



# Town of Raymond

## Board of Selectmen ePacket

### September 13, 2016

## Table of Contents

(Click on item to go to that page)

Agenda .....	2
Summary .....	3
Previous Meeting(s) Minutes .....	5
Raymond Village Library Update .....	17
Planning Board Appointment .....	25
Annual Tax Commitment .....	28
Quit Claim Deeds .....	29
County Tax Warrant .....	33
Personnel Policy - Red-Lined Original .....	35
Personnel Policy - Final Draft with all Changes .....	115
General Assistance Ordinance .....	150

---

# Agenda

---



## **BOARD OF SELECTMEN Agenda**

September 13, 2016

6:30pm – Regular Meeting

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

- 1) **Call to order**
- 2) **Minutes of previous meetings** – June 21, 2016 and August 16, 2016
- 3) **New Business**
  - a) **Community Service Award** – Joe Bruno, Board of Selectmen Chair
  - b) **Update from the Raymond Village Library Trustees** – Emily Allen, President, and Sheila Bourque, Treasurer
  - c) **Consideration of Appointment of Planning Board Member** – Kyle Bancroft
  - d) **Annual Tax Commitment** – Curt Lebel, Contract Assessor
  - e) **Proposed Quit Claim Deeds** – Sue Carr, Tax Collector
  - f) **County Tax Warrant** – Nancy Yates, Finance Director
  - g) **Personnel Policy Rev 2016 for Discussion and Possible Approval** – Rita Theriault, Human Resource Officer
  - h) **2016-2017 General Assistance Ordinance Approval** – Don Willard, Town Manager
- 4) **Public Comment**
- 5) **Selectman Comment**
- 6) **Town Manager's Report and Communications**
  - a) **Confirm Dates for Upcoming Regular Meetings**
  - b) **Reminder of Upcoming Holiday Schedule**
- 7) **Treasurer's Warrant**
- 8) **Executive Sessions**
  - a) **Consideration of Bids for Tax Acquired Properties** – Pursuant to MRSA 1 §405 (6)(C)
  - b) **Consideration of Annual Town Report Dedication** – Pursuant to MRSA 1 §405 (6)(A)
- 9) **Adjournment**

---

*Selectman's Meeting Agenda (Page 1 of 1) September 13, 2016*

---

# Summary

---



## **BOARD OF SELECTMEN Agenda Summary**

September 13, 2016

6:30pm – Regular Meeting

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

**1) Call to order**

**2) Minutes of previous meetings** – June 21, 2016 and August 16, 2016

**3) New Business**

**a) Community Service Award** – Joe Bruno, Board of Selectmen Chair

**b) Update from the Raymond Village Library Trustees** – Emily Allen, President, and Sheila Bourque, Treasurer

Introduction of the new Library Director, Allison Griffin, and an update on the Library's budget.

**c) Consideration of Appointment of Planning Board Member** – Kyle Bancroft

At its 8-10-2016 meeting the Planning Board voted unanimously to approve Kyle Bancroft's application and to forward his application to the Select Board with a recommendation that he be appointed. Mr Bancroft is filling a vacancy with a term ending on June 30, 2018.

**d) Annual Tax Commitment** – Curt Lebel, Contract Assessor

The Contract Assessor will ask the Board to set the FY17 tax rate, execute the tax commitment and charge Tax Collector Sue Carr with the collection of taxes. Possible tax rate options will be provided at the meeting and Contract Assessor Lebel will be available to discuss this year's valuation.

**e) Proposed Quit Claim Deeds** – Sue Carr, Tax Collector

Tax Collector Carr will present the following properties to be considered for granting Quit Claim Deeds as all back taxes, interest, and fees have now been paid in full:

Owner	Address	Map-Lot
Richard Cunningham	367 Webbs Mills Rd	010-124
Peter & Colleen Moreshead	Webbs Mills Rd	051-022-A

**f) County Tax Warrant** – Nancy Yates, Finance Director

The annual Tax Assessor's Return in the amount of \$676,263 for the County Tax Warrant requires the signatures of the majority of the Selectmen.

**g) Personnel Policy Rev 2016 for Discussion and Possible Approval** – Rita Theriault, Human Resource Officer

A "red-line" copy as recommended by Town Attorney Matthew Tarasevich is included in the ePacket, as well as a final draft should the Board of Selectmen elect to approve this revised policy.

**h) 2016-2017 General Assistance Ordinance Public Hearing and Approval** – Don Willard, Town Manager

This is an annual requirement of the Maine Department of Human Services to bring the Raymond General Assistance Ordinance into compliance with Maine Law, Title 22 M.R.S.A. §4305 (4), related to levels of financial assistance and eligibility. The town annually adopts the Maine Municipal Association Model Ordinance General Assistance Appendices, which cover the period of October 1 through October 1.

Appendices A-D and Maximums Adoption Form

**4) Public Comment**

**5) Selectman Comment**

**6) Town Manager's Report and Communications**

**a) Confirm Dates for Upcoming Regular Meetings**

- October 11, 2016
- November 15, 2016
- December 13, 2016

**b) Reminder of Election Related Activities**

- 1<sup>st</sup> week of October - Absentee Ballots available
- November 3<sup>rd</sup> – Last day to request an Absentee Ballot
- November 8<sup>th</sup> – Election Day – Polls open 7am to 8pm at Jordan Small Middle School

**c) Reminder of Upcoming Holiday Schedule**

- Monday, October 10<sup>th</sup> – Columbus Day
- Friday, November 11<sup>th</sup> – Veterans' Day
- Thursday & Friday, November 24 & 25 – Thanksgiving

**7) Treasurer's Warrant** – September 13, 2016

**8) Executive Sessions**

**a) Consideration of Bids for Tax Acquired Properties** – Pursuant to MRSA 1 §405 (6)(C)

**b) Consideration of Annual Town Report Dedication** – Pursuant to MRSA 1 §405 (6)(A)

**9) Adjournment**

---

*Selectman's Meeting Agenda Summary (Page 2 of 2) September 13, 2016*

---

## Previous Meeting(s) Minutes

---



### BOARD OF SELECTMEN Minutes

June 21, 2016

7:00pm – Regular Meeting

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

**Selectmen in attendance:** Joe Bruno, Teresa Sadak, Lawrence Taylor, Samuel Gifford, and Rolf Olsen

**Selectmen absent:** none

**Town Staff in attendance:**

Don Willard – Town Manager  
Nathan White – Public Works Director  
Sue Look – Town Clerk

1) **Called to order** at 7pm by Selectman Sadak.

2) **Election of Chair, Vice Chair, and Parliamentarian** – Board of Selectmen

**Motion** to elect Selectman Bruno as Chairman by Selectman Gifford. Seconded by Selectman Taylor.

**Unanimously approved.**

**Motion** to elect Selectman Sadak as Vice-Chairman by Selectman Taylor. Seconded by Selectman Gifford.

**Unanimously approved.**

**Motion** to elect Selectman Olsen as Parliamentarian by Selectman Taylor. Seconded by Selectman Sadak.

**Unanimously approved.**

a) **Determination of Representatives on Committees/Boards**

Included in the ePacket is a list of committees/boards that have had either a Selectman or another individual appointed as their representative. Staff action requested to make FY 2016-2017 appointments.

- Teresa Sadak  
Beautification Committee  
Tassel Top Board of Directors
- Sam Gifford  
Veteran's Memorial Park Committee  
GPCOG / Portland Area Comprehensive Transportation System (PACTS)

---

*Selectman's Meeting Minutes (Page 1 of 11) June 21, 2016*

- Lonnie Taylor  
Cemetery Committee  
Technology Committee  
Raymond Recreation Board  
Raymond Library Board of Trustees
- Rolf Olsen  
Greater Portland Council of Governments (GPCOG) *(with Don Willard as alternate)*
- Mark Gendron  
Mid Maine Waste Action Corporation (MMWAC) *(with Don Willard as alternate)*

**Motion** to approve representatives to committees as above by Selectman Olsen. Second by Selectman Taylor. **Unanimously approved.**

### 3) Minutes of previous meeting – May 10, 2016

**Motion** to approve minutes as presented by Selectman Taylor. Seconded by Selectman Sadak.  
**4-0 with 1 abstention**

### 4) New Business

- a) **Request for Town Sponsorship of “Everyone ♥ Raymond Day” on August 6, 2016** – Chairman Carrie Colby and Nick Hardy of the Raymond Revitalization Committee

Chairman Colby – In existence for about 4 years. Last year was 1<sup>st</sup> event on July 4<sup>th</sup> with a parade and events. Add their mission statement. Last year the Town supported the effort via insurance, Public Safety, Public Works. We are not asking for monies, we get sponsors. The Freeport Jazz Band is going to perform as a donation. Last year we had 500-800 attending. We are trying to engage businesses. We are coming out with a new brochure.

Chairman Bruno – Is there any concerns about the Town supporting this?

Town Manager Willard – None.

Selectman Sadak – I support them.

**Motion** to approve by Selectman Gifford. Seconded by Selectman Taylor.  
**Unanimously approved.**

We are asking for elected officials and candidates to be in the parade at 10am at the Dog Lodge on Main St.

Mr Hardy – We will have craft vendors who will only sell handmade items, not for resale. We are looking for more participants and it is \$10 per table. We are only taking parade participants and vendors from Raymond. We have a form to fill out.

Town Manager Willard – The Town’s insurance will be inforce for this event.

Chairman Bruno – Thank you.

- b) **Consideration of Changing Selectmen Meeting Time from 7:00pm to 6:30pm** – Selectman Sadak

**Motion** to change the Regular Selectmen's Meeting time to 6:30pm by Selectman Sadak. Seconded by Selectman Taylor.

Selectman Olsen – We moved the Budget-Finance Meeting from 7pm to 6:30pm and saw no lack of participation.

Selectman Taylor – I think it is a great idea.

**Unanimously approved.**

**c) BOS Information Request – How to deal with Board and Committee Vacancies – Sue Look, Town Clerk**

**Pursuant to 30-A MRSA §2602:**

A vacancy in a municipal office may occur by the following means:

- Non-acceptance
- Resignation
- Death
- Removal from the municipality
- Permanent disability or incompetency
- Failure to qualify for the office within 10 days after written demand by the municipal officers (failure to be sworn in)
- Failure of the municipality to elect a person or office
- Recall pursuant to 30-A MRSA §2505

Vacancy in the office of Selectman – the Selectmen may call a town meeting to elect a qualified person to fill the vacancy. *The use of the word “may” here gives the Selectmen permission to fill the position or not. It does not mean that they can use any other means (i.e.: appointment) to fill the position.*

Vacancy in the RSU Board of Directors – The municipal officers of the municipality in which the director resided shall select an interim director for the municipality to serve until the next annual municipal election. The interim director shall serve until a successor is elected and qualified. The municipal officers shall provide at the next municipal election for the election of a director to fill the vacancy. (20-A MRSA §1474)

Vacancy in any other office – the Selectmen may appoint a qualified person to fill the vacancy. *Again, the use of the word “may” here gives the Selectmen permission to fill the position or not.*

**From the Town of Raymond Miscellaneous Ordinances - Elected Official Recall & Appointment Ordinance:**

Section 9. Filling Vacancies: Pursuant to MRSA Title 30-A, §2602: after the results have been certified by the Board of Selectmen, the Clerk must prepare and call a special election within 30-45 days of that certification if there is not already a regularly scheduled election within 90 days of certification unless the conditions are met described under Section 10.

Section 10. The Town of Raymond office of an elected official shall be deemed vacant under one or more of the following conditions:

- A. Non-acceptance;
- B. Resignation;
- C. Death;
- D. Removal from the municipality;
- E. Permanent disability or incompetency;

F. Failure to qualify for the office within 10 days after written demand by the municipal officers;  
or

G. Failure of the municipality to elect a person to office.

Section 11. If the Clerk believes one or more of the above criteria are met, the Clerk shall in writing inform the Board of Selectmen and notify the affected elected official (unless deceased). A vacancy shall be declared if the Board of Selectmen determines by a majority vote of the members present that one or more of the above criteria are met.

Section 12. Following solicitation of interested candidates pursuant to MRSA §2625, vacancies in the office not withstanding any previous actions, except for vacancies in the school board and those as the result of a recall, shall be filled by the Board of Selectmen through appointment of a registered voter residing in the Town of Raymond and at least 18 years of age. The Board of Selectmen shall confirm the appointment by a majority vote of the Board members. The appointed official shall serve until the next regularly scheduled Town election and a successor is elected and sworn. Said successor shall serve the balance of the term.

