Project Leader: William A. Twardzik, Esq.

Project Team:
Alora Canty, Cynthia Chen, Joanna Chae, Cathleen Choromanski, Chris Haines, Darlene Hemerka, Lan Li, Victoria Luc, Parin Patel, Wei Shi, Robert Troyer, Nicholas Tumolo
This manual compiles the City’s personnel policies and serves as a resource for supervisors and managers. The manual will be readily available via the City’s website so managers and supervisors have easy access to this information when they need it. In addition to summarizing the City’s policies, the manual offers simple explanations, sample examples, and sample resolutions for issues regarding these policies. As a resource, this manual allows supervisors and managers to locate the City’s policies in one document, make accurate decisions about the City’s standards and laws, handle difficult situations concerning standards and laws, and remain professional and unbiased while carrying out their responsibilities. Properly using this manual can help supervisors and managers create a comfortable and productive workplace.
The manual consists of three sections:

- Time & Attendance
- Performance Appraisal and Standard of Conduct
- Employment Law
<table>
<thead>
<tr>
<th>Vacation</th>
<th>Employee Absences</th>
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<tbody>
<tr>
<td>Sick Leave</td>
<td>Administrative Leave</td>
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<td>Funeral Leave</td>
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<td>Jury Duty</td>
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<td>Military Leave</td>
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<td>Medical Leave</td>
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<td>Leave of Absences</td>
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## FMLA

### Calculation of FMLA Leave Days

**March 2010**

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At the end of March employee is entitled to 40 days (60 days – 20 days = 40 days)

Employee used 20 FMLA days in June 2010 (FMLA time in red)

**June 2010**

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At the end of June employee is entitled to 20 days (40 days – 20 days = 20 days)

### Eligibility for Additional FMLA Days

<table>
<thead>
<tr>
<th>March</th>
<th>Year 2010 (FMLA time used)</th>
<th>Year 2011 (FMLA time recouped)</th>
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Performance Appraisals

Benefits
- Objective analysis
- Opportunity to redefine the requirements
- Encourages communications
- Assists in allocation decision of appointing the right person
- Identification of employees who have the potential for advancement or who might be better suited in other areas
- Identification of training needs
- Reduce turnover costs

Best Practices
- Align employee day-to-day actions with department objectives
- Provide clear accountability related to performance expectations
- Document individual performance to support compensation and career planning decisions
- Establish focus for skill development and learning activity
- Documenting performance to support decisions and reduce disputes

Performance Evaluation Checklist

1) At the beginning of the Performance Evaluation...
2) During the Performance Evaluation...
3) Before the Review Session...
4) During the Review Session...
5) Preparing for the next Evaluation-Review Period...
Diffusing Hostile Work Environments

Prevention

Incidents of conflict can be prevented through orientation and training programs that provide employees with standards of professional conduct including:

- Mayor’s Statement of Policy on Equal Employment Opportunity
- Mayor’s Statement of Policy on Sexual Harassment
- Philadelphia Code
- Philadelphia Home Rule Charter
- Executive Orders

A fundamental standard of conduct for all employees is the Dignity Clause:

“City managers and its employees should treat other employees and the public with respect, dignity, and in a manner that is not offensive.” (Mayor’s Statement of Policy)

Reporting

Employees are responsible for reporting any incident of conflict to their supervisors.

Managers and supervisors must take prompt and effective action to investigate and resolve incidents of conflict.

Additional Resources

- Philadelphia Board of Ethics
- Workplace Violence Policy (Office of Human Resources website)
- Firearms at Work - Executive Oder # 1-95 (Office of Human Resources website)
# Communication

## What is Communication?
- Important, but underappreciate resource in the workplace
- Essential tool for supervisors and managers
- Includes written, oral, and listening skills
- Message sent may not be the message received

## Effective Communication
- Means by which policies and job-related duties, timelines, and goals are defined, understood, and accomplished
- Components: person delivering message must present the message clearly and in detail
- Components: person receiving the message must listen, ask questions for clarity, and trust the sender of their message
- Components: method of delivery must suit the circumstances and the needs of both the sender and the receiver

## Communication & Employment Process
- Communication is necessary for the success and effective administration of employment policies and procedures, especially when dealing with an employee’s performance and conduct
- More information on Communication and Performance Appraisals
- More information on Communication and Diffusing Hostile Work Environments
## Americans with Disabilities Act (ADA) Compliance

### Who Qualifies?

According to the ADA, an individual with a disability:
- Has a physical or mental impairment that substantially limits one or more major life activities
- Is regarded as having such an impairment
- A person who has a known association or relationship with a disabled individual is also protected

A qualified person with a disability has the skills, experience, education, and other job requirements, can perform the essential functions of the job with or without reasonable accommodations.

### Reasonable Accommodations

- Adjustments or modifications to a job, the work environment, or the way things are usually done that enables a qualified disabled individual to enjoy an equal employment opportunity.
- ADA requires an employer to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment, unless doing so would cause an undue hardship.
- City of Philadelphia shall do this for a qualified applicant or employee with a disability unless it can be shown that the accommodation would impose an undue hardship.

