



# TOWN OF WATERBORO PERSONNEL POLICY

Amended through 7/31/2012

**PERSONNEL POLICY: TABLE OF CONTENTS**  
**TOWN OF WATERBORO**  
**Adopted effective 1/19/1988 with amendments through 7/31/2012**

<b>SECTION 1.00</b>	<b>Preamble and Purpose</b>	
<b>SECTION 2.00</b>	<b>Employment</b>	
	Generally	2.1
	Equal Opportunity Employer	2.2
	Recruitment	2.3
	Employment Files	2.4
	Employment Classification	2.5
	Employee Evaluations	2.6
	Whistleblower Protection	2.7
	Anti-nepotism	2.8
<b>SECTION 3.00</b>	<b>Work Week &amp; Attendance</b>	
	Work Week	3.1
	Time Recording	3.2
	Overtime	3.3
	Attendance	3.4
	Snow Days	3.5
	Lunch & Break Periods	3.6
<b>SECTION 4.00</b>	<b>Compensation</b>	
	Payment Schedule	4.1
	Payroll Adjustments	4.2
	Deductions	4.3
	Deferred Compensation	4.4
	Garnishment of Wages	4.5
	Expense Reimbursement	4.6
	Seniority	4.7
<b>SECTION 5.00</b>	<b>Employee/Volunteer Conduct</b>	
	Generally	5.1
	Drug & Alcohol	5.2
	Driving Policy	5.3
	Loss of License or Certification	5.4
	Confidentiality	5.5
	Employee Appearance	5.6
	Sexual Harassment	5.7
	Other Forms of Harassment	5.8
	Workplace Violence	5.9
	Complaint Procedures & Witness Obligations	5.10
	Workplace Safety & Injury Reporting	5.11
	Ethics & Conflicts of Interest	5.12
	Outside Employment & Solicitation	5.13
	Political Activity	5.14

	Gratuities/Gifts	5.15
	Smoking	5.16
	Municipal Property	5.17
<b>SECTION 6.00</b>	<b>Employee/Volunteer Discipline</b>	
<b>SECTION 7.00</b>	<b>Employee/Volunteer Grievance Procedures</b>	
	Grievance and Complaint Procedures	7.1
	Personnel Employee/Volunteer Appeal	7.2
	Terminating Employment	7.3
<b>SECTION 8.00</b>	<b>Benefits</b>	
	Vacation	8.1
	Holidays	8.2
	Sick Days	8.3
	Health Insurance	8.4
	Retirement	8.5
	Worker's Compensation	8.6
	Unemployment Insurance	8.7
	Social Security	8.9
	Discretionary Benefits	8.11
<b>SECTION 9.0</b>	<b>Leaves of Absence</b>	
	Bereavement	9.1
	Family & Medical Leave (FMLA)	9.2
	Leave Without Pay	9.3
	Jury Duty	9.4
	Military Leave	9.5
	Victims of Family Violence	9.6
	Emergency Disaster Volunteer Leave	9.7

*The municipality specifically reserves the right to repeal, modify or amend these policies as necessary. These policies are intended as informational guidance and the municipality reserves the right to interpret any provision and to change policies with reasonable notice when possible. These policies are not to be interpreted as promises of specific treatment or as creating any contractual rights with any employee/volunteer. In addition, conflicting changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated into the policy.*

## **PERSONNEL POLICY**

### **TOWN OF WATERBORO**

#### **SECTION 1.00 Preamble & Purpose**

##### **1.1 Preamble**

A. By action of the Town of Waterboro Board of Selectmen, the Personnel Policy (here after referred to as the "Policy") was voted into effect on July 14, 2003. This Personnel Policy is established as guidelines to assist in developing sound working relationships between the municipality and its personnel. These policies and subsequent modifications shall supersede any policy and/or rules made previously by the Board of Selectmen.

B. Elected officials and the Board of Selectmen in addition to all town committee members are not under the jurisdiction of the Personnel Policy. However, it is expected that these persons will utilized sound judgment in exercising their official duties and recognize relevant sections (e.g., Employee Conduct, Conflict of Interest, Harassment and Sexual Harassment, Confidentiality) of the Personnel Policy as a guide to performance of their duty to serve the Town and voters.

Per the Town of Waterboro Fire Department and Emergency Medical Services Ordinance (Oct. 28, 1997), Fire Department Officers (Art. 4(B)(4)) and Fire Department personnel (Art. 4(C)(5)) shall be subject to the Personnel Policy of the Town of Waterboro. All other municipal volunteers, to the extent relevant and appropriate, are subject to this policy.

## **SECTION 2.00      Employment**

### **2.1      Generally**

**A. Selection.** The employment of all personnel shall be the responsibility of the Board of Selectmen with input, as appropriate, from Department Heads and/or Town Administrator.

According to the Town of Waterboro Fire Department and Emergency Medical Services Ordinance, the Fire Chief shall be responsible for the recruitment, training, safety, discipline (under the direction of the Board of Selectmen) and the efficient functioning of the Department, its members and personnel.

**B. Application.** All applicants must submit a written application for employment. Selection procedures will include a completed application, reference checks, submission of resume for supervisory positions. All applicants are encouraged to provide a resume, in addition to interview(s). The municipality relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any willful misrepresentations, falsifications, or material omissions in any of this information or data may result in the municipality's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

**C. Tests.** The municipality may where appropriate require applicants to submit to interviews, tests, examinations and reviews which may include, among others, written tests, agility tests, pre-employment but post-offer physical and/or psychological examination(s) as permitted under state and federal law when job related, and background checks.

**D. Probation period.** All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance. Probationary employees are not eligible to take vacation or personal time. New probationary employees accrue vacation and sick leave but are not eligible to use vacation until after their trial period is completed. Sick leave accrual is subject to Section 8.3 of this Policy. Employees promoted, transferred or rehired during the probation period, will accrue vacation and sick leave and are eligible to use vacation and sick leave.

### **2.2      Equal Opportunity Employer**

The Town of Waterboro is committed to providing equal employment opportunities to applicants and employees. The Town supports a policy of nondiscrimination in hiring, employment and personnel actions. Waterboro is committed to the principal that each individual is entitled to equal employment opportunities without regard to: religion, race, sex, sexual orientation, marital status, age, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability.

This commitment applies to recruiting, hiring, compensation, fringe benefits, staff development and training, promotion, termination, and all other conditions of employment. This policy will be made known to all entities that do business with the Municipality.

### **2.3      Recruitment**

The municipality shall employ the best-qualified persons who are available at the salary levels established for municipal employment. Taking time limitations into account, there shall be as wide a search for qualified candidates as is practicable. The character of the recruitment and

selection process for all positions will vary contingent on the position, but may include advertising and open competitive examination in addition to contact with state and other employment offices and contact with special sources of information. In appropriate circumstances, the municipality reserves the right to hire from within, without externally posting the job vacancy. It shall be the duty of the Board of Selectmen (or Fire Chief under the direction of the Board of Selectmen) to seek out the most desirable employees/volunteers.

## **Promotions and Transfers**

Employees who are promoted or voluntarily switch jobs shall serve a two (2) week probation period, during which time they may request to be re-assigned to their previous position. Employees serving a probation periods as part of a promotion or voluntary transfer shall not forfeit their right to appeal disciplinary action as otherwise set forth in this policy.

### **2.4 Employment Files**

Employee files will be kept at the Town Hall, or in the case of the Fire Department at the Fire Chief's office, in accordance to state and federal guidelines. A complete file will be kept in a secured area for each employee and will include items such as: verification of pay, hiring data, applications, resumes, reference letters, signed job descriptions, employee acknowledgement forms, probationary and annual review, letters of commendation and recognition, disciplinary actions, case notes and exit interview forms. Medical information, as well as Workers Compensation information is part of the employee personnel file but, because of the confidential nature of such information, such material is kept in a secure location separated from the employee file.

