



Amendments to the York County Human Resource Policy Manual

Policy:

Recruitment, Hiring and Promotion Policy

Section 2: Page 26-32

Effective Date of Change:

2019

RECRUITMENT, HIRING and PROMOTION POLICY

I. PURPOSE

To establish guidelines for county employment across each department in order to attract qualified individuals.

II. POLICY

Applicants will be evaluated based upon education, experience, aptitude, character, and the ability to perform the essential functions of the job.

III. PROCEDURE

Given the varying nature of each department within the county all or part of any standardized hiring practices may be waived by the County Manager or designee based on specific need requested by the department head. The County Commissioners must approve all new and replacement positions.

Vacancy Announcement and Postings

The following outlines the steps to be followed in the recruitment and hiring process for staff when not governed by a specific Union contract:

- A. Unbudgeted or new positions, the county manager will determine the staffing need before the hiring process can begin and will inform the County Commissioners. This notification will include staffing requirements and recruitment initiatives in order to seek their budgetary approval. The County Commissioners will have the authority to: (1) approve the addition of a position; (2) whether to fund the position.

If the funding is approved, the hiring of a new employee will continue to follow the existing procedure in which the applicant who is recommended for hire is submitted to the County Commissioners for final approval in accordance with 30-A M.R.S.A. §501(1).

- B. Request to fill vacancy - The hiring Department Leader or Manager will prepare a memorandum detailing the request and a New Hire Form, signed by the Department Leader. These documents will be forwarded to the Human Resource Department for review. Human Resource will forward to the County Manager for approval prior to submission to the County Commissioners.
- C. Starting Wages or Salary – The starting wage, offered for positions in a bargaining unit, are fixed by the respective union contract. The starting wage for positions not covered by a bargaining unit will be determined by the County Manager.
- D. Search parameters and postings – An approved position will be announced and posted internally by Human Resources in each county office for five (5) days.

Positions may be posted internally and externally simultaneously but all internal candidates will be reviewed prior to the review of external candidates.

- E. Human Resources department will be responsible for tracking and retaining applicant applications and resumes in accordance with county policy and all current state and federal laws.

Hiring Process

- A. All applications and/or resumes for County positions will be received and recorded within the Office of Human Resources in accordance with all Federal and State regulations.
- B. Human Resources and Department Managers or designee will conduct initial screening of applications and/or resumes, and initial interviews.
- C. Department leaders may conduct additional interviews in the process for final selection.
- D. Candidates selected to move forward in the process will then begin the additional required screening process.
 - 1. Law Enforcement:
 - a. Background Check
 - b. Medical Screening.
 - c. Polygraph Exam
 - d. Oral Panel Interview
 - e. Physical Agility
 - f. Sheriff or designee interview
 - g. Other MCJA requirements.
 - 2. Corrections:
 - a. Maine State ALERT Test
 - b. Medical Screening.
 - c. Oral Panel Interview
 - d. Polygraph Exam
 - e. Background Check
 - f. Sheriff's or designee interview
 - g. Other MCJA requirements.
 - 3. Civil Deputies:
 - a. Maine State Law Enforcement ALERT Test.
 - b. Oral interview.
 - c. Medical Screening.
 - d. Background Check
 - e. Sheriff's or designee interview
 - f. Other MCJA requirements
 - 4. Non-sworn candidates must satisfactorily pass the following screening criteria:
 - a. Initial Interview
 - b. Additional interview(s) if applicable.
 - c. Background Check.
 - d. Reference checks.

- e. Medical Pre-hire physical when job applicable.
 - f. Department Leader or designee interview.
- E. Offer Letters: All offer-for-employment letters will be generated and issued by the Human Resource Department. All offer letters will be contingent upon completion of all hiring requirements and final approval from the County Commissioners.
- F. Finalist identified: At the conclusion of the recruitment process, the finalist hiring packet (and possible alternatives) shall be presented to the Human Resource Department for review prior to being presented to the County Commissioners for final approval.
- G. New Employee Notification Form: Once an offer is accepted the hiring Department Leader or designee will complete a "New Employee Hire" form and forwards it to Human Resources for review and forwarding to the County Manager.
- H. Date of Hire: The official date of hire shall be the date the employee reports for official, regular scheduled duty with their department. This date must be approved by the County Commissioners.

Medical Examinations

For any position that requires a physical assessment examination, will have it scheduled after a conditional offer of employment has been made but prior to employment. The County is responsible for the cost of this exam. The successful completion and passing of the examination is a further condition of employment. The hiring Department Leader or Manager will schedule the examination with the applicant.

