



**City of Biddeford**  
**Personnel Committee**  
December 17, 2024 at 4:00 PM  
City Hall Council Chambers

Join from PC, Mac, iPad, or Android:  
<https://biddeford.zoom.us/j/96436367792?pwd=qAyueHLyIaxFpaW1KjaeHrPuza fPKv.1>  
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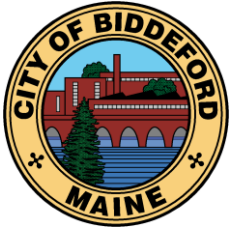
1. Call to Order
2. Approval of Minutes
  - 2.a November 19 2024 Personnel Committee Meeting Minutes
3. Discussion
  - 3.a Employee Development Plans & Referral Bonus Policies
  - 3.a Employee Development Plans & Referral Bonus Policy Brief
  - 3.a Referral Bonus Policy (with edits)
  - 3.a Employee Development Plans Policy (with edits)
  - 3.b Maine Paid Family Medical Leave (PFML)
  - 3.b Maine Paid Family Medical Leave (PFML) Brief
  - 3.b Maine Paid Family Medical Leave (PFML) Act Policy
  - 3.c Vacation & Sick Time Donation Policy

3.c Vacation & Sick Time Donation Policy Brief

3.c Vacation & Sick Time Donation Policy (with edits)

4. Other Business

5. Adjourn



# PERSONNEL COMMITTEE MEETING

November 19<sup>th</sup>, 2024

Council Chambers

4 PM

Meeting Minutes

## ITEM 1 Call to Order

Chair Councilor William Emheiser called the meeting to order at 4:00PM with Councilors Norman Belanger present in person and Scott Whiting present via zoom. Also present were Diana DePaolo (Director of Human Resources), Shelly Gibson (Deputy Director of Human Resources), and Daniel Hammond (Safety & Training Coordinator).

## ITEM 2 Approval of Minutes

Councilor Belanger made a motion to approve the minutes from October 15, 2024. Councilor Whiting seconded the motion. The motion was approved unanimously.

## ITEM 3 Discussion

### 3.a PMFL (Paid Maine Family Leave)

Diana DePaolo gave an overview of what leave currently looks like for the City. Councilor Emheiser asked for clarification about how much money had been allocated into the budget for this upcoming change. It was explained that final rules and guidelines for this policy at the state level will come out in January 2025. Because nearly all Collective Bargaining Agreements are not dated for renegotiation until after this program begins, the City will still owe for all union employees (Fire Department and Police Department contracts are set to be renegotiated in June 2025 and the Non-Supervisory Public Works' CBA is not dated to be renegotiated until June 2026).

Councilor Belanger made a recommendation to have the Council approve the upcoming PMFL change given the financial implications, with the Personnel Committee recommending the City pay the full 1% through June 30<sup>th</sup>, 2025, for all employees. Then, as of July 1<sup>st</sup>, 2025, the City will pay .05% for all nonunion employees and work to negotiate the same with all of the upcoming renegotiations of CBA's.

## ITEM 4 Other Business

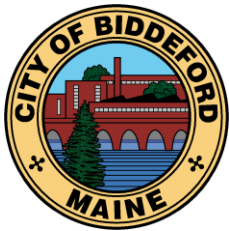
## ITEM 5 Adjourn

Councilor Whiting made a motion to adjourn at 4:34 PM; seconded by Councilor Belanger; motion passes unanimously.

### Personnel Committee Members:

Councilor William Emhiser, Chair  
Councilor Norman Belanger

Councilor Doris Ortiz  
Councilor Scott Whiting



# CITY OF BIDDEFORD

205 Main St.  
P.O. Box 586  
Biddeford, Maine 04005

## PERSONNEL COMMITTEE

**Meeting Date:** Tuesday, December 17<sup>th</sup>, 2024

**Meeting Time:** 4:00PM

**Agenda Item No:** 3.a

**Item Description:** Employee Development Plans & Referral Bonus Policy – Updated Language

**Submitted by:** Shelly Gibson, Deputy Director of Human Resources

### Supporting Information/Documentation:

Both sets of attached nonunion policy edits are updated language based on previous policy and process approvals and implementation (for both the employee referral bonus policy and employee development plans, respectively).

### Key Terms:

N/A

### Executive Summary:

These updates reflect current practice for each policy and process.

