed and granted by the city council shall be borne by the officer, official or employee, unless the city council shall agree to be responsible therefor. Nothing in this section shall be deemed or construed to limit, diminish or otherwise affect the benefits of a contract of insurance providing for the defense and payment of claims affecting a city officer, official or employee which may otherwise be recognized under this section, nor shall this section constitute a collateral source for the payment of any such claim or a covenant to reimburse, or a promise upon which reimbursement can be founded, to any insurance company defending, settling, or paying any such claim pursuant to a contract of insurance, but shall operate in the fashion of excess coverage thereto.~~

The City shall indemnify and save harmless all city officers, officials and employees through the purchase of comprehensive liability insurance coverage to protect from loss or damage to property, liability, and employment claims incurred while acting within the scope of official duties in accordance with New Hampshire state law.

In City Council December 5, 2024.
Referred to the Finance, Organization and
Personnel Committee.


City Clerk

A true copy;
Attest: 

PASSED: December 19, 2024

City Clerk



Jay V. Kahn, Mayor