### Examples of Reasonable Accommodations

- Extra time on hiring exams, this can only be given through the office of Human Resources
- Use of assistive technology
- Restructuring the work schedule
- Rearranging of office space to accommodate individuals who use mobility devices
- Additional time to hiring exams (this is arranged through OHR)

### Best Practices

- Reasonable accommodations are made on a case-by-case basis.
- Accommodation requests should be directed and handled by the departmental Human Resources manager immediately.
- Remember that persons who have known associations or relationship with individuals with disabilities are also protected by the ADA.
Equal Employment Opportunity

Role of Supervisors & Managers
- Serve as role models for employees
- Expected to act and make decisions in compliance with the letter and spirit of Titles VII, Age Discrimination in Employment Act, Uniformed Services Employment and Reemployment Rights Act, Americans with Disabilities Act, and other laws regarding discrimination.

Application Through Employment Process
- Recruitment
  - Broad exposure for job postings
  - Avoid using identifiers that refer to protected categories
- Interview Process
  - All questions must be job-related
  - Ask all candidates the same questions
- Selection
  - Criteria-based specifically on the essential job functions
  - Determine what information would disqualify a potential employee
- Evaluation/Performance
  - Set consistent performance standards that are applied fairly and consistently
  - Document evaluations with facts

Example
Question: A manager/supervisor overhears an employee use a racially derogatory term in a conversation with another employee. What should he/she do?

Answer: As an agent of the City, prompt and effective action is required. Racially derogatory terms should be addressed, as they are considered unwelcome conduct.

- Address the incident with the employee immediately and in private to ensure that this behavior is not duplicated.
- Advise other employees who were part of the conversation to have taken steps to ensure that such conduct does not reoccur.
Sexual Harassment

Displaying pictures, posters, cartoons, calendars, reading materials, music, and displaying signs or other materials purporting to segregate an employee by gender

Publications Displayed at Work

Telephone calls, displaying or transmission of sexual images, jokes, messages, emails, and possession of such materials in a manner that they might be seen by others

Technology Abuse

Granting or withholding of employment opportunities and benefits, including job assignments, unequal discipline, promotion, evaluation, compensation

Sexual Favoritism

“Face to Face”

Informal Action

“Investigation”

Formal Action

How to Resolve Situations and Prevention

Supervisor/Manager’s Responsibilities
Dear Supervisors & Managers,

We are pleased to present the City of Philadelphia’s Supervisor & Management Manual. We hope it is beneficial for both you and your colleagues within your City department.

The 2011 Mayor’s Internship Program was tasked with creating a Supervisor Manual that could serve as a comprehensive guideline for management throughout the City. Lacking an inclusive resource to provide supervisory standards, the City was in need of a published document to outline the policies and practices that are vital to any supervisory role. Project members researched areas of law, policy, processes, and best practice to create a manual that will assist supervisors and managers in efficiently and effectively managing people, tasks, and time.

The Manual is composed of policies and practices that already exist in the City. However, now the policies are conveniently compiled in one resource for quick and easy access by City supervisors. Additionally, the Manual is designed as a living document, and is available on the City’s intranet where it will be updated as needed. In accordance with the City’s green initiatives, supervisors should be mindful about using the Manual electronically instead of printing it.

Thank you for your continued service to the City of Philadelphia. We hope that this Manual assists you in continuing to meet the obligations of the City with the highest degree of integrity and conduct, providing competent services in an honest and productive manner. Should you need any additional information or resources, please contact the City of Philadelphia’s Human Resources Department.

Respectfully,

The 2011 Mayor’s Internship Program
This Manual is an official project of the 2011 Mayor’s Internship Program

Project Leader: William A. Twardzik, Esq.

Project Team:

Alora Canty          Chris Haines          Parin Patel
Cynthia Chen        Darlene Hemerka      Wei Shi
Joanna Chae          Lan Li              Robert Troyer
Cathleen Choromanski Victoria Luc Nicholas Tumolo

This manual is intended for internal use only by the City of Philadelphia’s managers and supervisors. It is not to replace any existing training, guides, instruction, or other requirements. All notions expressed herein do not necessarily express the views or policies of the City in their entirety.
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    C. Communication

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    A. Americans with Disabilities Act (ADA) Compliance
    B. Equal Employment Opportunity (EEO)
    C. Sexual Harassment
I. Introduction

Purpose

Welcome!
This manual is a comprehensive source of personnel policies and its goal is to assist supervisors and managers to develop effective management skills and to implement best practices that contribute to the process of improvement within their department.

The production of this manual does not replace or fulfill the requirement for newly appointed supervisors and managers to attend in-class training.

Law of Agency - As agents of the City, each supervisor and manager is responsible to implement these policies fairly and consistently, and to take prompt and effective action to respond and resolve work place issues. Failure to do so is a breach of professional duty and constitutes negligence.

The Office of Human resources is responsible for the maintenance and revision of this manual. The manual is not an explicit or implied contract and is not intended to be contractually binding.