Selectman Sadak – So in the current case where we have someone who has moved who was elected to the Budget-Finance Committee, we can appoint to fill the term until then next Town Meeting Election?

Town Clerk Look – Yes. The Budget-Finance Committee could have input if the Selectmen so chose, but the appointment is the Select Board's to make.

Chairman Bruno – Do we formally have an opening on the Budget-Finance Committee?

Town Clerk Look – Not that I have been made aware of.

Chairman Bruno – So we haven't seen a letter of resignation...

Selectman Olsen – I received a letter which has been forwarded to Selectman Sadak & former Selectman Mike Reynolds.

Chairman Bruno – It is not a resignation until it gets to the Town Manager. The resignation doesn't go to the chairman; it goes to the Town.

Selectman Sadak – I have a copy and can send it to Town Manager Willard & Town Clerk Look.

Chairman Bruno – Once the resignation is official we can appoint someone at our next meeting.

Selectman Olsen – The problem is that you have a conflict between 2 ordinances. The Budget-Finance Ordinance is specific in how to fill vacancies: *"Any vacancy among the voting members shall be filled by the Town at the first annual Town Meeting following the creation of that vacancy."*

Chairman Bruno – Then the question becomes does the Select Board Ordinance override the Budget-Finance Ordinance, and I would say, "Yes." The Select Board is the elected governing body of the Town.

Selectman Sadak – The ordinances are what everyone votes on, so aren't they the governing body?

*Pertinent Statute References:*

- 30-A MRSA §2001 (8) – *Town Meeting is the "Legislative Body" of the municipality.*

- 30-A MRSA §2604 (1) – “Body” means the governing unit of a municipality and any subunit of government of a municipality, including agencies, authorities, boards, commissions, and offices.
- 30-A MRSA §2635 – The board of selectmen as a body shall exercise all administrative and executive powers of the town.
- 30-A MRSA §3001 – Any municipality, by the adoption, amendment or repeal of ordinances or bylaws, may exercise any power or function which the Legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the Constitution of Maine, general law or charter.

Town Manager Willard – I would think that the later ordinance would govern.

Chairman Bruno – The Selectmen’s ordinance was enacted a year ago and if anyone would like to challenge it there are ways of doing that.

Selectman Olsen – There are other parts of the Budget-Finance Committee ordinance that need to be changed.

Chairman Bruno – The Budget-Finance Committee should make those changes and submit them to the Board of Selectmen for inclusion in next year’s Town Meeting Warrant.

**d) Consideration of Auditor Engagement Letter with Smith & Associates – Board of Selectmen**

We have received the engagement letter from Smith & Associates to audit FY 2015-2016 beginning the first week in September 2016. This is the final year of the 3-year contract with Smith & Associates.

**Motion** to approve by Selectman Gifford. Seconded by Selectman Sadak.  
**Unanimously approved.**

**e) Consideration of FY 2015-16 Budget Reserve Carry Forwards**

- Monies from Economic Development Appropriation under TIF – as of June 21, 2016 there is \$1,590
- Monies from Elections for the sign – about \$2,800

**Motion** to carry forward any remaining monies from Economic Development Appropriation under TIF not spent in FY 2015-2016 by Selectman Gifford. Seconded by Selectman Sadak.  
**Unanimously approved.**

**Motion** to carry forward any remaining monies from Elections not spent in FY 2015-2016 by Selectman Sadak. Seconded by Selectman Gifford.  
**Unanimously approved.**

**f) Tax Acquired Properties, Quit Claim Deeds – Sue Carr, Tax Collector**

Details for Tax Acquired Properties to potentially go up for auction, as well as Quit Claim Deeds for owners who have paid their taxes in full are in the ePacket.

Tax Collector Carr – Chapman, Lewis, Square J were up for auction last year. I have not heard from the Conservation Commission, so I assume that they are not interested. The others have paid or made payment arrangements.

**Motion** to put the 3 properties above out to bid by Selectman Sadak. Seconded by Selectman

Taylor.

Selectman Sadak – If we put these up for bid will we state the minimum we will accept?

Selectman Bruno – No.

Selectman Taylor – Should we to possibly get better bidders?

Selectman Sadak – I think we should let people know what we expect as a minimum.

Town Manager Willard – The bidders often contact the Town Office and they are told that this is not a “Fire Sale”. I tell them that we are trying to recoup the outstanding taxes and a percentage of the value.

Selectman Taylor – I think we should put a reserve as the lowest we would accept.

Chairman Bruno – I am not in favor of a reserve.

Tax Collector Carr – I create a bid package with all the property information we have.

Selectman Olsen – What is the right number? There is a lot that goes into a cost – taxes outstanding, interest on the taxes, advertising costs, etc.

Selectman Sadak – I would like to move these properties to get them back on the tax rolls and I think a minimum bid would help.

Selectman Olsen – If you list a minimum bid, then you can not reject any bid that is at least the minimum.

Tax Collector Carr – The properties that do not sell still accumulate taxes unless we put the property in our name.

**Unanimously approved.**

**Motion** to add a reserve to each of these 3 properties by Selectman Sadak. Seconded by Selectman Taylor.

Selectman Olsen – I agree as long as there is the ability for the Select Board to reject any bid.

Public Works Director White – The bank will have a reserve that they do not publish. When you put a reserve on you will see a cluster of bids around the reserve.

**Motion and second withdrawn.**

**Motion to add the one that Sue will tell me about by Selectman Sadak. Seconded by Taylor.**

- g) **Consideration of FY 2016-17 Fee Schedule** – Sue Look, Town Clerk  
Included in the ePacket is the Fee Schedule as proposed for FY 2016-2017 for Selectman approval.

Selectman Sadak – I think the dog fines for dogs on the beach, left in a car, etc.

**Motion** to approve as presented by Selectman Taylor. Seconded by Selectman Gifford.  
**Unanimously approved.**

- h) **Consideration of FY 2016-17 Committee Appointments** – Sue Look, Town Clerk  
Included in the ePacket is the annual appointment of committee members for Selectman approval.

Town Manager Willard – Mary Jane Wells on the Board of Assessment Review has moved.

Selectman Olsen – Holly Mitchell on the Board of Assessment Review has also moved.

**Motion** to approve the list with the 2 above deleted by Selectman Olsen. Seconded by Selectman Sadak.

**Unanimously approved.**

- i) **Consideration of FY 2016-17 Staff Appointments** – Sue Look, Town Clerk  
Included in the ePacket is the annual appointments of staff members for Selectman approval.

**Motion** to approve by Selectman Sadak. Seconded by Selectman Taylor.

**Unanimously approved.**

- j) **Consideration of Changing Summer Hours from “Memorial Day Weekend to Labor Day Weekend” to “Memorial Day Weekend to Weekend before July 4<sup>th</sup>”** – Sue Look, Town Clerk

Included in the ePacket please find the number of people served in 2015 on Tuesdays after 4pm and on Saturdays, and a summary of full-time office hours for municipalities in Androscoggin, Cumberland, and Oxford Counties sorted by population.

First, thank you for allowing me to present this request. I appreciate your serious consideration of this issue.

In 2015 we kept counts of all customers who came in after 4pm on Tuesdays and on Saturdays from March through September. As you can see the statistics show that there is a marked decrease in the number of customers on Tuesdays when we are open on Saturdays, suggesting that many of the Saturday customers could come in on Tuesdays.

The other hand out depicts the office hours for all towns in Cumberland, Androscoggin, and Oxford Counties (who have full-time office hours) and found that Raymond is the only town over a population of 1,616 to have Saturday hours at all. There are 3 smaller towns who are open 1 Saturday per month, and a town that is 1/4<sup>th</sup> the size of Raymond (Lovell) who is open each Saturday.

From Memorial Day to the 4<sup>th</sup> of July we do many boats. After the 4<sup>th</sup> of July we do very few boats, instead it is mostly car re-registrations which can be done online or on Tuesday night.

When an employee works on Saturday their hours must be subtracted from the hours they work during the week. For example, when Alice or Cindy (both part-time employees) work a Saturday they do not work one of their other shifts during the week. This leave us short-handed during the week and defeats the purpose of them working the counter so Rita and Sue can get their other responsibilities done.

State offices are only open M-F from 8am to 5pm (some close as early as 4pm), and insurance companies rarely have office hours on Saturdays. If a customer comes in with a situation requiring help from Augusta it can not be handled on Saturday and the customer will need to

return during the week. On the whole customers are very unhappy with needing to return a 2<sup>nd</sup> time to the office to complete a transaction.

We are requesting that you consider either eliminating being open on Saturday during July & August, or dropping down to 1 Saturday per month for those months.

Chairman Bruno – The issue with 1 Saturday per month is confusion of which Saturday is it.

Selectman Sadak – My thoughts on this are I think it is a benefit to the town and there are summer people who are coming up only on the weekend. If we wait on 17 people on a Saturday, that is 17 people we did not get to during the week. I would like to see Saturdays continue and the employees get paid for those extra hours instead of taking the hours from the rest of the week.

Selectman Gifford – What do the locals want?

Town Clerk Look – It is mostly re-registrations of cars and boats that can both be done online. As I understand it, one of the reasons we do this is to accommodate the summer folks, but they are doing most of their registrations online. On the whole, if you do not register your boat by the 4<sup>th</sup> of July you are not going to register it.

Chairman Bruno – What is more egregious – the 7pm on Tuesday or the Saturday?

Town Clerk Look – None of us mind the 7pm on Tuesday and we often get comments that citizens appreciate that we are there to accommodate them. As you can see from the numbers a lot of the traffic shifts from Tuesday to Saturday.

Chairman Bruno – When we voted this in I voted against opening on Saturdays. Almost everything can be done online, I almost never come to the Town Office (I may have to come in more often now). I don't know why we are paying payroll dollars for Saturday morning. Most towns are not open on Saturday. I know we do it because we are a vacation destination and people have 2<sup>nd</sup> homes and come up on Saturday, but most of what they need to do can be done online.

Selectman Gifford – That is the problem, I wonder if everyone knows that? Is it posted?

Town Clerk Look – Online transactions are highlighted on the website and there are links to all the State sites.

Chairman Bruno – I think a sign on the front door that we are not open and you can do most transactions online. Only for renewals, not for new registrations.

Selectman Taylor – What if we closed on Saturdays in July and August and opened on the 1<sup>st</sup> day of Hunting Season? That way we are taking away 1 thing and replacing it with another.

Chairman Bruno – You can buy a hunting license online.

Selectman Taylor – What if you don't have a printer? I am game to close on Saturdays, but there are a couple – 1<sup>st</sup> day of hunting season, 4<sup>th</sup> of July Saturday – that I think we should be open.

Chairman Bruno – The question is, how many people come in and get their hunting license on Saturday?

Town Clerk Look – Fewer & fewer because Walmart sells them and so does Cabela's, LL Bean, etc. There are a lot of places that sell hunting licenses.

Selectman Olsen – One question I have is how many places advertise that we are open on Saturdays in the summer? The Welcome to Raymond flyer states this.

Town Manager Willard – As far as that goes, I am doing the edits right now and we could change that schedule.

Chairman Bruno – The question becomes; do we do it for this year or wait until next year? The 4<sup>th</sup> of July is 2 weeks away. I am in favor of saying that after Labor Day we are shut down on Saturdays from then on and open on Tuesday nights. So beginning in 2017 we will not have Saturday hours.

**Motion** to end Saturday hours after Labor Day weekend of 2016 by Selectman Taylor.  
Seconded by Selectman Gifford.

Selectman Sadak – I abstain.

Chairman Bruno – You can not abstain at this point. You have an item in front of you and you must vote.

**Unanimously approved.**

- k) **Consideration of New Electronic Town Office Sign, Balance from Contingency** – Sue Look, Town Clerk  
Included in the ePacket please find the most suitable competitive proposal to replace our current sign with an electronic sign.

Chairman Bruno – So you are requesting \$12,000 additional for the sign? We don't have final year-end figures and you are waiting for a final quote. Get the new quote, come back to the next Selectmen's Meeting when we know how much is available after carry forwards, so we will know the balance.

Selectman Taylor – Why do we need such an extravagant sign? Or, why do we need this particular sign?