An employee may, with reasonable notice to the Town Administrator or the Fire Chief and at a convenient time for the Town Administrator or the Fire Chief, review his/her employment file during regular working hours.

Employee files will be treated as confidential, to the extent permitted by law e.g. "Right to Know" mandates. Employee information is available only to the Selectmen, Town Administrator and Department Heads when appropriate.

Destruction of files for employees that have left the employ of the municipality shall occur according to state and federal guidelines.

### **2.5 Employment Classification**

**A. Probationary employees.** All new employees and every person promoted, transferred or rehired to a position are considered probationary for the first six (6) months of employment except in the case of police officers. Police officers pursuant to 30-A MRSA § 2701, upon being hired must complete an employment probationary period that lasts for at least one year after graduation from the Maine Criminal Justice Academy or the date the board waives the basic training requirement.

The probationary period shall be considered an extension of the selection process during which time employees will be subject to review and evaluation. In no case, except at times for police officers, will the probationary period be extended. If an employee's job is temporarily interrupted during the probationary period, upon return he/she will be required to complete the probationary

period and may be given credit for the time already served. New probationary employees accrue vacation and sick leave but are not eligible to use vacation until after their trial period is completed. Sick leave accrual is subject to Section 8.3 of this Policy. Employees promoted, transferred or rehired during the probation period, will accrue vacation and sick leave and are eligible to use vacation and sick leave.

Probationary employees may be removed at any time during the probationary period without cause and without right to a hearing.

**B. Full-time.** A full-time employee works of not less than 32 hours a week and on a continuing basis. Such employees are subject to all personnel policies and rules and receive all benefits for which they satisfy required eligibility criteria.

**C. Part-time.** An employee in this classification works less than the normal 32 hour workweek, but on a continuing basis. Part-time employees are subject to all personnel policies and rules however they are only entitled to a pro rata share of benefits. Benefits will be prorated according to the average hours per day and/or particular days of the week that are worked.

**D. Temporary employees.** Temporary employees, such as seasonal workers, work on a non-continuing basis, within a limited time frame usually not to exceed six (6) months. Temporary employees are subject to all personnel policies and rules but are not entitled to any benefits except those benefits required by law, including worker's compensation and unemployment compensation.

**E. Exempt employees.** Employees, who by the nature of their work, meet the exemption requirements of the federal Fair Labor Standards Act (FLSA). Such employees are deemed exempt from the payment of overtime for hours worked in excess of forty (40) hours in any week.

**F. Non-exempt employees.** All hourly wage earning employees who do not meet the "executive administrative or professional" criteria as set by the FLSA and, who are not otherwise exempt, or partially exempt from the overtime requirement of the FLSA, are eligible to receive overtime compensation paid at time and one-half (1.5) for hours worked in excess of forty (40) hours during any week

The Department Manager and the Town Administrator must preauthorize all overtime.

#### **G. Volunteers/Committee Board Members**

Given the distinct nature of volunteer status, the municipality reserves the right to alter the procedures contained in this policy as is deemed necessary by the Town Administrator and/or Board of Selectmen (or Fire Chief under the direction of the Board of Selectmen). The procedures contained shall serve only as a general guide to dealing with volunteers and may be altered on a case-by-case basis. Nonetheless, volunteers are expected to follow the rules of conduct contained in this policy.

**H. Contract Employment.** Contract employment is employment under a personal services contract between the Town and an individual. Such employees receive salaries and benefits as negotiated and stipulated in each contract and are covered by these Rules and Regulations with regard to those areas not specifically addressed in the contract. Contract employment is generally reserved

for the Town Administrator, Assessing Agent, Town Planner, Transfer Station Manager, Parks & Recreation Director and other specialized employees.

I. **On Call Employment.** Employees who are scheduled to work on an intermittent as needed basis. These employees do not have a regular schedule. On call employees are subject to all personnel policies and rules, but are not entitled to any benefits except those benefits required by law, including workers' compensation and unemployment compensation.

J. **Per Diem:** Employees who routinely work scheduled hours and who are not included in any of the above categories. The Town offers this category in limited classifications and to a limited number of employees, such as Fire/EMS personnel. Per diem employees are not entitled to any benefits, except those benefits required by law, including workers' compensation and unemployment compensation. Service in this category cannot be credited toward a benefit program if the employee changes employment to a benefit eligible category.

## **2.6 Employee Evaluations**

**A. Generally.** Evaluations will relate directly to the employee's position, work habits and job performance. Once a written evaluation has been completed, the employee and person charged with performing the evaluation will meet to discuss the evaluation. The employee's signature will be obtained which acknowledges review and understanding of the evaluation. Refusal to sign will be noted. (Amended 2/7/06)

**B. Regular employees.** All regular employees (full-time and part-time) will receive a written evaluation annually, on or about their anniversary date. Non-exempt employees shall receive their evaluation from the Town Administrator or Department Head. The Town Administrator will evaluate exempt employees. .

**C. Probationary employees.** Newly hired probationary employees shall receive a review after 3 months of employment, although probationary employees may be terminated without cause and without advance notice. The 3-month review period should serve to guide a new employee so that he or she can attempt to correct any faults or shortcomings in their performance.

## **2.7 Whistleblower Protection**

The Municipality strives to conduct its business with integrity and in strict compliance with all applicable federal, state and local laws and regulations. Accordingly, employees/volunteers are encouraged to bring to the attention of their Supervisor or the Town Administrator any actions of municipal officials or employees/volunteers that they believe may be improper or unsafe. The Municipality will not retaliate against any person who makes a report in good faith to either his Supervisor, the Town Administrator or to a regulatory body.

## **2.8 Anti-Nepotism**

No applicant shall be considered for employment in the same department where an immediate family member is already employed. This policy may be waived when the Board of Selectmen determines that such a waiver is necessary in order to recruit sufficient personnel to meet the Town's needs. Such waivers shall be for a specific period of time and shall detail the position(s) covered. Waivers shall not create a grand fathered situation for future years. In a situation where the nepotism policy is

waived, relatives shall not supervise one another and every effort shall be made to assign relatives to separate crews, shifts or Supervisors.

## **SECTION 3.00 Work Week & Attendance**

### **3.1 Work Week**

The regular workweek for payroll purposes begins Sunday and ends Saturday midnight. The Board of Selectmen shall set the actual hours for municipal employees.

### **3.2 Time Recording.**

For purposes of public accountability, all employees, exempt or non-exempt must record actual hours of work as well as paid or unpaid leave on their time sheets. Falsification of time records is a breach of Town policy and may result in disciplinary action including the possibility of dismissal.

Time sheets are due no later than Noon on Monday. Employee's that fail to turn in timely time sheets may be subject to discipline.

### **3.3 Overtime**

**A. Exempt employees:** Exempt employees will not receive overtime pay, and are expected to work the number of hours required to perform the job. However, an exempt employee shall be entitled to one hour of compensation time for each hour worked in excess of their regular scheduled weekly hours. Compensation time may be accumulated up to twenty-four (24) hours per calendar year. Compensation time will not carry over from one year to the other without approval by the Town Administrator. There shall be no payment for unused compensation time at the termination of employment for exempt employees.

**B. Non-exempt employees:** Any time worked by non-exempt employees in excess of forty (40) hours and 53 hours in the case of firefighters shall be compensated at an over time pay rate of time and one-half (1 ½). For the purpose of computing overtime, within any given week, hours spent on the job and actually worked along with military and jury time will be used to calculate over time pay. Vacation, sick leave, bereavement leave, holiday, and all other leave will not be counted toward calculating overtime pay.

**C. Prior authorization.** Prior approval of the Department Head and Town Administrator is necessary to authorize employee overtime and compensation time. The Department Head and Town Administrator will exercise discretion in authorizing overtime (and/or compensatory time if applicable). Overtime shall be considered necessary only in critical situations where additional effort is needed to complete a task within a certain amount of time. Temporary adjustments (i.e., same workweek) in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime.