The development of this on-line manual provides a single and accessible source of personnel policies, and promotes and supports the goals of the Mayor’s Office of Sustainability to make Philadelphia more sustainable. Please keep this in mind before printing the manual in paper format.

The manual consists of 3 sections:

1. Time and Attendance
2. Performance Appraisal and Standards of Conduct
3. Employment Law

TIME & ATTENDANCE
Hours of Work & City Service
   o Civil Service Regulation 18

Holidays
   o Civil Service Regulation 19

Vacation
   o Civil Service Regulation 20

Sick Leave
   o City of Philadelphia Sick Leave Policy
   o Civil Service Regulation 21

Leaves of Absences
SUPERVISOR & MANAGEMENT MANUAL

- Civil Service Regulation 22
  - Funeral Leave
  - Jury Duty
  - FMLA
    - FMLA Administrator’s Manual & FAQ

Domestic Violence Leave
- City of Philadelphia Domestic Violence Policy

PERFORMANCE APPRAISALS & STANDARDS OF CONDUCT
Importance of Communication

Performance Appraisals
- Civil Service Regulation 23

Maintaining a Professional Work Environment
- Prohibition of Nepotism - Executive Order # 1-11
- Regulation of Outside Employment and Self-Employment of City Officers and Employees - Executive Order # 2-11
- Employee Political Activity Guide - Civil Service Regulation 29
- City of Philadelphia Drug & Alcohol Policy

Diffusing a Hostile Work Environment
- Workplace Violence Policy
- Firearms at Work - Executive Order # 1-95

EMPLOYMENT LAW

EEO
- Mayor’s Statement of Policy on Equal Employment Opportunity

Sexual Harassment
- Sexual Harassment Policy
- Mayor’s Statement of Policy on Sexual Harassment
- Prohibition of Sexual Harassment – Executive Order #4-11

Americans with Disability Act (ADA)
- Accessibility Compliance Office
- Americans with Disability FAQ
- Employee Disability – Civil Service Regulation 32

Family Medical Leave Act
- FMLA Administrator’s Manual
- FMLA FAQ

Domestic Violence
- City of Philadelphia Domestic Violence Policy
II. Time and Attendance

A. Vacation, Sick Leave, and Employee Absences

Introduction

Employees are to perform their jobs in a professional manner. This includes practicing good attendance habits.

Good attendance is an integral part of every employee’s responsibility; employees should regard coming to work on time as an essential function of their jobs.

Good attendance is important to the success and achievement of department goals.

On occasion, an employee may not be able to come to work or need additional time to arrive; sickness and other emergencies cannot always be anticipated and may result in the employee missing all or part of the workday.

Good attendance requires employees to:

- Appear for work no later than the expected start time
- Notify their supervisor of an unscheduled absence no later than one hour after their start time
- Take only the time normally allowed for breaks
- Not leaving work until the scheduled end of the work day, unless excused by a supervisor

An employee who is absent without notice for an extended period will be considered as having abandoned their job and the City will consider it to be a voluntary resignation of their employment.

Holidays – Civil Service Regulation #19

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
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<tbody>
<tr>
<td>New Years Day</td>
<td>January 1</td>
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<tr>
<td>Martin Luther King’s Birthday</td>
<td>3rd Monday in January</td>
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<td>Washington’s Birthday</td>
<td>3rd Monday in February</td>
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<td>Good Friday</td>
<td>March or April</td>
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<td>Memorial Day</td>
<td>Last Monday in May</td>
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<td>Independence Day</td>
<td>July 4th</td>
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<td>Labor Day</td>
<td>1st Monday in September</td>
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<td>Columbus Day</td>
<td>2nd Monday in October</td>
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</table>
Veterans Day November 11th
Thanksgiving Day 4th Thursday in November
Christmas December 25

**Vacation Leave – Civil Service Regulation #20**

- # of Years of Service = Vacation Allowance
  - District Council #33
    - Period of Service Vacation Allowance
      - 1-5 years 10 days
      - 6-10 years 15 days
      - 11-20 years 20 days
      - Over 20 years 25 days
  - District Council #47 and Non-Reps
    - Period of Service Vacation Allowance
      - 1-5 years 10 days
      - 6-10 years 15 days
      - 11-16 years 20 days
      - Over 16 years
        - Over 17 years 22 days
        - Over 18 years 23 days
        - Over 19 years 24 days
        - Over 20 years 25 days

- Vacation time may be used only after six months of employment. Vacation days may be accumulated. Vacation must be requested in advance and approved.