Town Manager Willard – We started looking at this about 10 years ago with the White Board technology (white background and black letters). That is still prohibitively expensive. The kind of sign that the Town of Gray has, the Town of Oxford has one, has pretty much become the norm these days. The idea is that you have a capital investment, you have the cost of the installation, but what you don't have is the time, the effort, and the exposure to liability in trying to deal with the weather and hand manipulating letters onto a static board. You can do this from a desktop easily, seamlessly. It is the way of the world, everything is going digital/electronic. This is way to make contact with citizens. Every town around us has them now. I think it will be a huge improvement for notifications and for the staff to be able to do that more easily and efficiently.

Chairman Bruno – I can't imagine the staff going out in the dead of winter to update the sign.

Selectman Taylor – It is a nice looking sign; it is just a lot to absorb. You know me about us looking modern and how we don't want to look like a bunch of hill billies, but a 4' X 7' box is going to cost \$20K?

Chairman Bruno – For this price we should get more than 1 bid.

Town Clerk Look – We did get several and this one for several reasons came to the top. One

was the ascetics. To those of us in the Town Office this sign fit the character of the Town Office better than other designs. The other designs were too square and austere.

Selectman Olsen – What is our goal in putting this up?

Chairman Bruno – Inform the public of meetings and events.

Selectman Olsen – Where is the traffic flow in the town?

Chairman Bruno – 302

Selectman Olsen – Are we better served to look at seating it at the Public Safety building rather than the Town Hall?

Selectman Taylor – The Public Safety building has less exposure than the Town Hall.

Selectman Olsen – Is there a better place that is going to get more exposure?

Town Manager Willard – Maybe we should get quotes for both so you can consider it.

Selectman Sadak – I don't think it should be on the Public Safety building.

Town Manager Willard – Eventually you should have one there.

Selectman Gifford – I don't think so either. The location is not good.

Public Works Director White – The Town Office sign, regardless of whether we do electronic or not, needs to be replaced. It is about ready to fall over.

Selectman Gifford – The sign should stay at the Town Hall.

Selectman Olsen – We need to look at this in total, how are we going to market ourselves going forward.

Selectman Sadak – As people are driving to work on 302 a sign would remind them about what is going on in Town. But, real estate on 302 is really tough. Don't we own Tassel Top?

Chairman Bruno – No, it is run by us and owned by the State of Maine.

Selectman Olsen – We could probably get approval from the State.

Selectman Sadak – It is like a perfect location.

Chairman Bruno – If we are going to spend that much money it should be a budget item and let the Town decide. Ask the vendor if there are any volume discounts.

Town Meeting Willard – We have not done any negotiations of price as yet, only collected costs.

## **5) Public Comment**

None

## **6) Selectman Comment**

Chairman Bruno – I am looking forward to working with this board. I have a good feeling about this board.

**7) Town Manager's Report and Communications**

**a) Confirm Dates for Upcoming Regular Meetings**

- September 13, 2016
- October 11, 2016
- November 15, 2016 (November 8<sup>th</sup> is Election Day)

**b) Reminder of Upcoming Holiday Schedule**

- Monday, July 4, 2016, in observance of Independence Day
- Monday, September 5, 2016, in observance of Labor Day
- U Can 5K will be on Saturday, June 25<sup>th</sup>

**c) Sand-Salt Building Update – Public Works Director Nathan White**

- The building is complete. The parking lot will be paved this Friday and we will be adding a gate. There will not be a storage building built, instead we will be rehabbing our current building for storage.
- Town Manager Willard – It looks great and Nathan did a great job.
- People will still be able to get sand/salt in the winter. This year was 30-40 yards and 2 years ago we went through 1,000 yards.

**d) Roads Update – Public Works Director Nathan White**

- North Raymond Road is done
- Reclaimed Pond Road and Shaker Woods Road.
- The crew is working on Crescent Beach on Rt 85 to do drainage improvement for the lake
- Next we will do the whole length of Mill Street and then Patricia Avenue

**8) Treasurer's Warrant – June 21, 2016**

**Motion** to approve the warrant dated 6/21/2016 for \$464,885.75 by Selectman Taylor. Seconded by Selectman Sadak.

**Unanimously approved.**

**9) Adjournment**

**Motion** to adjourn at 8:33pm by Selectman Sadak. Seconded by Selectman Taylor.

**Unanimously approved.**

Respectfully submitted,

---

Susan L Look, Town Clerk

---

*Selectman's Meeting Minutes (Page 11 of 11) June 21, 2016*



**BOARD OF SELECTMEN  
Minutes**

August 16, 2016

6:30pm – Special Meeting

Broadcast Studio  
423 Webbs Mills Road

*Resolution: We, the Raymond Board of Selectmen, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.*

**Selectmen in attendance:** Joe Bruno, Teresa Sadak, Samuel Gifford, and Rolf Olsen

**Selectmen absent:** Lawrence Taylor

**Town Staff in attendance:**

Don Willard – Town Manager  
Sue Look – Town Clerk  
Nathan White – Public Works Director

1) **Called to order** at 6:30pm by Chairman Bruno

2) **New Business**

a) **Appointment to Fill Vacancy on Budget-Finance Committee**

- Stephen Crockett – 195 Webbs Mills Rd

**Motion** to appoint Stephen Crockett to the Budget-Finance Committee for a term ending June 30, 2017 by Selectman Sadak. Seconded by Selectman Gifford.

**Unanimously approved.**

b) **Appointment to Fill Vacancy on RSU #14 Board of Directors**

- Anna Keeney – 34 Haskell Ave

**Motion** to appoint Anna Keeney to the RSU # 14 Board of Directors for a term ending June 30, 2017 by Selectman Sadak. Seconded by Selectman Gifford.

**Unanimously approved.**

3) **Adjournment**

**Motion** to adjourn at 6:31pm by Selectman Bruno. Seconded by Selectman Sadak.

**Unanimously approved.**

Respectfully submitted,

---

Susan L Look, Town Clerk

---

*Selectman's Meeting Minutes (Page 1 of 1) August 16, 2016*

---

## Raymond Village Library Update

---

### Board of Selectmen – Agenda Item Request Form – Public

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date:	9/16/16	Request Date:	8/14/16
Requested By:	Sheila Bourque		
Address:	63 Hancock Road, Raymond		
eMail:	sbourque@sbcglobal.net		
Phone #:	224-475-9198		

---

#### **Category of Business** (please check one):

- ☒ Information Only      ☐ Public Hearing      ☐ Report      ☐ Action Item  
☐ Other - Describe

Agenda Item Subject:	Raymond Village Library
Agenda Item Summary:	Introduction of new library director update on library budget

Action Requested:	None
-------------------	------

Attachments to Support Request:	Will be provided week on meeting - Director resume - Statement of Financial Postion -Statement of Income and Expense - summary of budget approaches
---------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------

## Raymond Village Library Update

The Board of Trustees wishes to thank the residents of the Town of Raymond, the Budget and Finance Committee and the Select Board for their support for this year. We have taken to heart your questions and advice and wish to provide you with an update. It is our objective to not only provide a library that serves our community but also be responsible stewards of the trust that has been placed in us.

The Board has revamped its chart of accounts and tightened its budget. We have provided a budget comparison for your information. Of note is a history based set of revised income projections and reduced operating expenses. Our overall operating expenses have been reduced by 14%.

We would also like to share recent happenings at the library:

- In cooperation with the Maine State Library Network and the Town of Raymond a new high speed fiber optic line has been connected to the library. The library has moved from a wired 15 Mbps Wi-Fi to a 100 Mbps. When the library is open with all staff working, patrons can connect to the internet at 50 Mbps and at speeds averaging 30 Mbps in the parking lot.
- The rear corner of the back of the library has been resided. A twelve-foot section of the back wall still consisted of Masonite siding and was deteriorating. With the help of volunteers Jim Gass and Mark Jordan the wall was resided, old duct work removed, trim repainted, wires rerun and the interior patched, insulated and caulked. All materials for the project were generously donated by Hancock Lumber Company.
- A new fire detection and alarm system has been installed and is operational.

- Three new Board members have joined our efforts. Short biographies are attached.
  
- A new Library Director has been hired. Allison Griffin began her tenure on September 12<sup>th</sup>. A resume is attached for your information.

Finally, we would like to provide the Board with a regular update on our progress and activities. It is our objective to provide both you and the residents of Raymond with a quarterly written report.

## Raymond Village Library Budget Comparison

Raymond Village Library	FY16-17 Budget	Prior Proposed Budget		
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4000 · Unrestricted Income				
4100 · Annual Appeal	23,000.00			
4200 · Special Events - Fundraising	10,000.00			
4300 · Other Contributions	58,700.00			
4400 · Earned Income	3,600.00			
4000 · Unrestricted Income - Other				
<b>Total 4000 · Unrestricted Income</b>	<b>95,300.00</b>			
4500 · Funds Income				
4600 · Temporary Restricted Funds	5,120.00			
4700 · Permanantly Restricted	1,250.00			
4500 · Funds Income - Other				
<b>Total 4500 · Funds Income</b>	<b>6,370.00</b>			
49900 · Uncategorized Income				
<b>Total Income</b>	<b>101,670.00</b>	<b>114,313.00</b>	<b>(12,643.00)</b>	<b>-11%</b>
<b>Expense</b>				
6000 · Operational Expenses				
6100 · Fundraising Expense	2,000.00			
6200 · Temporarily Restricted Fund Exp	5,000.00			
6300 · Permanantly Restricted Funds	1,250.00			
6400 · Books/Media/Magazines	7,000.00			
6500 · Salaries & Related Expenses	63,096.00	68,896	(5,800.00)	-8.40%
6600 · Contractual Exp -Professional	1,900.00			
6700 · Building & Maintenance	7,439.00			
6800 · General Expenses	10,482.00			
6000 · Operational Expenses - Other				
<b>Total 6000 · Operational Expenses</b>	<b>98,167.00</b>			
66000 · Payroll Expenses				
<b>Total Expense</b>	<b>98,167.00</b>	<b>114,313</b>	<b>(16,146.00)</b>	<b>-14%</b>
<b>Net Ordinary Income</b>	<b>3,503.00</b>			

## Trustees



**Janet Walker**

I retired to Maine in 2011 after living and working in Illinois for over 35 years. Most of my professional career was the design and development of information systems for various companies in the Chicago area. I was also involved in community theater for over 20 years as an actor, sound technician and Board member. My education includes a BA in sociology from Lipscomb University as well as graduate studies at the University of Kansas. One of the first places I visited after moving to Raymond was the library. It is now my pleasure to serve the community if Raymond as a Trustee.



**Paul Cullinan**

My name is Paul Cullinan and my wife and I have been Raymond residents since 2009. After growing up in South Portland, I left home to obtain degrees from the University of Maine at Orono and Syracuse University. After teaching economics for a year at Union College in Schenectady, N.Y., I moved to Washington, D.C and began working as a policy analyst for the Social Security Administration. In 1981, I joined the Congressional Budget Office (CBO) where, for the next 26 years, I undertook a number of roles including policy analyst for income security programs, budget analyst for the Social Security retirement and disability programs, and chief for the cost estimating unit covering income security and

social services functions. I retired from CBO in 2007 and spent a year and a half at the Brookings Institution studying and writing on federal budget issues. I have been volunteering at the Raymond Village Library (RVL) since 2010, and decided to join the RVL Board of Directors to deepen my commitment to an extremely vital element of our community.

### **Leigh Walker**

Leigh is known to the Board and has taken over the duties of Secretary. We are grateful for her willingness to serve and the historical perspective she brings back to the library.

## **Library Director**

### **Allison Griffin, MLS**

70 South Casco Village Road • Casco, ME 04015

Phone: 207-653-4292 • Email: agriffi71@gmail.com

---

### **Professional Summary Library Manager**

An experienced library director, information resource and technology specialist, with 15 years of management experience in all library operations including budgeting, collection development, circulation, personnel, reference, technology and facilities. Proven record in managing library resources, with extensive experience in automation, acquisitions, cataloging, reference, and technology integration and training. Aptitude for collaborating with colleagues, trustees, and library staff to identify and alleviate potential problems and foster a highly efficient and patron-oriented work environment. Excellent interpersonal and communication skills essential for providing effective patron services.