### **3.4 Attendance**

Employees shall be at their respective places of work at the appointed starting time and remaining at work until the end of the scheduled workday. It is the responsibility of employees who may be

late or absent from work to see that their immediate Supervisor is advised of the reason for lateness or absence with as much advance notice as possible. If an absence, which has not been previously arranged for becomes necessary, the employee is expected to contact their Supervisor two (2) hours prior to the beginning of the employee's normal shift or sooner if practicable..

If an absence continues beyond one day, the employee is responsible for reporting in each day or providing the municipality with a physician's letter that contains the date the employee is to return to work. (Refer to the Medical Leave section for information on extended sick leave reporting requirements.)

Repeated lateness, unexcused absences, absences without authorization or failure to return to duty within 24 hours may be cause for discipline and/or discharge.

### **3.5 Snow Days**

With the exception of emergency services personnel, employees may be excused from work due to snow days or severe weather at the discretion of the Town Administrator. Compensation for that absence will be considered as follows:

1. If the municipal building closes the doors to the public, affected employees will be compensated for the hours they normally would have worked at their normal rate of pay.
2. When the municipal building is open, if an employee does not report for work, is offered the opportunity to leave work early and does so or is late arriving, non-exempt employees will not be paid for the absence. If possible, they may be offered the opportunity to make up the time or to utilize accrued paid time.

Under the Fair Labor Standards Act, exempt employees are not subject to wage reduction due to inclement weather absences during a week where any regular work is performed. However, exempt employees are expected to demonstrate professionalism and good judgment with regard to the performance of their duties on such weeks.

3. Employees will be called when the municipal building is closed due to inclement weather.

### **3.6 Lunch & Break Periods**

Employees are entitled to half (½) an hour paid lunch/meal period which should not be taken within two (2) hours of beginning of work hours. One fifteen (15) minute break the first half of the work shift and one fifteen (15) minute break the second half of the work shift is permitted. Break time may not be taken at the beginning or end of a work shift, or immediately before or after a lunch break. Break time can not be accumulated to be applied toward an alternate work schedule. Break time is calculated as the time the employee is away from his/her workstation; Break time is not limited to only time spent at the place break is taken.

Emergency services personnel are required to maintain availability to respond when needed and fire department management will allow the above meal and rest periods as permitted by the department's emergency calls.

## **SECTION 4.00 Compensation**

### **4.1 Payment Schedule**

The Town Treasurer, following the signing of the weekly expense warrant by the Selectmen, will issue payroll checks on Wednesday. Paychecks will be released only to the employee/volunteer whose name appears on the check unless other arrangements have been made by the employee/volunteer in writing.

### **4.2 Payroll Adjustments**

Salary or hourly rate adjustments are appropriated by Town Meeting and the rate of adjustment is approved by the Selectmen. Adjustments shall be made at the beginning of each fiscal year by the Town Treasurer as directed by the Selectmen.

### **4.3 Deductions**

Employees may request deductions from their pay for payments to a credit union, property taxes, etc. These requests will be made to the Treasurer in writing.

### **4.4 Deferred Compensation**

A plan for retirement purposes is available to all employees on a voluntary basis.

For information about this plan, please refer to the American Funds plan material, contact the American Funds representative, or the Town Administrator.

### **4.5 Garnishment of Wages**

The municipality encourages all employees to manage their personal finances accordingly but will comply with all state and federal laws that apply to garnishment of employee wages.

### **4.6 Expense Reimbursement**

Employees shall be reimbursed for reasonable and authorized expenses incurred while carrying out official Town business. Reimbursement for use of a personal vehicle for Town business shall be at the per mile rate established by the Board of Selectmen or current IRS per mile rate (whichever is higher) and expenses for tolls, parking, meals, lodging, etc. will be reimbursed at cost. The Town does not reimburse for any taxes paid on such expenses but will provide, upon request, a copy of the Town's tax exemption certificate or its tax exemption number, for employees to use while on Town business. Employees must submit signed mileage sheet, and all receipts for tolls, parking, meals, lodging etc. approved by the Department Head for reimbursement.

### **4.7 Seniority**

Seniority for the purpose of this policy shall be interpreted to mean the length of continuous service in Town employment from date of permanent hire. An employee shall not forfeit seniority during an authorized absence caused by illness, accident or an otherwise approved leave of absence.

In an employee leaves Town employment voluntarily and returns to Town employment within six months, the employee shall be given credit for past service for purpose of wages and benefits. Seniority for all other purposes shall be from the last date of hire.

## **SECTION 5.00 Employee/Volunteer Conduct**

### **5.1 Generally**

**Our taxpayers are entitled to the best service we can give them. Cooperation and teamwork by all employees/volunteers is essential to efficiency.** The employees of the Town are public servants and the citizens must be treated with courtesy and consideration. Every employee should remember that he or she may be the only contact a citizen has with his or her local government. The impression that the employee makes will determine for a long time to come what the citizen thinks of our Town Government. Failure of an employee to act with reasonable courtesy may result in disciplinary action. Employees are expected to conduct themselves with a professional demeanor.

### **5.2 Drug & Alcohol**

The Town is committed to providing a drug-free, healthful and safe work environment. The term "drug(s)" also includes alcohol and prescription drugs when they are taken other than how they are prescribed. This policy applies during an employee's/volunteer's assigned work hours, the Town premises and while conducting business-related activities off Town premises.

Employees/volunteers are required to report to work drug and alcohol free and free from the smell of alcohol. Job performance must be executed in a safe manner. The use, possession, distribution, dispensing, sale, or working under the influence is strictly prohibited. Those who violate this policy are subject to corrective discipline up to and including termination of employment.

Employees/volunteers seeking assistance for their substance abuse issues will be reasonably supported so that counseling appointments can be attended. Employees are accountable for their work performance whether they choose to participate in a substance abuse treatment program or not. Participation in a treatment program is voluntary and at the discretion of the employee.

The Town may discipline or terminate an employee/volunteer who is impaired or otherwise violates this policy or who exhibits an on-going performance issue.

Employees/volunteers using medication that may impair their work performance or pose a safety threat, should notify their Supervisor or Department Head. At the discretion of the Supervisor or Department Head with the approval of the Personnel Director, an employee/volunteer may be reassigned to a less hazardous task or be placed on sick leave if the impaired performance might pose a threat to oneself or others.

Employees who seek treatment for substance abuse must use their sick leave to attend a treatment program and may also be eligible for Family and Medical Leave Act (FMLA). Employees/volunteers

are encouraged to discuss their questions or concerns regarding such leave with the Town Administrator

Employees/volunteers must notify the Department Head or the Personnel Director as soon as possible but no later than within five (5) days after any conviction for a drug/alcohol related offense.

### **5.3 Driving Policy**

Any employee, volunteer, official or other person who drives municipal vehicles, or drives private vehicles on municipal business, must have a valid Maine driver's license and a satisfactory driving record. Any person hired for a position, which involves driving municipal vehicles or driving a private vehicle on municipal business, shall have his or her license checked annually for active status and accident/conviction history. Additional driving polices may be applicable for specific functions, such as operation of emergency services vehicles.

Any employee/volunteer cited or fined for a moving vehicle violation while on municipal time must report the event immediately to their Supervisor. If any employee's/volunteer's license is suspended or revoked while working for or providing services to the Municipality, such suspensions/revocations must be reported within 24 hours to the Department Head. The Personnel Director shall determine the appropriate course of action, including reassignment of duties, leave of absence or discipline.

Any employee/volunteer driving a municipal vehicle, receiving mileage or other reimbursement from the Municipality for driving, or otherwise driving on behalf of the Municipality, shall wear seat belts at all times and shall require authorized passengers to wear seat belts. Unauthorized passengers such as family members, friends, etc. are not permitted without the authorization of the Department Head. The Town Administrator may implement such other policies, as is necessary to ensure a safe driving policy.

### **5.4. Loss of License or Certification**

If it is a requirement for an employee/volunteer in a specific position to possess a valid license and/or class of license or certification, then it shall be a condition of employment for that employee/volunteer to maintain such license and/or certification. Failure to do so may result in re-assignment to an alternative position or job loss.