Employment of Relatives

See new amendment attachment approved July 2016

County Internal Promotion and Transfers

Based on the nature and complexity of the positions the County has the option to promote from within and the County will seek qualified candidates from among its employees to fill new or replacement positions when openings occur or positions are created within a County Department. In order to notify current staff members of promotional or transfer opportunities for which an employee may wish to apply, the County Manager or designee will post announcements of current or anticipated department vacancies.


1. Job Postings – This guideline covers full-time and regular part-time vacancies. After a vacancy is reported to the County Manager or designee and the position is determined to remain needed, the vacancy will be forwarded to Human Resources for posting.

An announcement of a vacancy will include the following:

- a. Position title;
 - b. Department;
 - c. Starting wage/salary;
 - d. Deadline for filing application; and
 - e. Instructions for applying.
2. Application and Screening – A staff member will not be considered for any other position within the County until he/she has completed one year of service in their current position. Exceptions to the one-year guideline may be made if it is determined by the County Manager or his/her designee to be in the best interest of the County.

A staff member may apply for more than one vacant position should several positions for which he/she qualifies be posted simultaneously. All applications are to be made by contacting the Human Resource Department. Under no circumstances should a staff member contact the department or department leader for which there is a vacancy.


Internal applicants must complete a new application and/or resume as required and complete required background checks or tests not previously completed prior to being approved for a promotion or transfer.

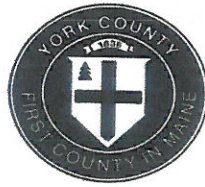


The Human Resources Department shall be notified of all promotional postings. Assistance will be provided to department leaders to ensure a fair and impartial process in accordance with all collective bargaining agreements and other applicable polices/laws to include best practices.

All internal promotions processes shall include and be reviewed by a representative from Human Resources prior to the Department Leader seeking approval from the County Manager.

An employee promoted to a higher position within County employment shall be on a six (6) month promotional probation. He/she may voluntarily request demotion, or the Department Leader may demote the promoted employee with approval of the County Manager or designee if the employee fails to fulfill the duties and responsibilities of the position. A demoted employee shall retain seniority rights and may be placed back in the former position or any position of equivalent pay of the former position and duties, if such a position is open and available.





Amendments to the York County Human Resource Policy Manual

Policy:

Employment of Relatives

Section 2: Page 29

Effective Date of Change:

July 6, 2016

This page was updated upon approval of the York County Commissioners on July 6, 2016 and took effect the same day.

Employment of Relatives (page 29)

York County recognizes that many of its offices, departments and divisions do not have a large number of employees and that the presence of more than one relative in each office, department or division may result in an actual or perceived conflict of interest or the appearance of favoritism or bias for or on behalf of a relative if more than one relative were to work in that office, department or division. As a result, to enhance supervision, security and morale, and to avoid any direct or indirect conflict of interest, whether actual or perceived, and to avoid the appearance of favoritism or bias within the work place, the County generally does not authorize the employment of relatives within the same office, department or division in York County government. York County specifically prohibits the employment of relatives in a direct or indirect supervisory position over another relative.

The term "relative" includes an employee's mother, father, sister, brother, child, stepmother, stepfather, stepsister, stepbrother, stepchild, niece, nephew, uncle, aunt, grandparent, grandchild, or in-laws, spouse, civil or domestic partner.

Employees who become relatives while employed may continue their employment if they do not work in a direct supervisory relationship over each other, work in the same department or otherwise present problems in supervision, safety, security, or morale. If an issue arises, the employees, supervisors or co-workers may report the problem to the County Manager or designee. The County Manager or designee will investigate and, if necessary to eliminate the problem, will attempt to reassign one or both of the employees to an available position for which the employee is qualified. If, however, no such position is available, one of the employees will be asked to leave the County's employ, based on the County's best interests. If both employees are equally qualified, the two employees will have 30 days to reach a decision which employee will leave the County. If two employees do not reach a decision, the County may make a decision on the separation of an employee. This policy will be implemented on a prospective basis.



Amendments to the York County Human Resource Policy Manual

Policy:

Family and Medical Leave Policy (FMLA)

Section 5: Page 85-92

Effective Date of Change:

February 18, 2019

FAMILY AND MEDICAL LEAVE POLICY (FMLA)

The County may grant up to 12 weeks of family and medical leave during a rolling 12-month period to eligible employees (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness), in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified.

All employees who are approved for FMLA leave will be required to utilize any accrued paid time off (including but not limited to paid sick [if for the employee's serious health condition], vacation, administrative, earned personal, compensatory time, planned time off (PTO)), when absent from work on an approved FMLA leave. After an employee uses up the employees paid time off, the balance of the FMLA leave will be on an unpaid basis.