### **Areas of Expertise:**

Acquisitions - Budget Development - Cataloguing - Circulation - Reference -  
Research & Analysis - Facilities Management - Technology Administration - Personnel -  
Microsoft & Open Office Applications - I-Life and I-Work Applications - Quickbooks  
E-readers - Social Networking - Website Design  
Alexandria, Millennium, Minerva and Koha Library Automation Software

---

### **Education & Credentials:**

Master of Library Science; Major: Library and Information Science  
University of Wisconsin, Milwaukee, WI, 53211

Bachelor of Science; Major: Library and Information Technology  
University of Maine at Augusta, Augusta, ME, 04330

**Allison Griffin, MLS**

70 South Casco Village Road • Casco, ME 04015

Phone: 207-653-4292 • Email: agriffi71@gmail.com

**Professional Experience:****Bridgton Public Library - Bridgton, ME  
Library Director****June 2015-Present**

- Responsible for all acquisitions, cataloging, and maintenance of collection.
- Recruit, supervise and evaluate all library staff and volunteers.
- Monitor building and grounds and coordinate any needed repairs and maintenance.
- Responsible for preparing and managing budget and preparing invoices and payroll for book keeper.
- Responsible for all library programming and outreach services.
- Responsible for developing and overseeing programming for adults and youth.
- Responsible for all maintenance of library technology.
- Responsible for locating and applying for potential grants and e-rate funding.
- Responsible for compiling monthly statistics and submission of annual state reports.
- Prepare monthly reports for Trustees and Friends group.
- Oversee circulation and interlibrary loan departments.
- Facilitate monthly staff meetings and trainings.

**MSAD 51 - Cumberland, ME  
Library Media Specialist****August 2013-June 2015**

- Responsible for all library programming and outreach services.
- Responsible for all reference services.
- Provided all Inter-Library loan services.
- Provided Reader's advisory services.
- Responsible for all acquisitions, cataloging, and maintenance of collection.
- Trained staff, students and volunteers in use of all digital media and online catalog.
- Aided in new technology implementation and troubleshooting for staff.
- Administered standardized student assessments.
- Collaborated with staff to integrate and provide relevant technology resources.
- Supervised and evaluated all library staff.
- Organized annual book fair fundraiser.
- Met regularly with library leadership, and technology teams.
- Compiled monthly statistics and generate administrative reports.

**Bridgton Public Library - Bridgton, ME  
2013 Information Resource Specialist**

**January 2013- August**

**Bridgton Public Library - Bridgton, ME  
2013 Interim Youth Services Librarian**

**September 2012- January**

**Jordan-Small Middle School - Raymond, ME  
Library Media Specialist/District Library Director**

**June 2000 - September 2012**

**St. Joseph's College - Standish, ME  
2012 Public Services Associate**

**January 2012 - September**

**Bridgton Public Library - Bridgton, ME  
2012 Circulation Librarian**

**Per Diem May 2011-September**

---

**Professional Affiliations:**

Member, Young Adult Library Services Association (YALSA)  
Member, Association of Computer Technology Educators of Maine (ACTEM)  
Member, American Library Association (ALA)

# Planning Board Appointment

## Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date:

09/13/16

Request Date:

08/24/16

Requested By:

PLANNING BOARD

Address:

401 Webbs Mills Rd  
Raymond Me 04071

eMail:

Phone #:

### Category of Business (please check one):

☐ Information Only

☐ Public Hearing

☐ Report

☒ Action Item

☐ Other - Describe:

Agenda Item Subject:

Application of Kyle Bancroft to fill vacancy on Board

Agenda Item Summary:

At its 08/10/16 meeting, the Planning Board voted unanimously to approve Kyle Bancroft's application and to forward his application to the Select Board with a recommendation that he be appointed.

Action Requested/

Recommendation:

Planning Board requests the Select Board appoint Mr. Bancroft to fill one of 2 openings on the PLANNING BOARD

Attachments to

Support Request:



**The Town of Raymond Needs  
Volunteers  
To Serve on Various Boards and  
Committees**

If you are a Raymond resident and interested in serving on any of the following committees or boards, please fill in the information below and return it to the Town Clerk, who will make sure it gets to the appropriate board or committee chair(s) for consideration and response. Not all committees and boards currently have openings, however, vacancies occur on a regular basis.

- Beautification Committee
- Board of Assessment Review
- Cemetery Committee
- Conservation Commission
- Planning Board
- Raymond Recreation Association
- Recycling Committee
- Tassel Top Park Board of Directors
- Technology Committee
- Veteran's Memorial Committee
- Zoning Board of Appeals

There are many other opportunities to serve your town as an elected official, a member of a community resource organization, an election worker on Election Day, etc. Contact the Town Clerk for more information.

Please complete this form and submit to:

Town Clerk, 401 Webbs Mills Road, Raymond ME 04071

or via fax to (207) 655-3024

or via email to [sue.look@raymondmaine.org](mailto:sue.look@raymondmaine.org)

Name:	KYLE BANCROFT
Mailing Address:	P.O. BOX 896 RAYMOND, ME
Telephone Number:	207-807-0842
Occupation:	ACCOUNT MANAGER
E-mail Address:	KTBANCROFT@HOTMAIL.COM

Boards and/or committees you are interested in (please list in order of preference):

1. PLANNING BOARD 2. ZONING BOARD OF APPEALS 3. BOARD OF ASSESSMENT REVIEW
----------------------------------------------------------------------------------

Why are you interested in the board(s) and/or committee(s) chosen above?

I HAVE BEEN SEARCHING FOR A WAY TO GIVE BACK TO THE TOWN OF RAYMOND. I HAVE LIVED IN THE TOWN MY ENTIRE LIFE. IT HAS BEEN A WONDERFUL PLACE TO GROW UP AND LIVE. WHEN I REALIZED THE TOWN NEEDED VOLUNTEERS FOR BOARDS AND COMMITTEES I WANTED TO HELP.

What contributions, benefits, talents, and skills can you bring to the Town of Raymond?

I BELIEVE MY BIGGEST CONTRIBUTION WOULD BE MY COMMITMENT. I AM WILLING TO COMMIT MY TIME, EFFORT, AND UN-BIASED OPINION. I CAN ALSO PROVIDE A UNIQUE PROSPECTIVE BY BEING ABLE TO RELATE TO BOTH SIDE OF AN ISSUE. MY TIME AS A GENERAL CONTRACTOR HAS GIVEN ME THE EXPERIENCE OF BEING AT THE OTHER SIDE OF THE TABLE.

What do you feel is the responsibility of the boards and/or committees you chose?

TO HELP FACILITATE THE TOWNS GROWTH ACCORDING TO THE TOWNS MASTER PLAN AND THE NEEDS OF ITS CITIZENS.

What municipal boards, volunteer organizations, or community service groups/committees have you worked with in the past and for what length of time?

NONE

Will your schedule be flexible enough to allow you to attend meetings on a regular basis?

Yes ☒ No ☐

*Thank you for your interest in the Town of Raymond!*

---

# Annual Tax Commitment

---

## Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date: 9/13/2016

Request Date: 8/31/2016

Requested By: Curt Lebel, Assessors Agent

Address:

eMail:

Phone #:

---

### Category of Business (please check one):

☐ Information Only

☐ Public Hearing

☐ Report

☒ Action Item

☐ Other - Describe

Agenda Item Subject:

Consideration of 2016-2017 tax commitment and tax rate

Agenda Item Summary:

Board will be asked to set the FY17 tax rate, execute the tax commitment and warrant tax collector Sue Carr for the collection of taxes. Assessors agent will provide possible tax rate options and be available to discuss this years valuation

Action Requested/  
Recommendation:

Set tax rate, sign and execute commitment documents

Attachments to  
Support Request:

Tax Rate options will be available at the meeting or one day prior to meeting date



---

---

## INTEROFFICE MEMORANDUM

---

---

**TO:** TOWN OF RAYMOND BOARD OF ASSESSORS  
**FROM:** CURT LEBEL, ASSESSORS AGENT  
**SUBJECT:** TAX RATE AND COMMITMENT OF FY2017 PROPERTY TAXES  
**DATE:** 9/6/16  
**CC:** DON WILLARD

---

Dear Board Members,

The assessing office has completed its annual preparation for tax commitment. Property tax appropriations approved by voters or their representatives on the school and county portion of the property tax have increased for this fiscal year which will necessitate an increase in the tax rate over last year's 11.95 rate.

Changes below calculated at a 12.10 tax rate:

County Tax Levy: + \$28,299  
MSAD Tax Levy: + \$223,612  
Municipal Tax Levy: - \$34,688  
Total Tax Levy: +\$217,223

Taxable Valuation has increased this year by 5.4 million dollars' valuation and comes in at \$1,013,793,200.00. The increase would have been more substantial if not for a nearly 5-million-dollar loss in taxable valuation due to the Homestead increase to \$15,000 per homestead.

I have calculated that a home receiving a homestead exemption, with an average valuation of \$300,000 would still receive a \$17 tax decrease, even with the .15 rate increase to cover the appropriation increases.

In accordance with Title 36 § 710: “The assessors may assess on the estates such sum above the sum necessary for them to assess, not exceeding 5% thereof as a fractional division renders convenient, and certify that fact to their municipal treasurer”. This amount of overage beyond the appropriated sums is known as overlay. Its primary function, as mentioned above is to allow the assessors to select a tax rate which does not create fractional amounts of tax and produces a valuation book which matches the corresponding warrants.

Below, along with last year’s rate for comparison, I have selected the 2 lowest potential tax rates which satisfy the requirements above. (12.10 being the minimum rate which avoids fractional assessments). I was unable to utilize a fractional 12.05 rate because it does not raise enough funds to cover appropriated expenditures passed by the legislative bodies.

I will have the necessary Warrants and Certificates prepared for your September 13<sup>th</sup> meeting and look forward to assisting the Board in the execution of this year’s commitment.

Curt Lebel

Assessors Agent

**PROPERTY TAX REVENUES**

	LAST YEAR (2015)		THIS YEAR (2016) TAX RATE			
TAX RATE	\$	11.95	\$	12.10	\$	12.20
TAXABLE VALUATION	\$	1,008,340,200.00	\$	1,013,793,200.00	\$	1,013,793,200.00
COUNTY	\$	647,964.00	\$	676,263.00	\$	676,263.00
SCHOOL	\$	8,523,009.41	\$	8,746,621.85	\$	8,746,621.85
TIF AMOUNT	\$	224,334.90	\$	206,511.85	\$	208,218.56
MUNICIPAL	\$	2,637,577.11	\$	2,595,896.96	\$	2,594,993.31
OVERLAY	\$	16,789.44	\$	41,604.06	\$	142,180.32
TOTAL PROPERTY TAX	\$	12,049,674.86	\$	12,266,897.72	\$	12,368,277.04

**NON PROPERTY TAX REVENUES USED TO REDUCE MUNICIPAL APPROPRIATION**

	<b>11.95</b>		<b>12.10</b>		<b>12.20</b>	
<b>HOMESTEAD REIMB</b>	\$	(60,407.25)	\$	(90,568.50)	\$	(91,317.00)
<b>BETE REIMB</b>	\$	(19,589.64)	\$	(18,772.54)	\$	(18,927.69)
<b>STATE REV SHARING</b>	\$	(130,470.00)	\$	(134,579.00)	\$	(134,579.00)
<b>OTHER REVENUES</b>	\$	(1,287,150.00)	\$	(1,380,000.00)	\$	(1,380,000.00)
<b>MUNICIPAL APPROPRIATION</b>	\$	4,135,194.00	\$	4,219,817.00	\$	4,219,817.00
<b>TOTAL NON TAX REV</b>	\$	(1,497,616.89)	\$	(1,623,920.04)	\$	(1,624,823.69)
<b>TOTAL MUNICIPAL TAX REV</b>	\$	2,637,577.11	\$	2,595,896.96	\$	2,594,993.31

---

## Quit Claim Deeds

---

### Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date: **9/13/2016**

Request Date: **8/25/2016**

Requested by: **Sue Carr - Tax Collector**

Address:

e-mail:

Phone #:

---

#### Category of Business (please check one):

☐ Information Only

☐ Public Hearing

☐ Report

☒ Action Item

☐ Other - Describe:

---

Agenda Item Subject: **QUIT CLAIMS**

Agenda Item Summary:

**Quit Claim for Richard Cunningham and Peter and Colleen More**

Action Requested/  
Recommendation:

**Signing of 2 Quit Claims**

Attachments to  
Support Request:



*Town of Raymond  
401 Webbs Mills Rd  
Raymond Me 04071*

*207-655-4742*

*Fax: 655-3024*

---

*September 13, 2016*

*Richard Cunningham property located at 367 Webbs Mills Rd. The town foreclosed on that property for taxes due back in 2007. He had been making payments. The bank also foreclosed on him and paid the \$4397.80 taxes on July 20, 2016. All back taxes and current taxes are paid in full.*

Peter and Colleen Moreshead property located on Webbs Mills Rd. The town foreclosed on the property for taxes due back to 2013. They have been making payments on a monthly basis on July 26, 2016 the taxes were paid. All back taxes are paid in full.