Employees/volunteers that lose their license or fail to obtain re-certification as necessary, must immediately inform the municipality of their new status.

### **5.5 Confidentiality**

Many municipal employees/volunteers have access to confidential information pertaining to persons or property in the municipality. Employees/volunteers are prohibited from disclosing confidential information to **anyone** not having a need to know the information. The employees/volunteers must not use confidential or privileged information to their own private advantage or to provide family or acquaintances with private advantages. Employees/volunteers are charged with the responsibility of releasing, upon Town Administrator approval, only that information that is required under the "Right to Know" law.

### **5.6 Employee Appearance**

**EMPLOYEE APPEARANCE** Employees shall dress appropriately for their position and maintain reasonable neatness and cleanliness in order to present a professional image to customers, visitors, coworkers, and the public. Acceptable personal appearance is important in providing the taxpayers with the service they deserve. Employees should consult the Town Administrator if they have questions as to what constitutes proper attire. Exceptions may be granted to employees to accommodate religious or cultural factors or medical conditions. Employees who are inappropriately dressed may be sent home and required to return to work in acceptable attire. Under this circumstance, employees will not be paid for the time away from work.

a. Office workers who have regular contact with the public must comply with the following personal appearance standards:

- (1.) Office employees are expected to dress in a manner that is normally acceptable in a professional office which includes but is not limited to: not wearing T-shirts, halter tops, sweatshirts, sweatpants, clothing with slogans, shorts, novelty buttons, baseball hats and flip flops . Jeans may be worn provided they are clean, not frayed and without holes. Comfortable shoes which are not slippery and offer good support are encouraged.
- (2.) Hair makeup and accessories should be worn in accordance with professional attire and appearance.

b. Employees who do not work in the office, such as Public Works employees, or others working outside much of the time should follow basic requirements of safety and comfort and still maintain a neat appearance. Employees must comply with the following standards:

- (1.) Wearing blue jeans, Dickies, Carharts or other workpants which are clean and without holes.
- (2.) T-shirts with no offensive logos or graphics.
- (3.) Steel toed shoes and other safety clothing or accessories as needed for doing the job at hand.
- (4.) Hair should be neat and clean and facial hair neatly trimmed.

c. Fire Department employees shall follow the department's policies for uniforms and required safety clothing.

#### **17. CLOTHING ALLOWANCE:**

The Town will provide uniforms for regular employees who are required to wear them and will provide safety gear for those who need it, including an allowance of up to \$100.00 for a pair of steel-toed boots.

#### **5.7 Sexual Harassment**

This Town is committed to promoting a workplace free from harassment. The Town of Waterboro recognizes the right of each employee, in addition to municipal volunteers, to work in an

environment that is free from sexual harassment, including same sex harassment of employees, volunteers and or members of the public with whom the Town does business.

Harassment by Town employees/volunteers is prohibited and is considered unprofessional and unacceptable conduct. This policy specifically prohibits an employee or volunteer from engaging in any intimidating, insulting, coercive or harassing behavior that is sexual in nature.

Remember, sexual harassment is in the ‘eyes of the beholder’ and not the way it may have been intended.

Examples of such prohibitive conduct include but are not limited to:

- Any unwelcome sexual advance or contact
- Spoken or written comments about a person’s sex
- Showing or displaying pornographic or sexually explicit objects or illustrations in the workplace or while performing duties for the Town
- Sexually offensive jokes, innuendoes, comments or visiting prohibited web sites
- Sexually oriented comments about a person’s body or behavior
- Repeated requests for a date

Sexual harassment is a form of sex discrimination and is prohibited by Title VII of the Civil Rights Act of 1964 and Maine law. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or participation in other Town activities
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment; or
- Such conduct violates any statute, regulation, ordinance, or any policy

Any employee or volunteer determined to have engaged in harassment of any kind and/or violence shall be subject to disciplinary action up to and including discharge. Supervisors and Department Heads are responsible for monitoring the behavior of their employees/volunteers. Inappropriate behaviors must be dealt with immediately.

The Town will work with you to resolve your complaint promptly and fairly.

This policy applies to the workplace during normal business hours, to all work related social functions whether on or off Town premises, and to business related travel.

## **5.8 Other Forms of Harassment**

Because the Town of Waterboro recognizes that each employee/volunteer has the right to work in a "safe" environment, any form of intimidation, hostility, unprofessional or obscene language will not be tolerated. Harassment related to race, color, sex, sexual harassment, national origin, age, religion, ability/disability will not be tolerated. Violations of this policy will lead to disciplinary action including termination of employment and may also result in criminal prosecution.

Examples include but are not limited to:

- Harassment related to race, color, sex, sexual orientation, national origin, age, religion, ability/disability
- Ridicule, slurs, offensive jokes, or derogatory actions
- Verbal threats, threatening behaviors, intimidation, acts of violence
- Refusal to work with or cooperate with another employee or volunteer on work assignments
- Inequitable disciplinary actions or work assignments

Violators of this policy may be removed from the premises and made to remain off of Town premises until further notice pending the outcome of an investigation. Anyone who becomes aware of a potential threat must report it to his or her Supervisor or to the Town Administrator.

Supervisors and Department Heads are responsible for monitoring the behavior of their employee/volunteers. Inappropriate behaviors must be dealt with immediately.

This policy applies to the workplace during normal business hours, to all work related social functions whether on or off Town premises, and to business related travel.

## **5.9 Workplace Violence**

Workplace violence is defined for the purpose of this policy as a literal act of violence against another individual(s) or against municipal property or a threat of violence against another individual(s) or against municipal property. This includes the use of physical force, harassment, intimidation or abuse of power or authority against another person. Acts of violence in and around the workplace are unacceptable and will not be tolerated. All such conduct will be thoroughly investigated and appropriate measures will be taken against employees/volunteers determined guilty of such offenses.

Suspected violators may be removed from the premises and may be made to remain off of Town premises until further notice pending the outcome of an investigation. Anyone who becomes aware of a potential threat must report it to his or her Supervisor or to the Town Administrator.

Supervisors and Department Heads are responsible for monitoring the behavior of their employees. Inappropriate behaviors must be dealt with immediately. It is the responsibility of all employees, supervisory and otherwise, to foster a work environment of respect and healthy conflict resolution.

This policy applies to the workplace during normal business hours, to all work related social functions whether on or off Town premises, and to business related travel.

## **5.10 Complaint Procedures & Witness Obligations**

**A. Complaints.** If you believe you are being harassed, sexually or otherwise, we encourage you to complain promptly to your Supervisor, or to any member of management. You may also contact the Town Administrator, or the Chair Board of Selectmen at 247-6166.

The Town is dedicated to working with you to resolve your complaint promptly and fairly. If you believe you are being sexually harassed, you also have the right to file a complaint with the Human

Rights Commission (MHRC) within 300 days of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, you may contact the Commission by mail at 51 State House Station, Augusta, ME 04333-0051, or by telephone at (207) 624-6050. You can also refer to the end of this policy for a copy of the MHRC procedures for filing a complaint.

**If You Have Questions...**Please feel free to contact the Town Administrator in person or by telephone at 247-6166 if you have any further questions about what harassment/sexual harassment is, how our complaint process works, or about our policy against sexual harassment.

## **B. Witnessing Harassment**

If a Town employee/volunteer witnesses what he or she believes to be harassment (sexual or otherwise) or witnesses workplace violence, the individual has an obligation to report this conduct to his or her Supervisor or to the Town Administrator.

Supervisory and management staff aware of any form of harassment or workplace violence must take immediate action to stop it. Allegations will be promptly and discreetly investigated. All employees or Town volunteers, who are asked, must cooperate in any such investigation and must maintain confidentiality regarding the investigation. All "good faith" reports can be made without fear of reprisal. Retaliation against witnesses or persons reporting such conduct in good faith is prohibited.