**Sick Leave – Civil Service Regulation #21 / City of Philadelphia Sick Leave Policy**

- Non-represented, District Council #33, and District Council #47 employees can earn 15 sick days per year. A maximum accumulation of 200 days is permitted. New probationary employees earn sick leave, but may not use sick leave during the first three months of employment.
- A medical certificate is required for all absences for more than two consecutive work days, and must be submitted to the appropriate authority within two working days after the employee returns to work.
- A medical certificate must contain the following:
  - The date and time treated
  - If appropriated, the date of expected return to work
  - The address and telephone number of the doctor or practitioner
  - Date and doctor’s authorized signature
- Excessive use of sick leave is prohibited. In addition to other penalties, an employee who excessively uses sick leave will not be paid for the first day of any certificated sick leave usage over the next four occasions or next twelve months, whichever is shorter.
- Furthermore, an employee who violates any of the provisions of these rules will not be paid for the days not worked, and will be disciplined in accordance with the following procedure.
  - First occurrence – written warning
  - Second occurrence – one day suspension
  - Third occurrence – three day suspension
  - Fourth occurrence – ten day suspension
  - Fifth occurrence – may be discharged

Family Medical Leave Act (FMLA)
- Refer to the FMLA Administrator’s Manual and FMLA FAQ

Administrative Leave
- Every permanent employee receives four administrative leave days annually to be used between July 1 and June 30. The probationary period must be completed before Administrative Leave can be used.

Funeral Leave
- All employees are granted four paid funeral days after the death of an immediate family member. Immediate family is defined as parents, spouse, sister, brother, children, grandparents, and grandchildren.

Jury Duty
- If you are summoned to jury duty, you will be paid your full salary for the time you serve. You must provide your Supervisor with a copy of your summons.

Military Leave
- An employee who provides the proper military orders will be granted a 15 day paid leave. If the military order exceeds the 15 day period, a Military Leave of Absence without pay will be granted. Employees who are called to duty or voluntarily enlist should contact their departmental HR manager for additional info.
Medical Leave

- A permanent employee who has exhausted all paid sick leave may be granted a medical leave of absence, with the proper medical documentation of illness. A medical leave of absence is granted for up to six months.

Leave of Absences – Civil Service Regulation 22

- Unpaid leave of absence
  - Upon written request of the employee, a leave of absence without pay may be granted for medical or other reasons. Approval of a leave is at the discretion of the appointing authority.

Duty of Supervisor/Manager

- Inform employees about the leave policy and appropriate
- Identify employees requesting leave and request employees for necessary documentation
- Keep track of employees’ sick days, vacation days, and any absences
  - State the duration and reason for absence
  - Submit documentation justifying return to work

For more information, please refer to the City’s written policies:


B. Family and Medical Leave Act (FMLA)

Introduction:

In response to the changing workforce demographics and family structure, Congress passed the Family and Medical Leave Act of 1993 (FMLA) in an effort to balance work demand with family life. FMLA entitles qualifying employees to 12 weeks (60 days) of unpaid leave within a 12-month period for family and medical reasons. The employee will continue to receive City sponsored medical benefits and be restored to the same or an equivalent position upon returning from leave. The leave can be taken on a continuous, intermittent, or reduced schedule basis.

Qualifying Reason(s) for FMLA Leave:

- The birth, adoption, or foster care of employee’s child
- The serious illness of employee’s spouse, son, daughter, or parent
- The serious health condition of employee who cannot perform the function of the job as the result
- Any exigency related to employee or an employee family member on covered active duty in the Armed Forces

**Employee Responsibilities:**

An employee who has being employed for at least 12 months with the City and who has worked for at least 1250 hours during that 12 month period is eligible for FMLA leave.

Regarding FMLA leave, employees must:

- Provide notice (written or verbal) and submit all the requested certification to the City in a timely manner prior to the date of leave
- In the case of foreseeable leave, notify the appropriate authority no less than 30 days in advance
- In the case of unforeseeable leave, provide notice in a reasonable and practical manner
- Return to work upon the end of leave, unless otherwise approved for extension

**Supervisor/Manager Responsibilities:**

- Identify FLMA leave and request employees for necessary documentation
- Keep track of employees’ FMLA leave days in accordance with other applicable leave
- Inform employees about the FMLA policies and regulations
- Continue to provide health benefits to employee during the leave
- Keep documentation!

**Calculation of FMLA Leave Days:**

The city uses a “rolling year” approach to employees’ twelve-week entitlement to FMLA leave annually. The 12-month period starts on the first day the employee uses FMLA leave, which can be any day of the year.
See the below example:

Employee used 20 FMLA days in March 2010 (FMLA time in red)

**MARCH 2010**

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At the end of March employee is entitled to 40 days (60 days – 20 days = 40 days)

Employee used 20 FMLA days in June 2010 (FMLA time in red)

**JUNE 2010**

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At the end of June employee is entitled to 20 days (40 days – 20 days = 20 days)
Employee used 20 FMLA days in August 2010 (FMLA time in red)

AUGUST 2010

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<td>29</td>
<td>30</td>
<td>31</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

At the end of August employee is entitled to 0 days (20 days – 20 days = 0 days)

The employee will not be eligible for additional FMLA leave until March 1, 2011.