**Maine Short Form Quit Claim Deed Without Covenant**

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to CUNNINGHAM RICHARD C in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 010, Lot 124000000

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 010, Lot 124000000, in the name of CUNNINGHAM RICHARD C and recorded in said Registry of Deeds.

BK 24372	PG 24	BK 26335	PG 336	BK 27260	PG 161
BK 27989	PG 18	BK 29838	PG 16	BK31729	PG 40
BK 32517	PG 35				

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by JOSEPH BRUNO, TERESA SADAK, SAMUEL GIFFORD, ROLF OLSEN, AND LAWRENCE TAYLOR, thereto duly authorized, this 13 day of September ,2016.

THE INHABITANTS OF THE TOWN OF RAYMOND

By: \_\_\_\_\_

\_\_\_\_\_  
Witness to All

JOSEPH BRUNO, Selectman

\_\_\_\_\_  
TERESA SADAK, Selectman

\_\_\_\_\_  
SAMUEL GIFFORD, Selectman

\_\_\_\_\_  
ROLF OLSEN, Selectman

\_\_\_\_\_  
LAWRENCE TAYLOR, Selectman

STATE OF MAINE  
CUMBERLAND, SS.

Personally appeared the aforesaid Selectmen, known to me, this 13 day of September, 2016 and acknowledged before me the foregoing instrument to be their free act and deed in their said capacity.

\_\_\_\_\_  
Notary Public

**Maine Short Form Quit Claim Deed Without Covenant**

THE INHABITANTS OF THE TOWN OF RAYMOND, a body politic located at Raymond, County of Cumberland and State of Maine, for consideration paid, releases to MORESHEAD PETER, MORESHEAD COLLEEN in said County and State, a certain parcel of land situated in the Town of Raymond, County of Cumberland and State of Maine, being all and the same premises described at Map 51, Lot022A00000

The purpose of this conveyance is to release any interest which this grantor may have in and to the above premises by virtue of a lien filed for nonpayment of taxes on said parcel of land with particular reference being made to a lien filed against Map 51, Lot 022A00000, in the name of MORESHEAD PETER, MORESHEAD COLLEEN and recorded in said Registry of Deeds.

BK 30940      PG 119      BK 31729      PG 95      BK 32517      PG 128

IN WITNESS WHEREOF, the said INHABITANTS OF THE TOWN OF RAYMOND have caused this instrument to be sealed with its corporate seal and signed in its corporate name by JOSEPH BRUNO, TERESA SADAK, SAMUEL GIFFORD, ROLF OLSEN, AND LAWRENCE TAYLOR, thereto duly authorized, this 13 day of September, 2016.

THE INHABITANTS OF THE TOWN OF RAYMOND

By:

\_\_\_\_\_  
Witness to All

\_\_\_\_\_  
JOSEPH BRUNO, Selectman

\_\_\_\_\_  
TERESA SADAK, Selectman

\_\_\_\_\_  
SAMUEL GIFFORD, Selectman

\_\_\_\_\_  
ROLF OLSEN, Selectman

\_\_\_\_\_  
LAWRENCE TAYLOR, Selectman

STATE OF MAINE  
CUMBERLAND, SS.

Personally appeared the aforesaid Selectmen, known to me, this 13 day of September, 2016 and acknowledged before me the foregoing instrument to be their free act and deed in their said capacity.

\_\_\_\_\_  
Notary Public

---

# County Tax Warrant

---

## Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date: **Sept 13, 2016**

Request Date: **Aug 31, 2016**

Requested By: **Nancy L Yates**

Address:

eMail:

**nancy.yates@raymondmaine.org**

Phone #:

**207-655-4742 x 132**

---

### Category of Business (please check one):

☐ Information Only

☐ Public Hearing

☐ Report

☒ Action Item

☐ Other - Describe

Agenda Item Subject: **County Tax Warrant**

Agenda Item Summary:

**Tax Assessor's Return in the amount of \$676,263 for the County Tax Warrant requires signatures of Selectmen.**

Action Requested/  
Recommendation:

**Signature of Selectmen**

Attachments to  
Support Request:

**Tax Assessor's Return**

## TAX ASSESSOR'S RETURN

Pursuant to a Warrant from Peter J. Crichton, Clerk of Cumberland County, dated March 16, 2016 we have assessed the polls and estates of the residents and non-residents of the Town/City of RAYMOND, County of Cumberland in the amount of \$ 676,263 and have forwarded lists thereof to Suzanne Carr, Collector of said Town/City. Said assessment of taxes to be paid to Treasurer, Cumberland County, on or before the first day of September 2016.

Assessors,  
Town/City of Raymond

\$ 676,263

---

TO BE FILLED IN AND FORWARDED TO THE COUNTY TREASURER, 142 FEDERAL STREET, PORTLAND, MAINE 04101-4196 WITH PAYMENT OF TAXES BY SEPTEMBER 1, 2016.

INTEREST RATE ON UNPAID TAXES SET AT 7% AND SHALL BE ASSESSED SIXTY (60) DAYS AFTER SEPTEMBER 1, 2016.

---

# Personnel Policy - Red-Lined Original

---

## ***DRAFT/ WORK PRODUCT AND PRIVILEGED COMMUNICATION OF COUNSEL/ 9-6-16***

### **TOWN OF RAYMOND, MAINE Personnel Policy**

Adopted February 4, 1997  
Amended March 4, 1997  
December 1, 1998  
August 1, 2000  
November 20, 2001  
December 3, 2002  
June 17, 2003  
December 20, 2005  
January 16, 2007  
March 10, 2015

#### **ARTICLE I - PREAMBLE**

- A. The Board of Selectmen hereby adopts the following Policy for utilization by the Town of Raymond in the administration of the personnel activities of the employees of the Town of Raymond. These rules and subsequent modification shall supersede any policy and rules made previously by the Board of Selectmen Any practice, policy or application which may have previously existed and is or would be contrary to these policies is disclaimed, cancelled and eliminated by the adoption of this Policy.
- B. The Town, through its Board of Selectmen, may delete, amend, modify or change any or all of the provisions contained in this Policy. The policies set forth are not in any way a contract and nothing in the policies affords employees any contractual or other rights. Policies contained within give references and descriptions to insurance or other benefit plans; the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning interpretation, application or benefit level.
- ~~C.~~ The Town Manager shall be responsible for the implementation of this policy.  
C.

#### **ARTICLE II - EMPLOYMENT**

- A. The employment of all personnel shall be the responsibility of the Town Manager.

B. The employment of the Town Manager shall be the responsibility of the Board of Selectmen.

C. All applicants for employment must submit a written application for employment on forms approved and provided by the Town Manager. The Town does not accept applications for employment that are not in response to a posted or otherwise available vacancy and/or that are on not on Town-approved forms.

~~C.D.~~ Any willful and material misrepresentation of fact on an application shall be grounds for disciplinary procedures and/or termination and dismissal upon discovery of such misrepresentation-, regardless of employment history or performance.

➤ ~~□~~ Employment with the Town of Raymond is voluntarily entered into and the employee may terminate his or her at-will employment at any time, with or without notice or cause. Similarly, The Town of Raymond may terminate the “atwillat will” employment relationship at any time, with or without cause.

~~D.E.~~ All other factors being equal, preference will be given to residents of the Town, then to those candidates willing to establish residency within the Town limits.

~~E.F.~~ Present Town employees, who apply for employment, shall be given first consideration in filling a vacancy, but it is recognized that the good of the Town may require a vacancy be filled outside the ranks of Town employees or from outside of the community.

~~F.G.~~ It is the policy of the Town to provide and ensure a safe and secure environment for all members of the workforce and its property. As part of this mandate, criminal background checks may be required of prospective employees who have already received a bona fide offer of employment, depending on the nature and duties of the position(s) sought. The Town uses a third party to conduct these investigations. The Town may also, directly or through a third party, investigate other job-related factors such as, by way of example, driving record, insurability and ability to be bonded. All reports are subject to the federal Fair Credit Reporting Act (FCRA) and state laws- to the extent applicable. Applicants for ~~such~~ positions will be notified of ~~this~~ background check requirements during the job interview. Any and all results are kept private and securely stored in accordance with the Town’s data security policy.

~~G.H.~~ All employees are considered probationary for the first ~~six three~~ (36) 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 notice or cause and without right to file a grievance.

~~H.I.~~ Prior to the completion of the probationary period, the employee will receive a formal written evaluation from his/her immediate supervisor and/or the Town Manager. A favorable evaluation will result in the employee being transferred to

permanent status. An employee is not transferred to permanent status unless or until a formal written evaluation of satisfactory performance is received.

~~I.J.~~ Employees will be given an annual written evaluation by their immediate supervisor and/or the Town Manager. Such evaluation will be taken into consideration ~~ed~~ when salary, promotions, discipline or any other personnel action is proposed.

### ARTICLE III - EQUAL OPPORTUNITY EMPLOYER

In order to provide equal opportunities to all individuals, employment decisions at the Town are based on merit, qualifications and abilities.

The Town is committed to a policy of non-discrimination and equal opportunity for all employees and qualified applicants without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, veteran status, military service, genetic information, participation in the Town's group insurance plans, receipt of free medical care, or any other category protected under applicable laws. The Town will make reasonable accommodations for qualified individuals with known disabilities, in accordance with applicable laws.

This commitment is evident in all aspects of the Town's employment practices and policies, including recruiting, hiring, job assignment, promotion, compensation, discipline, discharge, benefits and training.

### ARTICLE IV - TYPES OF APPOINTMENTS

The following types of appointments may be made to the Town's service in conformity with the rules established.

- A. Full Time: A full time employee works full time (a minimum of thirty-two hours per week) and on a continuing and indefinite basis. Most full time employees will be expected to work between 35 and 40 hours per week and will be subjected to additional hours on an as-needed basis. Full-time employees ~~He/she is~~ are subject to all personnel rules and regulations and receives all benefits and rights as provided by ~~these~~ this Policy. ~~rules.~~
- B. ~~Regular~~ Part Time: ~~A p~~Part-time ~~n\_employees in this classification~~ works less than a full workweek (less than ~~30~~2 hours per week), but on a continuing and indefinite basis. Part-time employees are ~~He/she is~~ are subject to all personnel rules and regulations. Vacation, sick leave and holiday benefits shall be in proportion to the hours worked.
- C. On Call Part-Time Employees: An on-call employee ~~in this classification~~ works less than a full workweek (less than ~~30~~2 hours per week) and only works when called

upon. On-call employees ~~They~~ are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave or vacation time.

- D. Stipend / Part -Time Employees: ~~An~~ A stipend employee ~~in this classification~~ works less than a full workweek (less than ~~30~~ 2 hours per week), works enough hours to perform the duties required of him/her, and is paid an annual fixed salary. Stipend ~~They employees~~ are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave or vacation time.
- E. Temporary Employees: Temporary employees work on a non-permanent basis, usually within a limited time frame such as seasonal positions. Temporary employees ~~hey~~ are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority and may be terminated without notice for any reason at any time.
- F. Special Appointees: Special appointees hold ~~O~~ official positions filled by appointment of the Town Manager and/or Board of Selectmen, but are not considered employees for purposes of compensation or benefits.
- G. Other Classifications: The Town (through its Selectmen and/or Town Manager) may, from time to time, by appointment fill other posts and positions, either by voluntary service on certain ~~t~~ Town boards and committees (such as Planning Board, Board of Appeals or Conservation Commission); ~~;~~ by contract or fee for services (such as engineer, auditor or town attorney); ~~;~~ or similar. These categories of service are not considered "employment" within the meaning of this policy. Those individuals ~~persons~~ are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority. They ~~shall~~ serve at the pleasure of the Selectmen and/or Town Manager or, where appropriate, within the limited terms and conditions of any special appointment they may have received; Individuals in this category ~~they~~ may be terminated ~~for~~ without notice for any reason at any time, except as otherwise provided by law.
- H. Job Descriptions: From time to time the Town Manager (and/or Selectmen where permitted by statute) shall develop and, as appropriate, modify and amend job descriptions for all of the above referenced employees; or other individuals, which shall then be appended hereto as Appendix A and made a part hereof by reference.
- I. Organization and Status of Municipal Employees: Appended hereto as Appendix B and made a part hereof by reference.