### Detailed Review:

Employee Development Plans replaced Performance Reviews in 2023, for all nonunion employees. This practice is consistent with a growth-mindset approach that involves the employee throughout the year and is reciprocal between the supervisor and supervisee. The older performance reviews were one-sided and conducted annually by the supervisor for the staff member.

The Employee Referral Bonus policy was instituted in 2023 and has been used consistently throughout the hiring process to improve retention and build a strong pool of candidates and, ultimately, new hires. The updated process streamlines how candidates are referred and how each person is entered into the program (i.e. it removes additional barriers to how they indicate they are referring someone and/or being referred).

### Funding Source:

N/A

### Staff Recommendation:

Staff recommend the proposed edits.

Employees receiving substandard ratings will be re-evaluated within three (3) months to document the particulars of progress in deficient categories unless the rating has resulted in transfer, demotion or termination. If the employee's performance in the deficient categories has improved to at least a satisfactory rating, while maintaining acceptable performance in other performance categories, the department head may recommend the implementation of any merit or performance pay increase otherwise due, and/or restoration of promotional considerations.

## STUDENT LOAN REPAYMENT

Effective July 1, 2019, as an incentive to have Biddeford be an employer of choice, the City will offer a limited student loan repayment program.

1. All employees are eligible for up to 5 years of student loan repayment incentive. Each employee is allowed only one 5-year incentive during their career. Upon notification by the employee to the City and proper documentation to demonstrate compliance with the requirements, the City will make monthly payments in the form of a nontaxable educational reimbursement to the employee for 60 consecutive months. The payments shall not exceed \$100.00, even if the monthly amount due exceeds that amount. If the loan is paid off prior to the 60 months, the payments will terminate.
2. Any employee elected to receive this benefit pledges at least 10 years of service to the community. If the employee leaves prior to the conclusion of their tenth year, the employee shall pay back to the City 10% of the funds paid by the City for each complete year (or part thereof) that employee did not meet the 10-year requirement. For illustration only, if an employee worked 7.5 years for the city, they would owe 20% ( $10 - 8 = 2 \times 10\% = 20\%$ ) of the funds paid on their behalf. The City is explicitly authorized to collect those funds upon notice by the employee of separation via the remaining pay unless the employee has otherwise covered the cost.

## EMPLOYEE REFERRAL BONUS PROGRAM

As of July 1, 2023, the City implemented a Referral Bonus Program on a trial basis through July 1, 2025. [This policy is designed to assist with both recruitment and retention efforts at a time when the employment market is extremely competitive.](#) Any current employee who refers an individual to apply for an open position, who is then hired by the City for full-time, regular employment, will be paid out a referral bonus. The bonus will be broken into the following payments, all subject to taxes:

1. When the referred employee passes their 6-month probation, the employee who referred them will receive \$500.
2. When the referred employee has worked 12 months, the employee who referred them will receive \$500.
3. When the referred employee has worked 24, months the employee who referred them will receive \$1000.
4. If either individual, the employee making the referral or the one who was referred, is not currently working for the City, then the bonus will not be paid out.

To receive this Employee Referral Bonus, you should email the Director of Human Resources, stating that you are referring an individual to work for the City. It must state their full name and department; this email must be sent [when they apply for the position and prior to interviews prior to the hire date of the candidate.](#)

Alternatively, the employee can inform their department head who will then include this information on the paperwork to onboard the employee which is sent to Human Resources.

Although documentation is not required prior to the interview or hire, we strongly encourage employees who are referring individuals they believe will be excellent employees and excel in their role to let someone from the hiring team know that they have made this referral. If the candidate is hired for the position, they will be asked about being referred during onboarding, which is when they will need to confirm this and the payment plan will be set up.

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## EMPLOYEE DEVELOPMENT PLANS

As part of the City's ongoing Preferred Employer strategy, in 2023, the annual performance review was replaced with Employee Development Plans (EDPs). An important part of this process is the employees' opportunity to fill out a survey detailing the growth and learning objectives they are most interested in and their thoughts on the best path in which to get there. Once Supervisors receive the information from their direct reports (via the survey), they create an EDP and then meet with the employee to review it. During that meeting, they document feedback and establish plans to follow up on the items listed and discussed.