The amount of eligible time will be calculated on a daily basis based on the “pattern” set in March 2010.

e.g. Assuming the employee does not request FMLA during March 2011 the amount of available FMLA time will be calculated as demonstrated below:

<table>
<thead>
<tr>
<th>March</th>
<th>Year 2010 (FMLA time used)</th>
<th>Year 2011 (FMLA time recouped)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1 day</td>
<td>1 day</td>
</tr>
<tr>
<td>3</td>
<td>2 days</td>
<td>2 days</td>
</tr>
<tr>
<td>4</td>
<td>3 days</td>
<td>3 days</td>
</tr>
<tr>
<td>7</td>
<td>4 days</td>
<td>4 days</td>
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<tr>
<td>8</td>
<td>5 days</td>
<td>5 days</td>
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<tr>
<td>9</td>
<td>6 days</td>
<td>6 days</td>
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<td>10</td>
<td>7 days</td>
<td>7 days</td>
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<tr>
<td>11</td>
<td>8 days</td>
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<tr>
<td>14</td>
<td>9 days</td>
<td>9 days</td>
</tr>
<tr>
<td>15</td>
<td>10 days</td>
<td>10 days</td>
</tr>
</tbody>
</table>
Employee would be eligible for 20 FMLA days after March 29, 2011.

The same accumulation pattern applies to June and August of 2011. If the employee does not use the 20 FMLA days from March and from June, then at the end of June 2011, the employee now has 40 available FMLA days. The same concept is applied to August. However, if the employee does use the recouped FMLA days, the number of days used is subtracted from the total available FMLA days.
Concurrent Use of FMLA Leave and other Leave Allowance

<table>
<thead>
<tr>
<th>FMLA Event</th>
<th>Sick Leave</th>
<th>Annual Leave</th>
<th>Family Sick Leave (5 days of accrued sick leave)</th>
<th>Vacation &amp; Comp Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth or Adoption</td>
<td>REQUIRED</td>
<td>REQUIRED</td>
<td>REQUIRED</td>
<td>OPTIONAL</td>
</tr>
<tr>
<td>(If pregnancy results in medical complications)</td>
<td></td>
<td></td>
<td>(Need approval of appointing authority)</td>
<td></td>
</tr>
<tr>
<td>Serious Health Condition</td>
<td>NO</td>
<td>REQUIRED</td>
<td>REQUIRED</td>
<td>OPTIONAL</td>
</tr>
<tr>
<td>(Family member)</td>
<td></td>
<td></td>
<td>(Need approval of appointing authority)</td>
<td></td>
</tr>
<tr>
<td>Serious Health Condition</td>
<td>REQUIRED</td>
<td>REQUIRED</td>
<td>N/A</td>
<td>OPTIONAL</td>
</tr>
<tr>
<td>(Employee)</td>
<td></td>
<td></td>
<td>(Need approval of appointing authority)</td>
<td></td>
</tr>
</tbody>
</table>

For more details about FMLA visit: [http://www.phila.gov/personnel/fmlaFAQ.html](http://www.phila.gov/personnel/fmlaFAQ.html)
III. Standards of Conduct and Performance

A. Performance Appraisals

Introduction

Employees are the City’s greatest assets. To ensure that supervisors are maximizing return on these assets, it is critical that employee’s performance be evaluated objectively and annually. The Performance Appraisal process is the solution.

Purpose

The purpose of the Performance Appraisal is to allow supervisors to evaluate and develop an individual's performance and abilities. It should be used as a tool to encourage the best performers to maintain their high level of performance and to motivate poor performers to do better.

Annual performance appraisals enable management and monitoring of standards, agreeing expectations and objectives, and delegation of responsibilities and tasks. Staff performance appraisals also establish individual training needs and enable organizational training needs analysis and planning.

Benefits

Benefits of an objective Performance Appraisal process include:

- Provides objective analysis for individual performance or compensation considerations
- Provide the opportunity to redefine the requirements for the next evaluation period
- Opens up and encourage communication lines between supervisor and worker
- Assist in allocation decision of appointing the right person
- Identification of employees who have the potential for advancement or who might be better suited in other areas of the organization
- Identification of training/development needs in order reach maximum effectiveness
- Reduced turnover costs - identifying problem areas before it is too late

Best Practices

An effective performance management process enables managers to evaluate and measure individual performance and optimize productivity by:

- Aligning individual employee's day-to-day actions with departmental strategic objectives
- Providing clear accountability related to performance expectations
• Documenting individual performance to support compensation and career planning decisions
• Establishing focus for skill development and learning activity
• By documenting performance to support decisions and reduce disputes

Many of the practices that support appraisal also positively impact job satisfaction, employee retention and loyalty. Recommended practices include:

• Delivering regular relevant job feedback
• Setting and communicating clear performance expectations
• Linking performance to compensation
• Identifying organizational career paths for employees
• Evaluating performance and delivering incentives in a fair and consistent manner
• Providing appropriate training and development opportunities
• Recognizing and rewarding top performers

Performance Evaluation Checklist

Supervisors can use this checklist to ensure that the required steps are taken:

1. At the beginning of the performance evaluation review period:
   • Make sure that the employee understands the evaluation process and the appropriate rating system.
   • Define the duties, discuss employee contributions to goals and objectives, and develop performance objectives and future goals.
   • Provide the employee with a copy of the job description, and written performance expectations for that factor.