### **5.11 Workplace Safety & Injury Reporting**

**A. Safety.** Employees/volunteers will receive safety training including proper use of equipment, fire procedures, incident reporting procedures, and any other information necessary for employees/volunteers to adhere to a safe operating procedure. To use safety equipment as needed for their jobs, and to avoid willfully putting themselves or the municipality at risk of injury or liability, each employee/volunteer is expected to obey safety rules and to exercise caution in all work activities. Employees/volunteers must immediately report any unsafe condition to his or her Supervisor or the Personnel Director.

Employees/volunteers who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination. All "good faith" reports can be made without fear of reprisal.

**B. Injury reporting.** When an employee/volunteer of the municipality suffers an injury or accident in the course of employment, **regardless of how insignificant the injury may appear**, a report of the accident must be made immediately to the employee's/volunteer's Supervisor or Personnel Director. Supervisors must, in turn, report the accident immediately to the Personnel Director so that any necessary accident and injury reports may be completed. Such reports are necessary to comply with laws and initiate insurance and Workers' Compensation benefits procedures.

**C. Safety committee.** Some employees by virtue of their job position will be required to participate in the Safety Committee: Town Administrator, Fire Chief, Health Officer, Transfer

Station Attendant, Custodian, Town Clerk, Parks and Recreation Director, EMA Director, Road Commissioner, and Librarian.

### **5.12 Ethics & Conflicts of Interest**

Municipal employees shall be covered by the requirements of 30-A M.R.S.A. § 2604 et seq. and the following: Representatives of the Town of Waterboro shall not knowingly participate in a conflict of interest situation without making a full disclosure to the Selectmen. A conflict of interest is any situation whereby the representative of the municipality serves to benefit, or can be perceived as benefiting, from the situation that is in his/her control. Examples may include contracts, appointments, purchases and sales. Selectmen have the right to take all steps necessary to ensure that a real or perceived conflict of interest situation is rectified.

### **5.13 Outside Employment & Solicitation**

**A. Outside employment.** No employee may engage in additional employment that in any way interferes with the proper and effective performance of the duties of his position, results in a conflict of interest or subjects the Municipality to public criticism or embarrassment. If the Town Administrator determines that such outside employment is disadvantageous to the Municipality, upon notification in writing by the Town Administrator, the employee involved shall take prompt steps to resolve the situation.

Any full- or part-time employee who engages in employment outside of his regular working hours shall be subject to perform his or her regular municipal duties first. The Municipality shall not be liable for nor grant sick leave or disability leave in the case of any injury or occupational illness incurred by an employee/volunteer while engaged in outside employment.

**B. Solicitation.** No employee shall engage in any business other than regular duties of the Municipality during working time, including such activities as selling to fellow employees/volunteers, lending of money for profit, etc. With the exception of municipally approved activities, no solicitation of any kind is permitted on municipal premises during working time. Working time includes the working time of both the employee/volunteer soliciting, and the employee/volunteer to whom such activity is directed. Working time does not include break time. While on municipal premises during non-working time, such as breaks and meal times, employees/volunteers may engage in personal, business or social activities that are not disruptive to those who are working.

### **5.14 Political Activity**

No municipal employee shall participate in any political activity (including lobbying), which would be in conflict or incompatible or create an interference with the performance of his or her official functions and duties for the municipality. During the course of their employment, employees shall refrain from using their influence publicly in any way for or against any candidate seeking elective office in the Town government. Town employees shall not work at the polls in support of any political purpose pertaining to the Town government, circulate petitions or campaign literature for elective Town officials, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from

expressing their views on political matters, or from voting with complete freedom in any municipal, state or national election.

### **5.15 Gratuities/Gifts**

A town employee/volunteer is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from:

- any person who has or is seeking to obtain business with the town or,
- from any person within or outside town employment whose interests may be affected by the employee's/volunteer's performance or nonperformance of his official duties.

Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness or food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, e.g., pens, note pads, calendars, is permitted.

In addition, Department Heads must avoid placing themselves in a position that could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No Department Head shall accept gifts from subordinates other than those of nominal value for special occasions, and no Department Head shall borrow money or accept favors from any subordinate.

### **5.16 Smoking/tobacco**

The municipality supports a tobacco free work environment. Smoking and the use of tobacco products is not permitted inside any town-owned buildings and municipal vehicles.

### **5.17 Municipal Property**

Employees and Town volunteers should not, directly or indirectly, use or allow the use of municipal property of any kind for other than official activities. Certain nominal use of municipal property may be permitted at the discretion of the Board of Selectmen so long as such use does not interfere with municipal operations. All Town property issued to the employee/volunteer such as keys, equipment, etc. shall be returned to the Town, in good repair, prior to the employee's/volunteer's last day. Failure to return Town property may result in private legal action against the employee/volunteer.

Employees/volunteers should not use the telephone facilities for personal calls when the placing of such calls would interfere with the employee's/volunteer's duties, would incur additional financial liability for the municipality or would interfere with the use of the facilities for official business. Any such use should be urgent, infrequent and of short duration.

## **SECTION 6.00 Employee/Volunteer Discipline**

Disciplinary action usually begins with the Department Head who documents performance problems. Contemplated disciplinary action must be reviewed with the Town Administrator and Fire Chief as appropriate.

Disciplinary action up to and including dismissal may be initiated for reasons that include, but are not limited to the following:

- Absenteeism and/or tardiness
- Insubordination
- Unacceptable job performance
- Use of alcohol and/or non-prescriptive drugs during the work day or in any way which impairs the performance of the position
- Willful destruction of public and/or private property
- Falsification of documents, concerning the employee's application to the Town, payroll or other departmental operations
- Harassing behavior including obscene language directed at employees, volunteers or the public
- Failure to comply with safety regulations and requirements
- Dishonesty of any kind or theft of Town, public or private property
- Acceptance of money or any gift by an employee/volunteer for any consideration afforded to the public, in general
- Any other action or conduct materially affecting or impairing the efficiency of Town services or that brings the Town in public dispute or embarrassment

The disciplinary process may include, but is not limited to the following procedures.

**A. Verbal Warning.** The Department Head may verbally warn an employee/volunteer to improve specific performance issues or to rectify specific conduct. The date, time and nature of the warning shall be noted in the employee's personnel file. When possible, warnings should be given within two (2) days of the knowledge of the offense. The municipality reserves the right to move to a written warning, suspension or termination depending on the seriousness of the situation.

**B. Written Reprimand.** The Department Head may give a written reprimand to an employee/volunteer for a repeated offense, or for an offense serious enough to require more than a verbal warning. A reprimand will include the nature of the offense, date and time of the offense, possibility of future disciplinary action and steps for correction of the action. A copy of the reprimand signed by the Department Head and the employee/volunteer will be placed in the employee/volunteer personnel file. If the employee/volunteer refuses to sign the reprimand, this fact should be noted and witnessed on the reprimand. The municipality reserves the right to move to suspension or termination depending on the seriousness of the situation.

**C. Suspension.** The Town Administrator and the Board of Selectmen (or Fire Chief under the direction of the Board of Selectmen) may suspend an employee/volunteer with or without pay for a recurring offense or an offense which merits suspension. Suspensions will be consistent with FLSA requirements. The municipality reserves the right to move to termination depending on the seriousness of the situation.

The employee/volunteer will have the opportunity to respond to the charges prior to serving the suspension unless the employee's/volunteer's actions are a threat to self or others. The employee's/volunteer's opportunity to respond to the charges may occur at a meeting with the employee/volunteer held to discuss the reasons for the suspension. The length of suspension is based on the seriousness of the offense and what the Town Administrator and the Board of Selectmen (or Fire Chief as appropriate and under the direction of the Board of Selectpersons) may determine is warranted.

Employees/volunteers will receive confirmation of their suspension period and the necessary corrective steps. Employees/volunteers will be warned of the potential for more serious disciplinary action or dismissal in the event of further offenses. A copy of the letter of suspension will be included in the employee's/volunteer's personnel file. Suspension with or without pay may occur for an indefinite period pending complete investigation of the incident or offense.