Each year, in the spring, the following timeline is rolled out:

1. **Week 1** - Surveys go out electronically to employees
2. **Week 2 (10 days later)** - Surveys must be completed by EOB
3. **Week 3 (4 days later)** - Supervisors receive employee surveys from HR and begin drafting EDPs
4. **Week 5 (14 days later)** - Supervisors begin meeting with employees to review plans. If there are multiple people involved in the supervision of one employee, they should be included in the process of creating and discussing the EDP with the employee.
5. **Week 8 (3.5 weeks later)** - Meetings and plans must be completed and sent to the Deputy Director of HR via email for the employees' files.

## PERFORMANCE EVALUATIONS

~~Annual reports of each employee's performance during the preceding year are to be completed by supervisory personnel and discussed with the department head prior to presentation to the employee. It is the responsibility of the department head to see that evaluations are completed and submitted within the proper time frames. The rating Supervisor will provide the employee with a copy of the evaluation report at the time of discussion with the employee. A completed, signed and dated copy will then be submitted to the City Manager for placement in the employee's personnel file.~~

~~Where rating Supervisors have identified characteristics of an employee's performance needing improvement, the Supervisor should be as specific as possible in describing the deficiency and the ways and means of improving to an acceptable level. Supervisors are therefore entitled to retain a copy of each of their employee's evaluation report for the purpose of follow up to any actions required or for reference in general.~~

### ~~**Discretionary Performance Evaluations**~~

~~When in the opinion of supervisory or management personnel, there arises a marked change in the~~

performance of an employee that is not disciplinary in nature, an unscheduled performance evaluation can be completed in the same manner as an annual evaluation. Typically, discretionary performance reports are completed, reviewed with the employee and placed in the personnel file as a means of formally recognizing the need to correct significant declines in an employee's performance.

### **Review with Employee**

All formal performance evaluations will be thoroughly discussed with the applicable employee to point out both areas of successful performance and areas that need improvement or that are unacceptable. Employees are to be encouraged to comment about their work performance in writing or verbally and to discuss working conditions and offer suggestions for improving department operations.

Employees shall sign the performance report to acknowledge awareness of its contents and discussion with the rating Supervisor. The employee's signature does not necessarily mean that the employee fully agrees with the contents of the report and the employee may so state on the form before signing.

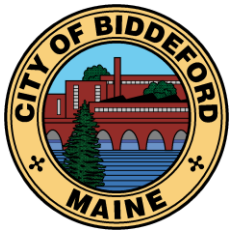
### **Effects of a Substandard Rating**

A substandard rating, as applied to performance evaluations means rating below the rating level of satisfactory. Employees receiving a substandard rating or ratings may have their employment conditions modified in the following manner:

1. Ineligibility for promotional consideration until the deficiency is corrected.
2. Withholding of a merit or performance based wage increase, for which the employee may have been eligible, until deficiency is corrected.
3. Transfer to a comparable position or demotion of an indefinite duration.
4. Termination.

Specific action that may occur as the result of a substandard rating(s) will depend on, but is not limited to such considerations as the weight or significance of the evaluation category compared to the importance of other aspects of job performance and the length of time pertinent job factors have been observed by the rating Supervisor.

Employees receiving substandard ratings will be re-evaluated within three (3) months to document the particulars of progress in deficient categories unless the rating has resulted in transfer, demotion or termination. If the employee's performance in the deficient categories has improved to at least a satisfactory rating, while maintaining acceptable performance in other performance categories, the department head may recommend the implementation of any merit or performance pay increase otherwise due, and/or restoration of promotional considerations.



# CITY OF BIDDEFORD

205 Main St.  
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Biddeford, Maine 04005

## PERSONNEL COMMITTEE

**Meeting Date:** Tuesday, December 17, 2024

**Meeting Time:** 4:00PM

**Agenda Item No:** 3.b

**Item Description:** Maine Paid Family Leave

**Submitted by:** Diana DePaolo, HR Director

**Key Terms:**

N/A

### Executive Summary:

The state of Maine has enacted the Paid Family and Medical Leave act. This is a state law that is required for all state of Maine employers to participate in. A policy should be added to the nonunion handbook for employees to reference if they want an overview or have questions.

### Detailed Review:

The state of Maine has rolled out a program that will begin collecting payroll contributions on January 1st of 2025. It is important that we add information regarding this program and confirm that we are following the new state law. Information that should be made available for employees in our handbook includes eligibility requirements and explanations of contributions. The Council voted to cover the whole mandatory contribution for employees until June 30th of 2025. Prior to that time, this policy will need to be reviewed, and if employees are to make part of the contribution, that will need to be added.