## ARTICLE V - PUBLIC AND EMPLOYEE RELATIONS

- A. Integrity of Service. ~~Town employees are prohibited from engaging in any conduct, including outside business activity, which could reflect unfavorably upon the Town~~

~~or disrupt the efficient operation of the administration of the Town.~~ Town employees must avoid any action which ~~might~~ may reasonably result in or create the impression of using public employment for private gain, giving preferential treatment to any person, losing complete impartiality in conducting Town business, accepting gifts or other favors in exchange for service, or abandoning commitment to or pursuit of the goals and policy objectives of the Town.

- B. Efficiency of Service and Public Trust. Cooperation of all employees is essential to efficiency. Raymond citizens are entitled to the best service we can give them. Cooperation, courtesy and responsibility are the key elements of good service.

The ~~the~~ Town wishes to uphold its reputation for integrity and excellence, which requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The ~~the~~ Town is dependent on the citizens' trust and ~~the Town~~ is committed to preserving that trust. The Town requires all employees to act in a manner that will merit the continued trust and confidence of the public and customers.

The Town will comply with all applicable laws and regulations. The Town also expects its principals and employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

In general, the use of good ~~judgement~~ judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation arises with respect to which it is difficult for the employee to determine the proper course of action, the employee should consult with his/her direct supervisor or the Town Manager.

- ~~C.~~ C. Second Job: On occasion, employees of the Town may decide to seek employment outside their regular working hours. The Town has no objections to this type of work when it does not interfere with the work performance or attendance of the Town employee and when he or she is not in the employ of a vendor, client or organization so as to create a conflict of interest in employment. Employees are expected to notify the Town Manager prior to accepting second jobs.

All employees, regardless of second jobs, will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements. If the Town determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Town.

D.

D. Conflict of Interest: No employee of the Town shall have any financial interest in or profit from any contract, purchase, sale or work performed by the Town unless otherwise provided for by the Board of Selectman. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or immediate family as listed in the definitions portion of this Policy. Actual conflicts of interest, as well as incidents or situations which create the appearance of a conflict, must be avoided.

1. Purchasing – No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly in any contract with the Town. No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have any influence or transactions involving purchases, contracts or leases, it is imperative that they disclose this, as soon as possible, to an officer of the Town, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
2. Gratuities – Compensation paid to the employee in accordance with the Pay Schedule, and reasonable expenses as approved by the Town Manager, shall constitute the sole remuneration for services rendered by an employee in the discharge of Town duties. No additional reward, gift or other form of remuneration shall be accepted by any employee for the discharge of their Town duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Personal gains may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town does business, but also when an employee or relative receives any “kickbacks”, bribes, substantial gifts or special consideration, as a result of any transaction or business dealings involving the Town.

E. ~~E.~~ Confidentiality: Many Town employees have access to confidential information pertaining to persons or property in the town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the “Right to Know” law, 1 MRSA Sections 401-410: (“FOAA”). Only Town--designated public access officer(s) are authorized to and charged with the responsibility of releasing information pursuant to under the scope of FOAA. ~~The designee(s) public access officer is responsible for ensuring that public record requests are acknowledged within a reasonable amount of time and that a good faith estimate of when the response to the request will be complete is~~

~~provided. Any FOAA request must be transmitted to and handled by a designated public access officer.~~

## ARTICLE VI - WORKWEEK - OVERTIME

- A. The regular workweek for payroll purposes begins on Monday and ends on Sunday. The hours of work (starting times, quitting times, lunch times and overtime) will be established within each department subject to the Town Manager's approval. The hours of work may be changed by mutual agreement of the Department Supervisor and ~~the~~ Department's staff, subject to the Town Manager's approval.
- B. Work hours for all employees will be scheduled by the employee's immediate supervisor.
1. Payroll Policy – All employees will be responsible for submitting a weekly electronic time sheet, which must be approved ~~and signed~~ by their department managers. ~~A list of department heads that have authority to approve specific time sheets, with a back up person if the department head is unavailable due to vacation or sick leave, will be instituted.~~ The electronic time sheets of the department heads will be signed approved by the Town Manager.

~~The time sheets must be received by the payroll clerk no later than 9 am on the day payroll is processed.~~ Repeated failure of any employee to submit time sheets could result in disciplinary action.

~~Any employee currently missing time sheets will be reported to their supervisor for collection and approval of hours.~~

~~All time sheets will be periodically audited by the Town Manager, a selectperson and/or the finance director.~~ Any issue raising questions or concerns that are noticed by the payroll clerk will be brought to the attention of the individual's supervisor.

- ~~2. Time Sheet Policy – The Town's software system will track all compensated absences (vacation, sick leave, comp time, personal days and floating holidays.) Current leave balances will be reported on employees' paychecks. The Town requires that all time worked and all time taken off during the regular workweek to be documented.~~

~~For administrative employees eligible for compensatory time and overtime, actual hours worked will be recorded on the time sheet. In addition, all time taken off during the normal workweek for vacation, sick leave, comp time, etc. will also be recorded on the timesheet. Any overtime worked must be authorized by the supervisor, if possible prior to overtime being worked.~~

~~Employees will indicate on the time sheets whether they elect overtime to be paid at time and a half after 40 hours worked, or if they elect to use compensatory time at a later date. — An employee who works unauthorized overtime will be paid for time worked but may be subject to discipline for working without authorization.~~

The Department Head or his/her designee must ~~sign-approve~~ the time sheets for his/her department personnel. ~~It is extremely important that supervisors approve all overtime worked. Overtime and compensatory time represents financial liability for the Town and must be appropriately budgeted and accounted. Time sheets are the official record for comp time earned and used. If comp time is not submitted with weekly timesheets, then it is not considered to have been earned and is not available to be used or cashed out at a later date.~~

~~The time sheets will be completed and turned in to the Finance Department.~~ Employees who expect to be out of the office due to vacations and other planned absences will turn in time sheets to their Department Head before leaving. If the absence is unexpected (sick leave or ~~funeral-bereavement~~ leave for example), then the time sheets will be completed by the Department Head to the best of their knowledge and any adjustments will be made on the next week.

~~Please direct questions regarding the Payroll and Time Sheet Policies to the Finance Department.~~

~~Payroll Deductions — Federal and State laws require that employers withhold taxes from wages and salaries. Most employees are subject to Federal Income Tax, State Income Tax, and Social Security deductions. Deductions are made by the payroll office on the basis of information furnished by the employee on the W-4 form completed annually. It is the employee's responsibility to keep the payroll office advised of changes in tax exemptions, marital status, and home address.~~

- ~~3. Voluntary Payroll Deductions — Employees may voluntarily elect payroll deductions for a variety of services, including (if eligible) the benefit program. For more information please ask who?~~

4.2. Administrative – The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor. The employee should then contact the [Town's Human Resource Officer](#) ~~(who?)~~ so that all issues can be researched and any corrections can be made as quickly as possible.

C. Exempt employees will be expected to work as many hours as necessary to fulfill the duties of their position.

D. Employees not exempt from the Fair Labor Standards Act shall receive overtime pay after forty hours of actual work per week. [At the discretion of the Town Manager, any such overtime may be compensated for with compensatory time. \(See Section E. below\).](#) For the purpose of Public Works and Maintenance, employees will be paid overtime for time worked after their normal daily scheduled hours. All overtime shall be paid at the rate of one and one-half times the employee's normal rate of pay. For the purposes of overtime calculation, holiday and vacation time will be considered time actually worked, with the exception of floating holidays. ~~At the discretion of the Town Manager, overtime may be compensated with compensatory time for hours worked beyond forty hours in a work week. Such compensatory time shall be granted on a time and one-half basis for hours worked beyond forty hours in a work week.~~ In accordance with FLSA, temporary summer Recreation employees are exempt from overtime.

D-E. Compensatory Time: Under certain prescribed conditions, employees of State and Local government agencies may receive compensatory time off, at a rate of not less than one and one-half for each overtime hour worked, instead of cash overtime pay. Fire protection and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local employees may accrue up to 240 hours. An employee is permitted to use compensatory time on the date requested unless doing so would "unduly disrupt" the operation of the Town. During periods of slow or low work the Town reserves the right to require employees to use compensatory time.

E-F. Regular Work Hours: Due to the wide variety of services provided by the Town, hours per week between departments and employees also vary. Management reserves the right to change the workday or workweek for the purpose of promoting the efficiency of the municipal government; from establishing the work schedule of the employees, and establishing part-time positions. In the event schedules dictate a condensed workweek, with daily hours exceeding 8 hours, accrued time paid will be paid allocated by hours equal to daily set scheduled hours (not to exceed 10 hours).

Accrued time earned is accumulated hourly and time used will be allocated on an hourly basis.

## ARTICLE VII - ATTENDANCE

Regular attendance at work is an essential function of all Town positions. Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her work day.

## ARTICLE VIII - HOLIDAY

- A. Subject to these rules, the following holidays shall be paid holidays for regular fulltime Town employees: New Year's Day; Martin Luther King's Birthday; Presidents' Day; Patriots' Day; Memorial Day; July Fourth; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; the day after Thanksgiving Day; Christmas; and one personal holiday. ~~While not paid holidays, the Town Office will be closed on the Saturday of Labor Day weekend, the Saturday of Presidents' Day weekend, the Saturday following Thanksgiving and Saturdays when Christmas and New Year's Day falls on a Friday or Sunday.~~
- B. Holiday privileges are available to full-time and regular part-time employees.
- C. If a regular holiday falls on a Sunday, the following Monday is considered a holiday.
- D. A person on a leave of absence without pay shall not be entitled to holiday pay.
- E. When occasion warrants, employees may be required to work on a holiday. Employees working on a holiday shall receive time and a quarter pay for time actually worked plus the applicable holiday pay. If the holiday also represents an overtime shift, the employee shall be paid time and three quarters for time actually worked plus the applicable holiday pay. (12/20/2005)
- F. Exempt employees will receive a normal day's pay for the holiday at their regular rate of pay for hours normally worked. Holiday benefit not to exceed 8 hours unless the set schedule by the Department Head dictates longer scheduled hours during a holiday week (not to exceed 10 hours.)
- G. Employees not scheduled to work on a holiday will have the holiday time credited as vacation time, and such time and usage will be governed by the Town's Vacation Policy.~~option of rescheduling the holiday at a later date. Any in lieu of holiday time will be scheduled and approved by the employee's immediate supervisor and/or the Town Manager.~~

## ARTICLE IX - VACATION

- A. Vacation privileges are available to full-time and regular part-time employees subject to the following conditions. Each full-time employee shall earn vacation with pay on the following basis: Vacation pay will accrue at the rate of 1 day per month employed for the first 3 years; 1 ¼ days per month worked after 3 years; 1 ½ days per month worked after 10 years; and 1 ¾ day per month worked after 15 years. Earned vacation benefits will be based on normal day's hours ~~not to exceed 8 hours, regardless of whether a normal working day consists more than 8 hours.~~
- B. Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employee's seniority in regard to scheduling vacations.
- C. Vacation time will be allowed to accumulate to a maximum of 152 hours and will be paid to employees retiring, resigning voluntarily, or through other means of separation.
- D. Vacation time will not be approved for periods of more than two weeks, except in an emergency situation not of the employee's making. All exceptions must be approved by the Town Manager.
- E. Vacation leave shall accrue from the date of hire; however, employees shall not use vacation benefits until they have completed their first 6 months of employment.
- F. Employees may receive their vacation pay prior to the start of their vacation, but must advise the town Treasurer, in writing, at least ten (10) days in advance.
- G. Employees may not borrow or use vacation in excess of their accrual at the start of the vacation period.
- H. If an employee resigns voluntarily with less than two weeks' written notice to the Town, he or she will be regarded as not leaving in good standing and all accrued his or her vacation leave will be forfeited as a result of the failure to give notice. If there are extenuating circumstances for the resignation without notice or by mutual agreement, the forfeiture may be waived at the discretion of the Town.

## ARTICLE X - SICK LEAVE

- A. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other work and assigned to such other work; or for personal

medical or dental appointments; or to care for members of his/her immediate family affected by serious illness.