If an employee is receiving workers compensation and/or short term disability benefits while on FMLA leave, only after those benefits are exhausted or otherwise ended, will the accrued paid time be used while on FMLA leave and in the following order: compensatory time, sick [if for the employee's serious health condition], vacation, administrative, earned personal, PTO.

Eligibility

In order to qualify to take family and medical leave under this law, the requesting employee must meet all of the following conditions:

1. The employee must have worked at least 1250 hours during the 12 month, or 52 weeks period, immediately before the date when the FMLA leave will begin; and
2. The employee must have worked for the County for more than 12 months or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for the entire week even if the employee was on the payroll for only part of a week or if an employee is on leave during the week. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement,

stating the employer's intention to rehire the employee after the service break.

Type of the Leave Covered

In order to qualify for FMLA leave, an employee must be taking the leave for one of the reasons listed below:

1. The birth of a child in order to care for the child.
2. The placement of a child for adoption or foster care.
3. To care for a spouse, child, or parent with a serious health condition.
4. The serious health condition of the employee.

An employee may take FMLA leave for a serious health condition if the health conditions make the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition, which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. Illnesses of a serious and long-term nature, resulting in recurring or lengthy absences may be considered a serious health condition. Workers' compensation injuries are considered serious health conditions. Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick days policies are encouraged to consult with the County Manager or designee or his designee.

The County may require an employee to provide a doctor's certification of a serious health condition.

If an employee is taking paid sick leave for a condition which progresses into a serious health condition and the employee requests unpaid leave, the County may designate all or some portion of related leave taken as FMLA, to the extent that the earlier leave meets the necessary qualifications.

An eligible employee may take up to 12 weeks of FMLA leave under this guideline during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date the employee uses any leave under this policy. Each time an employee takes FMLA leave, the County will compute the amount of FMLA leave the employee has taken and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at that subsequent time.

If a husband and wife are both employed by the County, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife together may only take a total of 12 weeks of leave.

5. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

"Covered active duty" means:

(a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave, (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered service member" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired

list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness":

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Employee Status & Benefits During Leave

While an employee is on FMLA leave, the County will continue the employee's health benefits during the FMLA leave period at the same level and under the same conditions as if the employee had continued to work.

An employee presently pays a portion of the premium for his or her health care. While on paid FMLA leave, the County will continue payroll deductions to collect the employee's share of the premium. While on unpaid FMLA leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance Department by the first day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The County will provide 15 days' notification prior to the employee's loss of coverage.


If the employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the FMLA leave period.



Employee Status During FMLA Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one, which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Use of Paid and Unpaid FMLA Leave




An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid time off, vacation and sick days prior to being eligible for unpaid leave. Sick leave and workers' compensation may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave or workers' compensation policy. The remainder of the FMLA leave will be unpaid, except that some employees may qualify for short-term disability benefits or workers' compensation benefits. Employees should consult with the County Manager or designee for eligibility and available benefits.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation, personal and sick days prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal or and sick days (as long as the reason for the absence is covered by the County's sick day policy) prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member over a 12-month period).



The County may temporarily transfer an employee to an available alternative

position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

Certification of the Serious Health Condition

The County may request certification by a physician of the serious health condition. The employee must respond to such request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of FMLA leave or continuation of the FMLA leave.

Certification of a serious health condition shall include: the date when the condition began or begins, its expected duration, diagnosis, and a brief statement of treatment. For FMLA leave because of the employee's own medical condition, the certification should also include a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent FMLA leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent FMLA leave or working a reduced schedule.

The County has a right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select.

If necessary, to resolve a conflict between the original certification and the second opinion, the County may require the opinion of a third doctor. The County will pay for the opinion. This third opinion will be considered final.



Amendments to the York County Human Resource Policy Manual

Policy:

Leave Sharing / Donation Policy

Section 5:

Effective Date of Change:

June 1, 2016

York County Leave Sharing / Donation Policy – Effective June 1, 2016

York County Government recognizes that employees may have a family emergency or a personal crisis that causes a severe impact to them resulting in a need for additional time off in excess of their available vacation/sick/pto time. To address this need all eligible County employees will be allowed to donate vacation/sick/PTO time from their unused balance to their co-workers in need in accordance with the policy outlined below. This policy is strictly voluntary.

Eligibility

Employees who donate vacation/sick/PTO time must be employed with the County for a minimum of 1 year.