2. During the Evaluation Period:
   • Observe employee performance.
   • Maintain record of examples of good and bad performance.
   • Communicate on a continuing basis through feedback regarding performance.
   • Monitor progress toward performance objectives and performance goals.

3. Before the Review Session:
   • Set appointment with the employee in advance.
   • Ensure that the job description accurately describes the employee’s job duties. If an employee’s job description needs to be reviewed and approved for the position, work with Office of Human Resources to ensure that all revisions remain within the job specifications for the position.
   • Review record and other notes related to employee performance.
   • Review prior performance objectives.
   • Rate employee on all applicable factors.
• Arrange and conduct a meeting in a private setting.
• Prepare preliminary employee performance objectives for the next review period.
• Plan for specific corrective and/or developmental actions.

4. During the Actual Review Session:

• Be professional but also pleasant and informal.
• Establish a clear understanding of standards and rating values.
• Involve employee and solicit employee comments. Encourage discussion.
• Finalize performance objectives for the next review period.
• Close on a positive note.

5. Preparing for the Next Evaluation Review Period:

• Follow up to ensure that available training/professional development is pursued by the employee.

B. Diffusing Hostile Work Environments

Introduction

The City of Philadelphia is committed to providing a professional and safe work environment for all employees and will not tolerate a hostile or unprofessional work environment. The city workplace includes any place where City business is conducted, including City buildings and property, City vehicles, private vehicles while used in City business, other assigned work locations and off-site training.

A hostile or unprofessional work environment creates:

- An offensive working environment,
- Adversely affects productive working relationships
- Disrupts the delivery of quality services.

Prevention

Incidents of conflict can be prevented by effective orientation and training programs that provide employees with standards of professional conduct including:

- Mayor’s Statement of Policy on Equal Employment Opportunity
- Mayor’s Statement of Policy on Sexual Harassment
- Philadelphia Code
- Philadelphia Home Rule Charter
- Executive Orders

A fundamental standard of conduct for all employees is the Dignity Clause:
“City managers and its employees should treat other employees and the public with respect, dignity, and in a manner that is not offensive.” (Mayor’s Statement of Policy)

Reporting

- Employees are responsibility to report any incident of conflict to their supervisors.
- Managers and supervisors must take prompt and effective action to investigate and resolve incidents of conflict

Additional Resources

- Philadelphia Board of Ethics
- Workplace Violence Policy (Office of Human Resources website)
- Firearms at Work - Executive Order # 1-95 (Office of Human Resources website)

C. Communication

Introduction

Supervisors and managers are leaders who influence others in the workplace:

- They command others’ attention.
- They influence others to achieve department objectives and expectations.
- They control situations.
- Through effective communication, leaders lead
- They lead by example!

What is communication?

Communication is one of the most important and underappreciated resource in the workplace, and an essential tool for supervisors and managers. Whether written or oral, managers and supervisors should communicate in a manner that is clear, accurate, and persuasive. Listening skills too are an important component of the communication process.

Each person has their own frame of reference through which they filter what they hear or see. Therefore, when communicating to others it is important to remember that the message sent may not be the message received.

Effective Communication:

Effective communication between supervisors and subordinates is the means by which policies, and job related duties, timelines, and goals are defined, understood and accomplished.
Components of effective communication include:

1. The person delivering the message must present the message clearly and in detail, and demonstrate integrity and trust.
   - Is the person consistent, confident, fair, and knowledgeable who earns the respect and confidence of others?

2. The person receiving the message must listen, ask questions for clarity, and trust the sender of the message.

3. The method of delivery must suit the circumstances and the needs of both the sender and the receiver.

**Communication & Employment Processes**

Communication is an indispensible resource for the successful and effective administration of employment policies and procedures especially when dealing with an employee’s performance and conduct.

Communication and Performance Appraisals

See section III.A.

Communication and Diffusing a Hostile Work Environment

See section III.B.
IV. Employment Law

A. Americans with Disabilities Act (ADA) Compliance

The Americans with Disabilities Act (ADA) is a comprehensive piece of legislation that was enacted to eliminate discrimination against individuals with disabilities. It was originally passed in 1990 and was amended in 2008.

ADA prohibits employers from discriminating against qualified individuals with disabilities in:

- job application procedures
- hiring
- pay
- benefits
- promotion
- trainings
- leaves
- layoffs
- terminations
- other terms, conditions and privileges of employment

Benefits of Hiring Disabled People

- Hiring disabled persons provides numerous important benefits to the employer.
- Bringing new ideas/perspectives on how to solve problems, accomplish tasks, and implement strategies
- Countering the impact of an aging and shrinking workforce
- Increasing retention rates
- Reducing turnover
- Increasing the number of skilled workers
- People who are rehabilitated become an asset to the community.

Qualified Disabled Persons

According to the ADA an individual with a disability:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Is regarded as having such an impairment
- A person who has a known association or relationship with a disabled individual is also protected

A qualified individual with a disability has the skills, experience, education and other job requirements, and can perform the essential functions of the job with or without reasonable accommodations.
Reasonable Accommodations

ADA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless doing so would cause undue hardship.