- B. Sick leave accrual for full-time employees shall accrue at the rate of one work day, not to exceed 8 hours, for each full calendar month of service to a maximum of sixty (60) working days or 480 hours. For the purpose of this section, the first month of an employee's service shall be counted as a full month if employment begins on or before the 15th day of the month.
- C. Full-time and Regular part time employees shall be eligible to use sick leave after thirty (30) days of service with the Town.
- D. The employee must work thirteen (13) or more full work days in that month to earn sick leave for that month.
- E. Sick leave shall not be considered as an entitlement which an employee may use at his/her discretion, but shall be allowed for the necessity arising from actual sickness or disability of the employee. After using three successive days of sick leave, the employee shall furnish the Town with a certificate from his/her attending physician.
- F. Absences for a part of a day that are chargeable to sick leave shall be charged proportionately in an amount not smaller than one-half (1/2) day.
- G. ~~Sick leave usage shall be recorded regularly by the (who?).~~ The Town Manager shall review all sick leave records periodically and shall investigate any cases which indicate abuse of the privilege, including but not limited to patterns of leave, usage around holidays or weekends and the like. Abuse of sick leave privilege shall be cause for discipline. Sick leave shall under no circumstances be bought back.
- H. The department head shall be notified of an employee's sick leave absence as close to the start of the work shift as possible.
- I. Employees shall be expected to call on each day of absence. Failure to report shall be justification for disallowing sick leave for that day.
- J. Sick leave will not be used to extend vacation time or create holiday weekends.
- K. An employee taking extended leave for one's self or care for a qualifying member under FMLA/MFLMA must use accrued sick leave. An employee who is absent for illness or health reasons ~~that do granted time off~~ not ~~qualifying~~ under FMLA/MFLMA must use accrued sick leave.
- L. An employee may donate up to 40 sick hours of sick leave per year to a sick leave bank to be used as needed for major illness of any contributor. An employee must

donate to the program by June 30th in order to be eligible during the following fiscal year.

- M. Upon an employee's separation in good standing status with the Town, the employee shall be paid up to ½ of all accumulated sick leave. In no case shall the employee be paid more than 240 hours of pay.

## ARTICLE XI - LEAVES OF ABSENCE

### A. BEREAVEMENT LEAVE.

An employee may be excused from work for up to three (3) work days because of death in his/her immediate family, as outlined below, and shall be paid his/her regular rate of pay for scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral. For purposes of this article only, immediate family is defined to mean spouse, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, and grandchildren. One (1) work day may be granted to employees at the sole discretion of the Town Manager for attendance at funerals of persons not covered under the above definition.

### B. LEAVE WITHOUT PAY.

If not eligible for FMLA, an employee may be granted a leave of absence without pay, granted by and at the discretion of the Town Manager, for a period deemed necessary by the employee for the purpose of the leave. Unless otherwise determined by the Town, the maximum unpaid leave of absence will not exceed but not in excess of sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the Town Manager. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service employment. Employees may choose to continue health benefits for the duration of the leave by assuming the full cost of premium employer contribution. Vacation and sick leave will not continue to accrue during the leave. Any accrued time earned is expected to be used during leave approved under this provision. the granted time off.

### C. FAMILY AND MEDICAL LEAVE.

**NOTE: SEE REPLACEMENT FMLA POLICY, PROVIDED SEPARATELY SEE APPENDIX A.**

**D. The Family Medical Leave Act (29 U.S.C. § 2601 et seq.) is a federal law guaranteeing unpaid time off for employees to deal with family and personal matters. In 2008, the FMLA was amended, through the National Defense Authorization Act of**

2008 (PL 110-181), to provide new leave entitlements related to military service. In addition, comprehensive new regulations promulgated by the U.S. Department of Labor (DOL) in November, 2008 have clarified and revised some FMLA requirements, effective January 16, 2009.

**~~“Traditional” Non-Military FMLA Leave.~~** The law requires covered employers to grant up to **12 workweeks** of unpaid leave in a 12-month period to eligible employees for the following reasons:

- ~~1. the birth and care of the employee’s newborn child;~~
- ~~2. placement of a child with the employee for adoption or foster care;~~
- ~~3. to care for the employee’s spouse, son, daughter or parent, (but not parent-in-law) with a serious health condition; or~~
- ~~4. for the employee’s own serious health condition that makes him/her unable to perform the functions of his/her position.~~

~~“Serious health condition” is defined in detail in DOL regulations. See 2008 regulations 29 C.F.R. § 825.113; 825.115. “Son or daughter” means a biological, adopted, or foster child, stepchild, legal ward or in a loco parentis relationship who is either under age 18, or over 18 and incapable of self-care to a physical or mental disability. See 2008 regulation 29 C.F.R. § 825.122 for more details.~~

**Military FMLA Leave.** Two new leave entitlements were provided in 2008 to deal with military family leave issues.

**(1) Military Caregiver Leave.** Eligible employees may take up to **26 workweeks** of unpaid leave within a 12-month period for the purpose of caring for a “covered servicemember.” The employee must meet the basic FMLA eligibility requirements discussed below and must also be the spouse, son, daughter, parent or “next of kin” of a covered servicemember.

- ~~• “Next of kin,” for the purposes of Military Caregiver leave, is the nearest blood relative of that individual other than the servicemember’s spouse, parent son or daughter according to list of priorities in the regulations at 29 C.F.R. § 825.127.~~
- ~~• “Covered servicemember” means a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term “serious injury or illness” is defined (only for the purpose of deciding who is a “covered servicemember”), as an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform his/her military duties. See 2008 regulation 29 C.F.R. § 825.127.~~
- ~~• Unlike other FMLA leaves, Military Caregiver leave starts on the first day leave is taken and end 12 calendar months from that date, regardless of the usual method the employer uses to calculate the 12-month period for other FMLA leaves. See discussion below.~~

- ~~An employee is limited to a combined total of 26 workweeks of FMLA leave in one 12-month period, which includes all FMLA leave taken for any reason.~~
- ~~An employee may take additional 26-week Military Caregiver leaves for a different service member or to care for the same servicemember with a subsequent injury or illness, provided that no more than 26 weeks of leave may be taken in one 12-month period.~~
- ~~The Military Caregiver Leave entitlement became effective immediately upon passage on January 28, 2008.~~

(2) **Qualified Exigency Leave.** Eligible employees may take up to ~~12 workweeks~~ of unpaid FMLA leave in a 12-month period because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a “covered military member” who is on active duty, or call to active duty status, in support of a contingency operation.

- ~~A “qualified exigency” is defined in the regulations to include a number of broad categories for which leave may be used. These include: o Short notice deployment (used up to 7 days from notification date); o Military events and related activities; o Childcare and school activities; o Financial and legal arrangements; o Counseling (other than with a medical provider); o Rest and recuperation leave of up to 5 days; o Post-deployment activities (may be used up to 90 days from termination of active duty status); and o Additional activities not part of the categories listed above, but agreed to by employer and employee.~~

~~Additional detail and examples of each of the types of qualifying exigency are provided in the 2008 regulations at 29 C.F.R. § 825.126 and in the U.S. DOL Fact Sheet on Military FMLA Leave.~~

- ~~“Covered military member” as used for Exigency Leave is *not* the same as the term “covered servicemember” as used for Military Caregiver Leave. A “covered military member” includes members of the National Guard, the Reserve, or certain retired members of the Regular Armed Forces or retired Reserve. The Exigency Leave entitlement was **not** extended to family members of members of the Regular Armed Forces. In addition, the call to duty must be a federal call to active duty. State calls to active duty are not covered unless under certain orders of the United States President as listed in the regulations. See 2008 regulation 29 C.F.R. § 825.126(b) for more detail.~~
- ~~An employer may request copies of the military member’s orders or other documentation from the military, and may request that the employee provide certification of the exigency. The DOL has created a form (Form WH 384) that employers may use for this purpose. Also see 2008 regulation 29 C.F.R. § 825.309 for more information.~~

### **Employee Eligibility:**

In order to be eligible for any type of FMLA leave, an employee must work for a covered employer and meet the following criteria:

- ~~The employee must have worked for the employer for at least 12 months (in total, and not consecutively). According to the 2008 FMLA regulations, employers do not need to count breaks in service of more than 7 years. Several exceptions to the 7 year limit are listed in 2008 regulation 29 C.F.R. § 825.110(b);~~
- ~~The employee must have worked at least 1,250 hours over the 12-month period immediately preceding commencement of the leave;~~
- ~~The employee must work at a job site at which there are at least 50 employees or at least 50 employees must work within 75 miles of the work site.~~

~~All “public agencies” are covered employers under the federal FMLA. 29 C.F.R. § 825.108. This includes federal and state governments, municipalities, or government agencies. *Id.* However, even though a municipality is a “covered employer” under the FMLA, it may not be required to provide FMLA leave to its employees because the municipality may have no “eligible” employees. As noted above, in order to be eligible for FMLA leave, an employee must work at a worksite where there are at least 50 employees, or at least 50 employees must work within 75 miles of the employee’s worksite. Thus, in practice, a municipality must have at least 50 employees (within a 75-mile area) before it will be required to grant leave under the federal FMLA. See 2008 regulation, 29 C.F.R. § 825.108(d).~~

~~*Determining number employees employed:* Before deciding if the 50-employee threshold has been met, one must determine which entity is the “public agency” or municipal employer. Generally, a municipality is considered a single employer for purposes of determining employee eligibility. See, 29 C.F.R. § 825.108(e). Often questions arise as to whether the “municipality” includes school, sewer, water or other municipal functions, or whether these are separate employers for the purposes of the FMLA. DOL regulations indicate that this determination should be made on a case-by-case basis and that the U.S. Bureau of Census, *Census of Governments* may be used as one guiding factor on this issue. See 29 C.F.R. § 825.108(e) and www.census.gov/govs. Once the bounds of the municipal employer are determined, one must then determine how many “employees” that employer employs. The FMLA uses the same definition of “employee” used in the Fair Labor Standards Act. (29 U.S.C. § 203). Because there are numerous exceptions and qualifications applicable to the determination of the municipal employer and number of employees, municipalities are strongly encouraged to seek legal advice in determining if the 50-employee threshold has been met. **Counting the 12-month leave period:**~~

~~The law requires employers to provide 12 workweeks of leave within a “12-month period” for all types of FMLA leave except Military Caregiver leave. Employers may choose among 4 methods to calculate the 12-month leave period provided the method chosen is applied consistently and uniformly to all employees. See 29 C.F.R. § 825.200. These are:~~

- ~~(1) — a calendar year;~~
- ~~(2) — any fixed 12-month period, such as a fiscal year, or a year beginning on the employee’s anniversary date;~~
- ~~(3) — a 12-month period measured forward from the date any employee’s first FMLA leave begins; or~~

(4) — a rolling 12-month period measured backward from the date an employee uses FMLA leave.

Municipal employers that have eligible employees (i.e., over 50 employees within a 75-mile radius) are encouraged to adopt a policy that notifies employees of the method the employer has chosen to measure the 12-month period. If the employer does not designate a method of calculating the leave year in advance, the employer must allow employees to use whatever counting method that would be most beneficial to the employee. 29 C.F.R. § 825.200. When implementing (or changing) a method of calculating the leave year, the employer must give at least 60 days' notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. *Id.*

### **Certification:**

Employers may require that employees provide certifications of the need for leave under the Military Exigency leave entitlement. The DOL has issued a form that may be used to certify this exigency. See Certification of Qualifying Exigency for Military Family Leave (Form WH-384).

Employers may require medical certification of the need for leave when leave is requested to care for the employee's family member a covered servicemember or for the employee's own serious health condition. Generally, the employee must be allowed at least 15 days to obtain the certification. The DOL has published three new forms that may be used to obtain medical certification. Individual forms were created to certify;

(1) — the employee's own serious health condition (Form WH-380-E);

(2) — a family member's serious health condition (Form WH-380-F);

(3) — and a covered servicemember's serious injury or illness (Form WH-385).

Second or third medical opinions are potentially available at employer expense. See the DOL's Compliance Guide for more information concerning medical certification and 2008 regulations at 29 C.F.R. § 825.305—825.313.

Recertification of the need for leave may be required generally no more often than every 30 days and only in connection with an absence. Additional guidelines and restrictions, including those relating to recertification of intermittent leave, are outlined in the regulations at 29 C.F.R. § 825.308 and 825.305.