### Staff Recommendation:

Add a policy regarding the PFML Act to the Nonunion Policies.

## **Maine Paid Family and Medical Leave Act Policy**

**Purpose:** The City of Biddeford is committed to supporting employees in balancing their work and personal responsibilities. This policy outlines the City's adherence to the Maine Paid Family and Medical Leave (PFML) Act, providing eligible employees with paid leave for qualifying reasons as established by law.

**Eligibility:** Employees who meet the eligibility criteria under the Maine PFML Act may apply for paid leave directly with the State of Maine. Eligibility details, including employment tenure and qualifying reasons, are determined by the Maine Department of Labor.

**Qualifying Reasons for Leave:** Employees may request paid family and medical leave for purposes outlined in the Act, such as:

1. Caring for a new child (birth, adoption, or foster care placement);
2. Addressing a serious health condition of the employee or a family member; and/or
3. Other qualifying reasons as defined under state law.

**Employer Contributions and Responsibilities:** The City of Biddeford will fulfill all employer responsibilities under the Maine PFML Act, including:

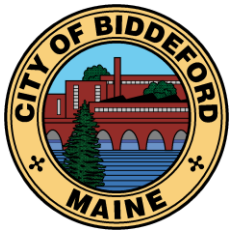
1. Remitting employer and employee contributions to the state-administered Paid Family and Medical Leave Insurance Fund;
2. Providing employees with timely information about their rights and responsibilities under the Act;
3. Maintaining employee benefits, such as health insurance, during approved leave in accordance with the law; and
4. Ensuring job protection as required by the Act, allowing employees to return to the same or an equivalent position following leave.

**Employee Responsibilities:** Employees requesting leave under this policy must:

1. Provide notice to Human Resources as soon as practicable, consistent with the requirements of the Maine PFML Act;
2. Submit required documentation supporting the need for leave, as specified by the Maine Department of Labor; and
3. Coordinate with Human Resources regarding benefit continuation and leave logistics.

**Coordination with Other Leave Policies:** Maine PFML benefits may be used concurrently with federal Family and Medical Leave Act (FMLA) benefits or other applicable City leave policies. Employees must communicate with Human Resources to ensure proper coordination of benefits.

This policy is intended to be in adherence with the PFML Act. Any updates to the Maine PFML Act shall supersede the written policy of the City. Employees are encouraged to contact Human Resources for further details or assistance regarding this policy.



# CITY OF BIDDEFORD

205 Main St.  
P.O. Box 586  
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## PERSONNEL COMMITTEE

**Meeting Date:** Tuesday, December 17, 2024

**Meeting Time:** 4:00PM

**Agenda Item No:** 3.c

**Item Description:** Sick & Vacation Time Donation Program

**Submitted by:** Diana DePaolo, HR Director

**Key Terms:**

N/A

**Executive Summary:**

Our current sick time donation policy dictates that employees cannot donate to a coworker if that coworker has certain benefits. This is problematic because the employee pays for any additional benefits themselves and often the benefit is small, and additional PTO needs to be entered so that benefits can be paid for and full paychecks are paid out.

**Detailed Review:**

Currently the sick time donation policy in the nonunion employee handbook states that if an employee has purchased a short-term disability policy, then they are not eligible for sick time donations from other employees. This is problematic because often these policies only provide a small amount of income and employees need their full check, or as close to that as possible. There are often situations where an employee is out for a long period of time due to a medical issue and they have exhausted their PTO and then need to start contributing to their benefit payments themselves. During a time when an employee or their family member is having a very difficult health issue, it is a serious additional burden to have to be concerned about not receiving a full paycheck and covering important items like healthcare deductions additionally on their own.

This policy does not exist in the collective bargaining agreements so the policy in the nonunion handbook is what applies to all City employees. This is why it specifies they must be in the same bargaining unit, or nonunion.

**Staff Recommendation:**

Replace this policy in the nonunion handbook with the new policy.

seniority in that department. Personal days shall commence from date of hire and shall not accumulate from year to year. Unused personal time is not compensable upon termination of employment. Personal time should be recorded on timesheets to reflect the number of paid hours missed.