The City of Philadelphia shall provide a reasonable accommodation to the known physical and mental limitations of a qualified applicant or employee with a disability unless it can be shown that the accommodation would impose an undue hardship.

Reasonable accommodations are adjustments or modifications to a job, the work environment, or the way things are usually done that enables a qualified disabled individual to enjoy an equal employment opportunity.

Examples of Reasonable Accommodations

Providing a reasonable accommodation is part of the interactive process between departmental HR managers and the employee.

An undue hardship is defined as an action requiring significant difficulty or expense when considered in light of a number of factors.

Accommodations are required in both hiring and at the workplace.

Examples of accommodations include

- Extra time on hiring exams, this can only be given through the office of Human Resources
- Use of assistive technology
- Restructuring the work schedule
- Rearranging of office space to accommodate individuals who use mobility devices
- Additional time to hiring exams (this is arranged through OHR)

Best practices

- Reasonable accommodations are made on a case-by-case basis
- Reasonable accommodations should always be initiated by the individual requesting it; do not ask if an accommodation is needed
- Accommodation requests should be directed and handled by the departmental Human Resources manager immediately.
- Remember that persons who have known associations or relationship with individuals with disabilities are also protected by the ADA
**B. Equal Employment Opportunity (EEO)**

**Title VII Civil Rights Act of 1964 & Title IX of the Philadelphia Code**

**Summary**

Title VII identifies five federal protected categories: race, color, religion, national origin, or sex. Additionally, under Title IX of the Philadelphia code, individuals are protected from discrimination against gender identity, sexual orientation, ancestry, age, handicap or past handicap. Discrimination against individuals based on these categories is unlawful. It is also unlawful to retaliate against individuals who have complained about discrimination, filed charges of discrimination, or participated in employment discrimination investigations or lawsuits. Employers are also required to reasonably accommodate applicants’ and employees’ sincerely held religious practices, unless such accommodations impose undue hardship on the operation of the employer’s business.

Philadelphia has recently added protected categories:

“The City of Philadelphia, the Office of Human Resources and its contracting agencies are Equal Opportunity employers and do not discriminate or permit discrimination against people based on race, ethnicity, color, sex, sexual orientation, gender identity, religion national origin, ancestry, age, disability, marital status, source of income, familial status, genetic information or domestic or sexual violence victim status.”

Title VII: [http://www.eeoc.gov/laws/statutes/titlevii.cfm](http://www.eeoc.gov/laws/statutes/titlevii.cfm)

**Purpose**

As the foundation of all federal antidiscrimination legislation, Title VII encourages a professional relationship between employers and applicants or employees so that eligibility or performance is evaluated based on skills rather than personal matters throughout terms of employment. Terms of employment include but are not limited to recruitment, hiring, promotion, and separation.
Cities and states can add to the five protected federal categories. Title IX outlines the additional categories. Decisions of employment or deployment should be strictly based on skills and performance.

**Role of Supervisors and Managers**

Supervisors serve as role models for employees. Supervisors are expected to act and make decisions in compliance with the letter and spirit of Titles VII, Age Discrimination in Employment Act, Uniformed Services Employment and Reemployment Rights Act, Americans with Disabilities Act, and other laws regarding discrimination.

**Law of Agency**

Supervisors are required (not optional) to respond promptly and effectively to resolve any incident of discrimination of which they are informed, or witnessed. Supervisors should contact their departmental human resources for guidance and assistance.

**Application through Employment Processes**

**Recruitment**

- Broad exposure for job postings
- Avoid using identifiers that refer to protected categories

*Case Study:

Question: A manager/supervisor’s only mechanic retired and now has to find a replacement. The manager/supervisor plans to advertise for the position but does not see the need to schedule interviews with females because this job requires a lot of heavy lifting. Is he/she violating the law?

Answer: Yes; the manager/supervisor has discriminated against gender, and has limited the applicant pool to a specific category.

**Interview Process**

- All questions must be job related
- Ask all candidates the same questions: consistency will eliminate possibility for discrimination

**Selection**

- Criteria based specifically on the essential job functions
- Determine what information would disqualify a potential employee
  - Ex: drivers license
- Document why one candidate is more qualified
- Supervisors should not make decisions based on personality
(Refer to “Performance Appraisals” Section III.A.)

Evaluation/ Promotion

- Set consistent performance standards that are applied fairly and consistently
- Document evaluations with facts

Reporting Discrimination and Harassment

Employees who feel discriminated against, or witness incidents of discrimination or harassment should inform their supervisor/manager or Human Resources.

Case Study: Hostile Work Environment

Question: A manager/supervisor overhears an employee use a racially derogatory term in a conversation with another employee. What should he/she do?

Answer: As an agent of the City, prompt and effective action is required. Racially derogatory terms should be addressed, as they are considered unwelcome conduct.

- Address the incident with the employee immediately and in private to ensure that this behavior is not duplicated.
- Advise other employees who were part of the conversation to have taken steps to ensure that such conduct does not reoccur.

Additional Links


C. Sexual Harassment

Disclaimer: This material in this section does not replace or revoke the requirement for Managers and Supervisors to attend Sexual Harassment training.