Guidelines

Employees who would like to make a request to receive donated vacation/sick/PTO time from their co-workers must have a situation that meets the following criteria:

Family Health Related Emergency - Critical or catastrophic illness or injury of the employee or an immediate family member that poses a threat to life and/or requires inpatient or hospice health care. Immediate family member is defined as spouse, domestic partner, child, parent or other relationship in which the employee is the legal guardian or sole caretaker.

Employees who donate vacation/sick/PTO time their unused balance must adhere to the following requirements:

- Donation minimum - 4 hours.
- Donation maximum – 40 hours or no more than 50% of your current balance.
- Employees who donate time must have sufficient time in their balance and will not be permitted to exhaust their balances to the fact that they may experience their own personal need for time off.
- Employees cannot borrow against future earned or PTO time.
- Employees who receive donated time may receive no more than 480 hours (12 weeks) within a rolling 12 month period.
- Employees who are currently on an approved FMLA or Leave of Absence can not donate time.

Procedure

Employees who would like to make a request to receive donated time are required to complete a Request of Donation of Leave Form.

Employees who wish to donate time to a co-worker in need must complete a Donation of Leave Form.

All forms should be returned to the Human Resource Office.

Approval

Requests for donations of vacation/sick/PTO time must be approved by the Human Resource Director, the County Manager and the Finance Director.

If the recipient employee has available vac/sick/PTO time in their balance, this time will be utilized prior to any donated time. Donated time may only be used for time off related to the approved request. Time donated that is in excess of the time off needed will be returned to the donor.



Amendments to the York County Human Resource Policy Manual

Policy:

Regular Part-Time Employees

Section 2: Page 24

Effective Date of Change:

February 1 2016

York County – Regular Part-Time Employees – Updated February 1, 2016

Employment Categories:

In order to manage the employment resources effectively and efficiently, a series of employment categories has been developed to identify the type of position held by each staff member. The County Manager or designee uses these categories to determine those benefits from which each staff member may be qualified.

At the time of hire, each new employee will be informed of his / her employment category.

Definitions:

2. Regular Part-Time Employee – A regular part-time employee is one who has satisfactorily completed the probationary period and has been retained by the County on a schedule normally seeking less than 25 hours during that work week. No part-time employee will be employed in more than one part-time position for the county at any given time.



Amendments to the York County Human Resource Policy Manual

Policy:

Pay Range Elected Officials

Section 4: Page 63

Effective Date of Change:

September 5, 2018



Sallie V. Chandler, Chair
District 1

Richard R. Dutremble
District 2

Cynthia Chadwick-Granger
District 3

Michael J. Cote
District 4

Richard Clark
District 5

COUNTY COMMISSIONERS COUNTY OF YORK

45 Kennebunk Road
Alfred, Maine 04002

(207) 459-2313
Fax (207) 324-9494

www.yorkcountymaine.gov

Gregory T. Zinser
County Manager

Kathryn A. Dumont
Assistant to the Manager

Victoria C. Ridlon
Finance Director

Linda M. Corliss
Human Resource Director

Frank P. Wood
Treasurer

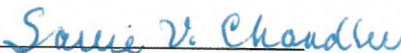
Rose M. Leeman
Deputy Treasurer


COUNTY COMMISSIONERS ORDER Establishing Pay Ranges for Elected Officials and Chief Deputy ²

Chair of Commissioners	\$9,429	
Court of Commissioners	\$8,969	
	Minimum	Maximum
Judge of Probate	\$35,000	\$45,000
Register of Probate	\$40,000	\$55,000
Register of Deeds	\$40,000	\$55,000
Treasurer		\$500
Chief Deputy	\$50,000	\$75,000
Sheriff ¹	\$60,000	\$80,000

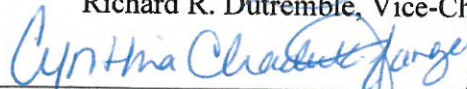
The intention of this policy is to establish a pay range for elected positions. Incumbents are not affected by this policy. It applies to newly elected individuals who take office on or after January 1, 2015. The commissioners reserve the right to consider setting a salary above the ceiling in order to recognize unique accomplishments of the official in his/her career, to recognize expertise in management, an individual's overall experience that support exceeding the ceiling or other factors unique to the official's career and achievements.

Voted and signed on (to include C.D.) September 5, 2018 by York County Commissioners:


Sallie V. Chandler, Chair


Richard R. Dutremble, Vice-Chair


Richard Clark


Cynthia Chadwick-Granger


Michael J. Cote

¹ The number listed under the minimum column represents the base pay requirements as required by statute.

² This policy was originally executed on 1/1/2014. It was modified and reaffirmed by the Board on 9-5-18 to include reference to the Chief Deputy.