**D. Dismissal.** The Town Administrator with the approval of the Board of Selectmen may dismiss an employee if his or her job performance or misconduct warrants dismissal. After a meeting between the employee, Department Head, and Town Administrator, the employee shall be notified of the reason(s) for the dismissal and the effective date thereof. Dismissals shall be confirmed by the Board of Selectmen in writing prior to the effective date of dismissal.

Notwithstanding the above, according to the Fire Department and Emergency Medical Services Ordinance (Art. 4(C)(2)), Fire Department personnel may be terminated by the Fire Chief for just cause, after notice to the employee. Terminations for just cause are subject to review, at the request of the terminated Fire Department employee, by the Board of Selectmen. Any such request for review shall be submitted to the Board of Selectmen within seven (7) days of termination

**E. Volunteers.** Given the distinct nature of volunteer status, the municipality reserves the right to alter the procedures contained in this policy when dealing with volunteers. The procedures herein contained shall serve only as a general guide to dealing with volunteers and may be altered on a case-by-case basis.

## **SECTION 7.00 Employee/Volunteer Grievance Procedures**

The Town recognizes that situations may arise in which an employee/volunteer believes that they have been treated unfairly in accordance to the Town's policies and procedures. The employee/volunteer should attempt to resolve the problem or complaint with their immediate Supervisor or Department Head as appropriate. If the matter cannot be resolved, they may file a formal complaint.

### **7.1 Grievance and Complaint Procedure**

Any written, signed and dated complaint filed by a citizen or another employee against any regular employee which could result in that incident being recorded in his/her respective personnel file shall be promptly submitted to the employee involved as allowed by law, providing that disclosure of the complaint would not prejudice the Town in any investigation of or future prosecution growing out of the complaint and that the complaint is submitted to the employee within ten work days of the date of the complaint.

The purpose of the complaint procedure shall be to settle employee/volunteer complaints at the lowest practical level and as quickly as possible, promoting efficiency and good employee morale. The following procedures shall apply:

- A. Complaints must be filed in writing with the Town Administrator, as soon as possible but, no later than ten (10) days after the incident or complaint has occurred.
- B. The complaint of the aggrieved employee/volunteer must clearly state the specifics of the complaint. Once having received the complaint, the Town Administrator may find it necessary

to meet with the employee/volunteer to discuss the matter and shall make a separate investigation and inform the employee in writing of a decision and the reasons therefor within seven (7) working days or within a reasonable amount of time depending on the circumstances after receipt of the complaint.

- C. If the decision is unacceptable to the aggrieved employee/volunteer, the grievance may be submitted in writing within five (5) working days to a committee established by the Board of Selectmen for such purpose. The grievance must be submitted to the Chair of the Board of Selectmen, with a copy to the Town Administrator.

If the employee or employer wishes to have a hearing before the Committee, she/she shall submit at the time of the grievance a statement of reasons why he/she believes a hearing would be appropriate. Failure to include said statement is a waiver of the right to a hearing, provided, however, that the Committee retains the right to hold a hearing. A request for a hearing does not require that the Committee hold a hearing.

The Committee in a timely manner shall review the record established in earlier disciplinary proceedings and may decide the grievance on the record, or, the Committee may hold a grievance hearing with the aggrieved employee.

If a grievance hearing is held, the employee has the right to be represented at the hearing, may request the presence of Town employee witnesses, may testify and present other witnesses and may cross-examine Town witnesses. The grievance committee is entitled to receive written statements and other evidence which the Committee determines to be relevant and reliable as to their contents. In accordance with 1 M.R.S.A. §405 (6) (A) (3), the committee hearing and evidence shall be public or executive session, at the employee's choice.

Upon completion of the review of the record or hearing and necessary Committee deliberation, the written decision of the Committee shall be provided to the grievant within ten (10) working days of the Committee vote and the decision of the Committee shall be final for purposes of any further appeals at that time. Per 30-A MRSA § 2702(B) (5), the Committee's final written decision shall be a matter of public record.

Time frames included above may vary by mutual consent.

- D. Notwithstanding the above, terminations of Fire Department personnel are subject to procedures established in the Fire Department and Emergency Medical Services Ordinance (Art. 4(C)(2)).

## **7.2 Personnel Employee/Volunteer Appeal**

The Board of Selectmen shall appoint from among the qualified voters of the Town a Personnel Appeals Committee consisting of five (5) regular members and two (2) alternate members to serve staggered terms of three (3) years. A quorum of the Personnel Appeals Committee shall consist of three (3) members and every decision shall require the affirmative vote of at least three (3) members.

An appeal must be filed in writing with the Chairman of the Board of Selectmen with a copy to the Town Administrator within five (5) working days which is the subject of the appeal pursuant to Section 7.1.

The Board may adopt rules and regulations deemed to be necessary for the transaction of its business.

### **7.3 Terminating Employment**

**A. Generally.** Employees may leave a job in a variety of ways including resignation, retirement, layoff, or discharge. When possible, a meeting with the Town Administrator will be conducted prior to the employee's last day. The purpose of the meeting(s) is to provide information regarding any benefits that are due to the employee, such as insurance coverage, and unused vacation and accrued sick leave. . All Town property such as keys, equipment, etc. issued to the employee shall be returned to the Town in good condition prior to the employee's last day.

**B. References.** Reference requests should be submitted in writing to the Personnel Director. The Town will provide the following information on employment inquiries: Verification on dates of employment; job title and a description of duties. Further information will not be provided without a written release from the employee. No additional information will be furnished unless it falls within the guidelines of state and federal regulations governing public information about municipal employees.

**C. Resignations/Retirement.** Exempt staff is encouraged to provide at least one (1) months' notice of resignation. Non-exempt staff is encouraged to provide two (2) weeks of notice of resignation. Written notice should be provided to the Town Administrator.

**D.** Employees who separate from the Town and who have accrued vacation and sick leave time to their credit at the time of such separation shall be paid the wages equivalent to the vacation time accrued and 50% of sick leave accrued to a maximum of thirty (30) days. Sick leave payment shall be made only when separation is in good standing.

### **7.4 Layoffs and Labor Force Reductions**

In the event that the Town determines it is necessary to lay off personnel, employees shall be laid off (and or reassigned) in inverse order of seniority and the senior employee shall bump a less senior employee, provided the more senior employee to be retained is fully qualified with minimal training to fulfill all duties of the remaining positions(s).

Employees shall be given a thirty (30) calendar day written notice prior to layoff to the extent possible. However, in the event the Town decides to impose an immediate layoff, employees so affected shall be given two (2) weeks of wages in addition to compensation for whatever leave time may be payable upon separation from employment. If the Town Meeting is held after June 15<sup>th</sup>, the Town will not be obligated to pay the additional two weeks of wages as otherwise set forth in this policy. Should an employee leave his or her employment before this notice period has expired, he or she will not be entitled for the balance of the notice period.

Laid off employees shall be entitled to health and dental insurance benefits as set forth herein through the last day of the next full month following the effective date of layoff. All other benefits shall cease as of the effective date of layoff except as otherwise prescribed by COBRA.

In the event a laid off employee is reinstated within eighteen (18) months of layoff, he or she may have all previous seniority restored and shall be immediately eligible to accumulate vacation and sick days as otherwise set forth herein.

Laid off employees shall be notified of Town vacancies for eighteen (18) months of layoff. In the event a laid off employee is reinstated within eighteen (18) months of layoff, he or she may buy back leave time (up to the amount previously paid) and shall have all previous seniority restored and shall be immediately eligible to accumulate vacation and sick days as otherwise set forth in this policy.

**E. Discharge.** An employee may be discharged for a number of reasons, refer to Section 6.0.

**SECTION 8.00      Benefits**

**8.1      Vacation**

Eligible employees will earn paid vacation consistent with the following schedule:

<u>Years of Service</u>	<u>Annual Hours</u>
Less than 5 years	80 (2 weeks)
5-14 years	120 (3 weeks)
15-19 years	160 (4 weeks)
Over 20 years	200 (5 weeks)

Eligible employees will accrue paid vacation each calendar year beginning January 1<sup>st</sup> and ending on December 31.