The Sexual Harassment Policy is defined by the city of Philadelphia’s Office of Human Resources as unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual nature. These acts constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

The Mayor of Philadelphia’s Statement Policy:

“As Mayor, I also hereby reaffirm that harassment of the public, by City employees because of the above mentioned reasons prohibited. Harassment increases hostilities, creates offensive working environment, adversely affects productive working relationships, increases costs to the City and its Citizens, obstructs the City’s vision of diversity and quality of life, and tarnishes the public service image of City government. The City managers and its employees should treat other employees and the public with respect, dignity, and in a manner that is not offensive.”

PROHIBITED CONDUCT:

Physical Conduct Examples:

- Rape
- Sexual battery
- Molestation
- Committing an act with intent to cause fear in another of immediate bodily harm or death
- Touching of a person’s body, clothing, or hair
- Pinching
- Patting
- Grabbing
- Poking another person’s body
- Standing too close
- Brushing against another employee’s body
- Blocking someone’s path
Non-Physical Conduct Examples:

- Leering
- Gestures
- Sounds
- Slurs
- Whistling
- Looking someone up and down
- Making sexual comments about a person’s clothing, body or looks
- Sexual innuendo
- Jokes
- Sexually suggestive comments
- References to sex or gender specific traits
- Talking about a person’s sexuality or sexual experience directed at or made in the presence of any employee
- Telling lies or spreading rumors about a person’s sex life
- Repeated pressure or propositions for a date
- Withholding information, materials, or supplies that make it necessary to complete an assignment
- Unreasonably failing to cooperate or assist employees with work-related matters
- Interfering with an employee's efforts to satisfactorily complete a job assignment
- Ostracizing employees because of their gender

Publications Displayed at Work Examples:

*Publications that are sexually suggestive, demeaning, or pornographic are prohibited*

- Displaying pictures
- Posters
- Cartoons
- Calendars
- Reading materials
- Music
- Displaying signs or other materials purporting to segregate an employee by gender in any area of the work place

Technology Abuse Examples:

*Production or the transmission display of any sexually explicit material electronically is prohibited*
• Telephone Calls
• Displaying or transmission of sexual images
• Jokes
• Messages
• Emails
• Possession of such material in a manner that they might be seen by others

SEXUAL FAVORISM:

Granting or withholding of employment opportunities and benefits including, but not limited to:

• Job assignments
• Unequal discipline
• Promotion
• Evaluation
• Compensation
• Nepotism

Please refer to the Mayor’s Executive Order on Nepotism (1-11):

HOW TO REPORT CLAIMS OF SEXUAL HARASSMENT:

INFORMAL ACTION:

“Face to Face”

Informal action involves coming face to face with the offender. An employee would try to resolve the problem without having to file a formal complaint. Or the employee could contact the supervisor or manager to intervene in the situation. The manager or supervisor should document the situation.

• The employee may confront the offending party directly
• The employee may request a supervisor to intervene and the incident should be documented

FORMAL ACTION:

“Investigation”

Formal Action entails the filing of a formal complaint, which would prompt an investigation.

• File a complaint requesting an investigation into the allegation
• Formal complaints shall be taken in writing and signed by the complainant
Please read the Mayor’s Executive Order on Sexual Harassment (4-11) regarding responsibility: 

SUPERVISOR’S RESPONSIBILITY:

As agents of the City of Philadelphia, supervisors and managers MUST take prompt and effective action in responding, addressing, and resolving any incident involving sexual harassment. Law of Agency is the legal term for managers and supervisors to take prompt and effective action to resolve and prevent any incidents involving his or her employees. The Law of Agency states that managers and supervisors are not only responsible for what they know, but also what they SHOULD know. The supervisors and managers are held to a higher standard than the employees. The supervisors and manager are 100% liable for the actions of his or her employees.

HOW TO RESOLVE SITUATIONS:

When an employee comes to a supervisor about an issue of sexual harassment, the supervisor must take the appropriate steps to resolve the situation:

- Keep a record of the incidents including date, time, place and anyone who may have overheard or witnessed the incident
- Write down word for word what was said by all involved
- Write down in detail the conduct (verbal, non-verbal, gestures or acts) of the harasser and responses
- Supervisors need to have the person who reported the incident sign the report
- If the complaint involves rape, sexual assault, or conduct of a criminal, supervisors WILL need to contact the Philadelphia Police Department and a report will be made

PREVENTION:

Prevention is the best way to eliminate incidents of sexual harassment. The best practices to prevent sexual harassment would be for managers and supervisors to:

- Act as a role model for employees
- Know the sexual harassment policy and process for resolving sexual harassment situations
- Clearly communicate to the staff that sexual harassment will NOT be tolerated
- Encourage employees to come forward with complaints
- Counsel employees and advise them of their options
- Take immediate and appropriate action and promptly resolve sexual harassment complaints
• Take steps to prevent reoccurrences. Address an employee who makes a complaint for retaliation

**Sexual Harassment References:**


Sexual Harassment Training. Powerpoint lecture presented for the City of Philadelphia.