## **SICK/VACATION TIME DONATION PROGRAM**

~~The purpose of the Sick/Vacation Time Donation Program is to permit an employee to donate accrued sick or vacation leave to another employee. This policy permits such a donation to occur when an employee has a need for additional paid leave because they have exhausted all paid leave and have a serious medical hardship, catastrophic illness, or injury that poses a threat to life and/or requires inpatient, hospice, or residential health care. The employee's need may arise from their own serious medical hardship or catastrophic illness or from their need to care for a family member, including a spouse or domestic partner, child, or parent who has a serious medical hardship or catastrophic illness. This policy is not intended to cover an employee who is experiencing a typical pregnancy, has a common illness, has an illness or injury covered by an employer administrated short or long term disability policy or worker's compensation, or has incurred injury during the course of committing a felony. Similarly, this policy is not intended to provide leave to any employee who has previously abused any paid leave.~~

~~To be eligible to participate, an employee:~~

- ~~1. Must be a full or part time regular employee;~~
- ~~2. Must be eligible to accrue sick and/or vacation leave. Salaried employees do not accrue sick leave and cannot donate sick leave to others;~~
- ~~3. Must have exhausted all forms of paid leave (i.e. vacation, sick, compensatory time, or personal leave time);~~
- ~~4. Must have passed their initial probationary period; and~~
- ~~5. Must suffer from a serious medical hardship or catastrophic illness or injury which requires inpatient, hospice, or residential care.~~

~~Employees are ineligible to use this policy during any disciplinary suspensions or if they are receiving, or have applied to receive, workers' compensation.~~

~~**Administration:** The Human Resources Department is responsible for coordinating donations, reviewing eligibility requirements, and authorizing eligibility. In making decisions, Human Resources will review all medical evidence submitted by the affected employee, verify that all paid leave has been exhausted, and prepare any necessary documentation. Final decisions on eligibility and distribution of donated leave time rest with and at the sole discretion of the City Manager and shall not be subject to grievance procedures.~~

~~**Contributions:** Employees wishing to donate time to an affected employee should submit their request in writing to the Human Resources Department, specifically stating the amount of sick or vacation time that they wish to donate and who they would like to donate to. Any unused donated time will be credited back to the donating employee.~~

~~**Purpose:** The City of Biddeford recognizes the importance of supporting employees facing long-term illnesses or serious health conditions. This policy allows employees within the same bargaining unit to donate accrued sick or vacation time to assist colleagues who have exhausted their own Paid Time Off (PTO) and have been approved for leave under the Family and Medical Leave Act (FMLA).~~

## Eligibility:

### 1. Recipients:

- a. Must have exhausted all available PTO, including sick, vacation, and personal time;
- b. Must be approved for leave under the Family and Medical Leave Act (FMLA);
- c. Must be in good standing and actively employed at the time of the request; and
- d. Cannot be currently obtaining workers compensation benefits.

### 2. Donors:

- a. Must belong to the same bargaining unit as the recipient (including nonunion as a “unit”); and
- b. Donations must be made in full-hour increments and donors must retain a minimum balance of 40 hours of accrued sick or vacation time after the donation.
- c. Donations will be maintained on an hour-to-hour basis unless otherwise bargained.
- d. Employees with unlimited sick leave banks are not permitted to donate sick time.

## Approval Process:

1. Requests for sick or vacation time donations must be submitted to Human Resources along with documentation confirming FMLA approval.
2. The City Manager or Human Resources must approve the use of the Sick and Vacation Time Donation Program for each specific case.
3. Upon approval, Human Resources will notify employees within the same bargaining unit that they are permitted to donate sick or vacation time for the approved recipient.

## Donation Process:

1. Employees wishing to donate sick or vacation time must complete a Sick and Vacation Time Donation Form and submit it to Human Resources for processing.
2. Once approved, donated hours will be deducted from the donor’s sick or vacation leave balance and transferred to the recipient’s leave balance.

## Sick and Vacation Time Bank:

1. Any excess donated time that is not used by the recipient will be transferred into a Sick and Vacation Time Donation Bank maintained by the City for future use.
2. The Sick and Vacation Time Donation Bank will be available to eligible employees within the same bargaining unit who meet the criteria outlined in this policy.
3. Use of hours from the Sick and Vacation Time Donation Bank will be prioritized based on the date of the request and the urgency of the situation.

**Confidentiality:** All requests and donations will be handled with strict confidentiality. The identity of donors will not be disclosed unless required by law or with the donor's explicit consent.

## Limitations:

1. Sick and vacation time donations are voluntary and cannot be solicited directly by the recipient.
2. Donated time is not eligible for payout upon termination, retirement, or resignation.