Vacation time may not be carried over to the next calendar year, unless prior approval from the Town Administrator. Any outstanding vacation time shall be paid to the employee in a check separate from their regular payroll at the end of the calendar year.

Employees must request vacation time from the Department Head/Town Administrator at least two (2) weeks in advance to ensure appropriate staff coverage. The Town Administrator shall have the authority to deny vacation requests during heavy workload periods. If two or more individuals request the same vacation time and they submit the request prior to February 15<sup>th</sup>, then seniority will be the deciding factor for who will be granted the vacation time. Any request received after the February 15<sup>th</sup> date will be granted on a “first come, first serve” basis.

If an employee is absent from work, the appropriate accrued leave time shall be used. In the case of sick time, an employee must comply with the provisions of Section 8.3. Employees may be allowed to take unpaid leave, when approved by the Town Administrator, in cases where paid leave time has been exhausted.

Employees who terminate employment with the Town of Waterboro will receive their accrued vacation pay.

## **8.2 Holidays**

Holiday pay is available to eligible exempt and non-exempt regular employees. Employees who do not work a full week will be paid holiday pay only if the holiday falls on the day the employee was scheduled to work. Compensation for holidays will be based upon the number of hours that the employee would have worked if the holiday occurred on a regular workday. Holidays within vacation time are not considered a vacation day. Eligible holidays are as follows:

- New Year's Day
- President's Day
- Martin L. King's Day
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Employees will also be paid for half (½) day before New Year's Day and half (½) day before Christmas if the holiday falls on Tuesday through Friday and if the employee is non-exempt. The offices will be closed on Fridays when the holiday is on a Saturday, and on Monday when the holiday falls on a Sunday. In order to be eligible for holiday pay, an employee must work the last scheduled work day prior to the holiday, and the next scheduled work day after the holiday, unless excused by the Town Administrator.

Holiday pay shall not be given to any employee if they are on a leave of absence without pay, suspension, or any other non-pay status on the date the holiday falls. Sick leave shall not be charged on any paid holiday established above.

Employees will not be paid for any holiday listed above that is observed on Monday, but will be permitted to use those days as paid floating holidays during the fiscal year. A floating holiday will be earned in the week that the holiday occurs and must be scheduled in the same manner as vacation time and must be used on or before June 30<sup>th</sup>. There will be no payment for any unused floating holidays. Floating holidays will be available for employees whose hours have been reduced and work regular hours Tuesday through Friday.

## **8.3 Sick Days**

Paid sick leave for each regular employee is earned at the rate of one (1) day for each calendar month of service in proportion to the hours worked and may accumulate to no more than 180 days. Part time employees will receive a prorated amount of sick days. Sick days may be used in hour increments. This time cannot be used for vacation time. Sick days cannot be used the day before or the day after a holiday. Employees absent from work on the day before or after a holiday may be requested to provide a physician's note certifying that the reason for the absence was illness

Sick leave may be granted for any of the following reasons: Personal illness or injury of a nature sufficient to justify absence from work; personal medical or dental appointments that cannot be scheduled other than during working hours.

An employee may utilize up to 40 hours of sick leave a year for an ill parent or spouse or child.

After three (3) consecutive days of sick time, the Personnel Director shall require a certificate from a qualified physician to justify continued absence and/or return to work. The municipality shall request a physician(s) letter(s) certifying "fitness for duty" prior to an employee's return to duty after an extended or serious medical/psychiatric leave or where a "safety" issue presents itself.

Upon initial hire, employees shall not be entitled to paid sick leave until they have completed ninety (90) days of employment. At the completion of ninety (90) days employment, probationary employees' cumulative sick leave days shall be computed from the original date of employment.

Sick leave shall not be considered as a right that an employee may use at his/her discretion, but shall be allowed only in case of actual sickness, disability or medical appointments, including dental. If this privilege is abused, the employee can be subject to disciplinary action.. False or fraudulent use of sick leave shall be cause for disciplinary action.

If an employee is absent from work, the appropriate accrued leave time shall be used. Employees may be allowed to take unpaid leave, when approved by the Town Administrator, in cases where accrued paid leave time has been exhausted.

In the event of death of an employee, the Town shall pay to the designated beneficiary one hundred percent (100%) of the employee's accumulated sick leave with a cap of thirty days.

#### **8.4 Health Insurance**

**A. Medical and Dental:** The Town participates in the Maine Municipal Employees Health Trust or an equal or better plan for all eligible employees requesting the coverage. Town will provide the maximum amount of \$9,000.00 per fiscal year per employee toward the cost of health and dental insurance. Only full-time and part-time employees are eligible for coverage. The Town reserves the right to change insurance carriers and/or benefit level as deemed necessary. Town offers employees the choice of one of three health insurance plans provided through the Maine Municipal Employees Health Trust (MMEHT) The plans offered are the POS-A, POS-C or PPO-500 plans.

**B.** Employees who voluntarily elect to withdraw from participation in the health insurance plan provided by the Town may do so upon presentation of proof of other health insurance. Employees withdrawing from coverage will be compensated \$600.00 for each month for which a premium for health insurance is not paid by the Town for the employee. This reimbursement will be paid in 12 monthly installments.

**C . Life and Disability Insurance:** Life Insurance is provided at no extra cost, as part of the individual Health and Dental Benefits package paid for by the municipality for full-time employees. The basic policy is a death benefit in the amount of the employee's annual salary. Short term disability insurance is available at the employee's cost through the Maine Municipal Association Policy (Income Protection Plan). That plan provides benefits for up to fifty-two (52) weeks in

accordance with the provider's rules and in amount selected by the employee. Long term disability insurance, Vision coverage are also available at the employee's cost.

C. Town shall make available a dental insurance plan to employees who meet the eligibility requirements of the plan. The premium of the plan shall be included in the insurance cap.

D. Retiree Health Insurance. The Maine Municipal Health Trust (MMHT) permits employees who retire from the Town the right to his/her health insurance with the MMHT provided the employee is either receiving benefits from the town sponsored retirement plan or is at least 55 years of age and worked for the Town at least the last 5 consecutive years immediately prior to retirement. The employee will be required to pay the full premium for retiree health insurance.

### **8.5 Retirement**

The Town shall provide employees with a retirement plan and the Town will match an employee's contribution to a maximum of 3% of the employee's eligible wages beginning with the first payroll period in the thirteenth month of full time employment.

### **8.6 Worker's Compensation**

This program protects employees against income losses caused by job-related injuries and occupational disease. The Town's Workmen's Compensation carrier is Maine Municipal Worker's compensation Fund. Report filing, processing, and review are governed by State guidelines. Employees are required to **immediately** report any incident or accident to the Department Head, or in the absence of a Department Head, Town Administrator or Selectmen **regardless of how minor the injury.**

### **8.7 Unemployment Insurance**

The Town provides unemployment compensation benefits to employees in accordance with state and federal law.

### **8.9 Social Security**

The Town participates jointly with employees in making Social Security payments. Benefits provided include a retirement feature; survivor's benefits payment if death occurs before retirement, disability insurance and Medicare coverage.

### **8.10 Employee Assistance Program**

The Town believes it is in the interest of employees, employees' families, and the City to offer an Employee Assistance Program (EAP) to help employees deal with personal problems under strict confidentiality. We believe that the personal lives of employees are their own affair. However, when personal problems of an employee seriously affect job performance, sound business practice and an obligation rooted in personal concern for employees require that the problems be resolved. The basic purpose of our EAP is to offer employees assistance in such a way as to restore individual productivity and enable employees to lead meaningful lives. Employees who have problems that they feel may adversely affect job performance or personal well-being are encouraged to voluntarily seek confidential assistance in the EAP. Employees are assured that their jobs or promotional opportunities will not be jeopardized by utilizing the EAP, and that all contract and records will be confidential. Participation in the EAP is strictly voluntary. Supervisors should remind employees that the EAP is a

benefit available at not cost, but should not require an employee to attend, or send an employee to, the EAP. Agreeing or refusing to participate in the EAP should have no bearing on whether employees should keep their jobs.

### **8.11 Discretionary Benefits**

All regular full time and part time employees (employed more than 30 hours or more per week) are entitled to the following longevity steps that become a part of the employee's base pay after each year as indicated:

\$13.00 per week after 7 years of service

\$13.00 per week after 12 years of service

\$13.00 per week after 20 years of service

**Amended 7/31/2012:** Contract employees are excluded from the discretionary benefit.

## **SECTION 9.0            Leaves of Absence**

### **9.1 Bereavement**

Eligible employees with a death in their immediate family are permitted time off with pay from scheduled work to attend to immediate family matters and deal with their loss. This policy outlines the amount of time provided and under what circumstances payments will be made.

- An employee may be eligible to be paid for up to five (5) calendar days in the event of the death of a spouse, domestic partner (as defined by the Maine Municipal Employee Health Trust) child or parents, significant other (when approved by the Town Administrator), father, mother, brother, sister or child (including step children).
- An employee may be eligible to be paid for up to three (3) calendar days in the event of the death of an Grandparent, brothers, sisters, father-in-law, mother-in-law, brother-in-law, sister-in-law, step children, step parents or any other relative living in the same household as the employee.
- 
- For attendance at the funeral of an aunt, uncle, niece, nephew, employee shall be excused from work for one (1) day with full pay

Additional time off may be granted, on a case by case basis, by the Town Administrator

- The Town recognizes that close family ties may exist other than those defined above. Under these special circumstances the Town Administrator may, on a case by case basis, allow the employee to use paid leave. Should no paid leave be available, the Town Administrator may grant time off without pay.
- Employees requesting pay under this policy may be required to submit a written statement to Town Administrator indicating the name of the deceased and their relationship to the deceased. Additional documentation (obituary or other documents) may be requested authenticating the death as needed.

## **9.2 Family & Medical Leave (FMLA)**

As provided by the Federal Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of job-protected leave during any 12 month period for specified family and medical reasons. Employees not eligible for leave under the Federal FMLA may be entitled to up to 10 weeks of leave in a two year period under the terms and conditions of Maine law.

**A. Covered Family and Medical Reasons.** An eligible employee shall be entitled to 12 weeks of leave during a 12-month period for one or more of the following reasons:

- 1) The birth or placement of a child for adoption or foster care;
- 2) To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- 3) To take medical leave when the employee is unable to work because of a serious health condition.
- 4) A serious health condition, which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur on an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

An employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with questions about whether specific illnesses are covered under this policy or under the Municipality's sick leave policy are encouraged to meet with the Town Administrator.

**C. Calculation of Leave.** Eligible employees can use up to 12 weeks of leave during any 12-month period. The Town will use a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the Town computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time.

**D. Maintenance of Benefits.** An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work for the Town. If an employee currently pays a portion of their health insurance premium to maintain uninterrupted coverage, the employee will be required to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the Selectmen's office by the 15th (fifteenth) day of each month.

**E.** If the employee informs the Town that he/she does not intend to return to work at the end of the leave period, the Town's obligation to provide health benefits ends.

**F.** The Town will continue making payroll deductions for the employee's share of the health insurance premium while the employee is on paid leave. While the employee is on unpaid leave, the Town will request that the employee continue to make those payments. If the employee does not continue these payments, the Town will be entitled to recover the payments at the end of the leave period, in a manner consistent with the law.

The use of family or medical leave will not be considered a break in service.

**G. Job Restoration.** An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent status, pay, benefits and other employment terms.

**H. Use of Paid Leave.** An employee must use any accrued sick leave first and may elect to use accrued vacation leave after sick leave is exhausted. If the employee elects not to use vacation leave or has no accrued vacation leave after his/her sick leave is exhausted, the remainder of the leave will be unpaid.

**I. Intermittent Leave and Reduced Work Schedules.** Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the Town Administrator. Employees may use family or medical leave intermittently or as part of a reduced workweek whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the Town's operations. In some cases, the Town may temporarily transfer an employee using intermittent or a reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

**J. Notice**

When an employee plans to take leave under this policy, the employee must give the Town thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Town's operations. While on leave, employees will be requested to report periodically to the Town regarding the status of the medical condition, and their intent to return to work.

**K. Procedure for Notice and Certification of Serious Health Condition.** On occasion, the Town may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee should try to respond to such a request within seven (7) days of the request, or provide a reasonable explanation for the delay.

**9.3 Leave Without Pay**

At the discretion of the Town Administrator, a regular employee may be granted a leave of absence without pay, not to exceed ninety (90) days. The employee is expected to return to work at the end of this period. Employees may choose to continue insurance benefits during this leave by paying the full premium.

If an employee is absent from work, the appropriate accrued leave time shall be used. Employees may be allowed to take unpaid leave, when approved by the Town Administrator, in cases where paid leave time has been exhausted.

**9.4 Jury Duty**

Regular employees chosen for jury duty will be released from their job duties for the time period of service, as determined by the court. The leave is not a benefit and the employee must call work immediately following release from jury duty and will not be required to return to work if said employee has less than 2 hours remaining in their work day. Employees on jury leave who miss

work shall receive their regular schedule base pay in exchange for transfer to the Town of any compensation (not including mileage) received for their attendance.

### **9.5 Military Leave**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) grants rights to civilian employees whose employment is interrupted for military service or training and the Town will comply with its obligations under the Act

Full-time employees who are members of the military reserves or in the National Guard, and who are required to undergo field training during normal work hours, shall be entitled to a leave of absence with differential pay for the period of such training. Differential pay is not to exceed two (2) weeks in any one (1) year. The Town will pay the difference between compensation for military activities as shown by a statement issued by military authorities giving his/her rank, pay and allowances and the amount of net straight time pay due as an employee of the Town. If the compensation for military service is equal to or greater than the net straight time salary or wages due as a town employee, then no payment will be made.

### **9.6 Victims of Family Violence**

The Town recognizes that an employee may find it necessary to protect themselves or an immediate family member from domestic violence. In doing so, all reasonable efforts shall be made by the employee to preserve employment and the Town will comply with the laws and by making a reasonable effort to work with an employee during the immediate crisis. Employees will be granted reasonable and necessary leave from work with pay to:

- a) Prepare for or attend court proceedings
- b) Receive medical treatment or to attend medical treatment for a victim if it is the employee's daughter, son, parent, spouse or in the same household
- c) To obtain necessary services resulting from domestic violence, sexual assault, stalking, or any act that would warrant an order of protection.

Unless to do so would:

- a) Result in the Town sustaining undue hardship from the employee's absence
- b) The request for leave is not communicated to the Town Administrator within a reasonable time under the circumstances
- c) The requested leave is impractical, unreasonable or unnecessary based on the facts that are made known to Personnel Director.

The Department Head or the Town Administrator must be notified of possible risks of violence, intimidation, harassment, etc. by the perpetrator of family violence so that measures may be taken to protect the victimized employee, staff, customers and property.

## **9.7 Emergency Disaster Volunteer Leave**

Under Maine law (*30-A M.R.S.A. § 2705*) a municipal employee who is a certified disaster service volunteer of the American Red Cross, upon the request of the American Red Cross in order to participate in specialized disaster relief services for the American Red Cross may, with the approval of the legislative body of the municipality *or* municipal officers:

- Be granted leave not to exceed 15 days in each year without loss of pay, vacation time, sick leave or earned overtime accumulation;
- Be granted a leave using that employee's compensated time off, with the employee's consent;
- Be granted a leave using a combination of paid leave and compensated time off.

It is important to note that the relief services contemplated by this statute must be related to a disaster declared by the governor or state or territory or by the President of the United States.