*Fitness for Duty.* Pursuant to a uniformly applied policy, an employer may ask for medical certification of fitness to return to work upon completion of approved leave for the employee's own serious health condition. Any such inquiries must be consistently applied, and must be sought only in regard to the particular health condition that caused the need for leave. Under the 2008 FMLA regulations, an employer may require that the certification address the employee's ability to perform the essential functions of the job, if the employer provided a list of these essential functions no later than the time it provided the Designation Notice (Form wh-382) to the employee. In addition, the Designation Notice must have indicated that the Fitness for Duty Certification would be required to address these functions. No second or third opinions on a Fitness for Duty certification are allowed, although an employer may ask for clarification of the

~~certification within specific limits in the regulations. See 2008 regulation, at 29 C.F.R. §§ 825.305—825.313.~~

### **~~Intermittent Leave:~~**

~~If medically necessary, intermittent leave or a reduced work schedule must be allowed under the federal FMLA to care for a child, parent, or spouse or for the employee's own serious health condition. Intermittent leave may also be used to care for a covered servicemember with a serious injury or illness. In addition, only the amount of leave actually used while on a intermittent/reduced leave schedule may be charged against the employee's leave entitlement. Employers may not require an employee to use more time than necessary and must account for the intermittent leave, using the smallest time segments available in their timekeeping system (which must be an hour or less). Intermittent leave for the birth or placement of a child is only available with consent of the employer. See 29 C.F.R. § 825.202—825.205.~~

### **~~Employer Notice Requirements:~~**

- ~~○ All covered employers must post the DOL's **FMLA Poster/General Notice** (Form WH-1420) in a conspicuous location even if the employer has no eligible employees. (Note: the DOL has issued a new poster in conjunction with its 2008 regulations).~~
- ~~○ Employers with any eligible employees *must* provide the same information contained in the FMLA Poster/General Notice in any handbooks and or any written policy materials. If the employer does not maintain policy manuals or written policy materials, the employer must provide general information on FMLA rights to new employees at the time of hire. Electronic distribution of the notice is allowed, if certain conditions are met. See new regulation 29 C.F.R. § 825.300.~~
- ~~○ Within five business days after a leave request is received, or the employer has been made aware of the employee's need for leave, the employer must give the employee a notice concerning his/her basic eligibility for leave (e.g. whether the employee has worked for the employer for 12 months, 1,250 hours and/or whether the 50 employee threshold has been met). At the same time, the employer must also furnish a notice outlining the employee's rights and responsibilities relating to FMLA leave. The notice must indicate any requirement to provide certification of the need for leave, whether military or non-military. Specific information which must be included in the notices includes: requirements relating to substitution of paid leave, key other items listed in new regulations at 29 C.F.R. § 825.300(b). The notice of eligibility may be verbal or in writing. The DOL has created a sample form entitled;~~

**~~Notice of Eligibility & Rights and Responsibilities~~** (Form WH-381) which satisfies this employer obligation:

- ~~• Within five business days after the employers gains enough information to make a determination as to whether the requested leave qualifies as FMLA~~

leave (e.g. medical certification has been received), the employer must provide **“Designation Notice”** to the employee. The Designation Notice notifies the employee whether the leave will be designated as FMLA leave and counted against the employee’s leave entitlement. If the employer plans to require a fitness for duty certification upon return to work, and/or if the employer will require that the certification address the essential functions of the employee’s job, these requirements must be included in the Designation Notice, along with a list of those essential functions. A sample **Designation Notice** (Form WH 382) has been prepared by the DOL. See 2008 regulations 29 C.F.R. § 825.301 for more details on Designation Notice requirements.

- The employer must notify the employee of the amount of leave counted against the employee’s FMLA leave entitlement. If the amount of leave is known at the time the employer designates the leave as FMLA qualifying, the employer must notify the employee of the number of hours, days, or weeks that will be counted against the employee’s FMLA leave entitlement in the Designation Notice. If it is not possible to provide the information with the Designation Notice, the employer must provide notice of the amount of leave counted against the employee’s FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice may be oral or in writing, but if oral notice is given, it must be confirmed in writing no later than the following payday. The written notice may be in any form, including a notation on the employee’s pay stub. See 2008 regulation 29 C.F.R. § 825.300(d)(6).

### **Employee Notice Obligations:**

Generally, employees must provide at least 30 days’ notice of the need for leave that is foreseeable. See 29 C.F.R. § 825.302 for more detail. For unforeseeable leave, an employee or his/her spokesperson must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. The regulations provide that it generally should be practicable for the employee to provide notice of unforeseeable leave within the time prescribed by the employer’s usual and customary notice requirements. See 29 C.F.R. § 825.303 for more detail.

### **Preservation of benefits:**

During an approved leave, the employer must maintain the employee’s group health insurance on the same terms as if the employee continued to work. Then employer is not required to maintain other non-health insurance benefits (such as life insurance) during the leave. However, the FMLA does require employers to restore an employee returning from approved leave to the same benefits he/she had prior to the leave, with no penalty or waiting periods. Thus, if an employee fails to pay his/her benefit premiums during the leave, an employer may decide to continue such benefits at

its own expense during the leave or should make sure that applicable benefit plans allow immediate resumption of benefits. See DOL Compliance Guide and 2008 regulation 29 C.F.R. § 825.209 — 825.215 for more information.

#### **Substitution of Paid Leave:**

FMLA leave is generally unpaid leave. However, employees may substitute available paid leave for otherwise unpaid FMLA leave. Employers may also require that an employee use available paid leave. Any paid leave time used by the employee does not count toward the employee's FMLA leave entitlement. The 2008 regulations clarify that if an employee wants to substitute paid leave, he/she must comply with the employer's paid leave policies and procedures with respect to paid leave. The employer must notify employees of any additional procedural requirements that apply to the use of paid leave in the **Notice of Rights and Responsibilities** (given to employees when leave is requested). See 2008 regulation 29 C.F.R. § 825.207 for more information.

#### **Reinstatement:**

Upon return from an approved leave, the employee must be reinstated to the same or an equivalent position, with the same pay, benefits, and other terms and conditions. Certain exceptions apply for "key employees." See DOL Compliance Guide for more information on key employees.

#### **Education employees:**

Special rules apply to some employees of local educational agencies, including public elementary and secondary schools. "Instructional employees" are subject to special rules when taking leave (a) more than 5 weeks prior to the end of a term; (b) less than 5 weeks prior to the end of a term; and (c) less than 3 weeks from the end of a term. For more information see: 29 C.F.R. §§ 825.600 — 825.604.

#### **Discrimination:**

An employer may not interfere with, restrain or deny the exercise of FMLA rights. Employees may not be discharged or discriminated against for taking leave. Nor may the use of FMLA leave be used as a negative factor in a "no fault" attendance policy or in any employment action, including hiring, promotion or disciplinary actions. See 2008 regulation, 29 C.F.R. §§ 825.220.

#### **Enforcement:**

The FMLA is enforced by the U.S. DOL's Employment Standards Administration, Wage and Hour Division. The agency investigates complaints of violations, and is authorized

to bring action in court to compel compliance. In addition, eligible employees may bring a private lawsuit against an employer for violations. An employee is not required to file a complaint with the Wage and Hour Division prior to bringing such action. See 2008 regulations at 29 C.F.R. §§ 825.400 — 825.404.

#### ~~D. MAINE FAMILY MEDICAL LEAVE ACT.~~

Maine has enacted its own Family Medical Leave Law (MFMLA) entitling eligible employees of certain employers to 10 workweeks of leave in any two-year period (26 M.R.S.A. § 843 *et seq.*; PL 2007 c. 233). The MFMLA is modeled after the federal FMLA, but has some important differences. It is very possible that some employees could be covered under either the state or federal FMLA laws, or both. Thus, when presented with a leave request, an employer should analyze the eligibility requirements of each law separately.

#### **Covered Employers:**

Maine's FMLA applies to city, town and municipal agency employers with 25 or more employees. See 26 M.R.S.A. § 843(3). The law defines "employee" quite broadly, to include any person "permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment." Employee does not include an independent contractor. 26 M.R.S.A. § 843(1).

#### **Employee Eligibility:**

Employee eligibility under the MFMLA differs from the federal FMLA in three important ways:

- In order to be eligible for MFMLA leave, an employee must have worked for the same employer for at least 12 *consecutive* months (under federal law, the 12 month work requirement need not be consecutive).
- An employee must work at a permanent worksite with at least 15 employees.
- Under the MFMLA there is no 1,250 hour work requirement.

Thus, in some situations, an employee may not qualify for federal FMLA leave because the individual has not worked 1,250 hours in the previous year, but the individual may qualify for Maine FMLA leave because he/she has been employed for 12 consecutive months.

#### **Leave Entitlement:**

~~Under the MFMLA, an eligible employee is entitled to up to 10 workweeks of leave in a two-year period for the following reasons. Effective September 20, 2007, the Legislature added “domestic partners” to the entitlement to leave, and added a new entitlement to leave for military deaths/injuries. Effective July 18, 2008, the MFMLA includes a right to leave for the purpose of caring for a sibling (PL 2007 c. 519).~~

- ~~(1) the birth of the employee’s child or the employee’s domestic partner’s child;~~
- ~~(2) placement of a child 16 years of age or less with the employee or with the employee’s domestic partner in connection with the adoption of the child by the employee or the employee’s domestic partner;~~
- ~~(3) A child, a domestic partner’s child, parent, domestic partner, sibling or spouse with a serious health condition;~~
- ~~(4) The employee’s own serious health condition;~~
- ~~(5) The donation of an organ of that employee for a human organ transplant;~~
- ~~(6) The death or serious health condition of the employee’s spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in 37 B.M.R.S.A. §102, or the U.S. Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty. PL 2007 c. 388; PL 2007 c. 261.~~

~~Serious health condition is defined in the law as an illness, injury, impairment or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential medical care facility; or (b) continuing treatment by a health care provider. 26 M.R.S.A. § 843(6).~~

~~Domestic partner is defined as: the partner of an employee who:~~

- ~~○ Is a mentally competent adult as is the employee; ○ Has been legally domiciled with the employee for at least 12 months; ○ Is not legally married to or legally separated from another individual; ○ Is the sole partner of the employee and expects to remain so; ○ Is not a sibling of the employee; and~~
- ~~○ Is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. PL 2007 c. 375.~~

~~Sibling is defined as “a sibling of an employee who is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements and joint financial arrangements.”~~

### **Intermittent Leave:**

In response to a 2006 court decision that held that the MFMLA contained no requirement for intermittent leave, the Maine Legislature amended the law to allow intermittent leave in circumstances similar to the federal law. See *Brown v. Eastern Maine Medical Center*, 2006 U.S. Dist. LEXIS 50593 (D.Me. 2006); PL 2006 c. 233.

Effective September 20, 2007, the MFMLA requires covered employers to provide intermittent leave or a reduced work schedule, if medically necessary, for the employee's serious health condition, a parent, child, domestic partner or spouse with a serious health condition, or for organ donation. Intermittent leave for the birth, adoption or foster care placement of a child is available only by agreement of the employer and employee. PL 2006 c. 233.

If intermittent leave is taken, the employer may temporarily transfer the employee to an available alternative position for which the employee is qualified and (1) which has equivalent pay and benefits and (2) better accommodates the intermittent leave schedule. PL 2006 c. 233.

#### **Employee Notice/Certification:**

An employee needing leave is required to give at least 30 days' prior notice of the intended start and end of leave, unless prevented from giving notice by a medical emergency.

The employee may be required to provide medical certification from a physician to verify the amount of leave needed. Note that the law allows an employee that has "in good faith" relied on treatment by prayer or spiritual means, pursuant to the tenets of a recognized church or religious denomination, to submit certification from an accredited practitioner of those healing methods. 26 M.R.S.A. § 844(1)(B).

Employers must post a poster concerning MFMLA, available from the Maine DOL.

#### **Preservation of Benefits:**

An employer must allow an employee on leave to maintain employee benefits at his/her expense. The parties may negotiate to maintain benefits at employer expense.

#### **Restoration:**

At the conclusion of an approved MFMLA leave, the employer must restore the employee to the same or an equivalent position with same seniority status, benefits, pay and other terms and conditions of employment. There is a limited exception to the employee's right to job restoration, if the employer can prove that the employee was not restored to the same or equivalent position due to conditions unrelated to the employee's exercise of leave rights. 26 M.R.S.A. § 845.

#### **Discrimination:**

~~The use of leave may not result in the loss of any employee benefits accrued before the leave was taken. Nor may the leave result in loss of seniority or contract rights. In addition, an employer may not interfere with, restrain or deny the exercise of or the attempt to exercise any right provided under the MFMLA. Nor may an employer discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for exercising any right under the Maine FMLA or for opposing any practice made illegal by the MFMLA. 26 M.R.S.A. § 846-7.~~

## **ARTICLE XII - JURY DUTY**

The Town shall pay to an employee called for jury duty, for a period of up to 4 weeks, the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received.

## **ARTICLE XIII - ARMED FORCES AND NATIONAL GUARD ACTIVE AND CALL UP DUTY**

The Town shall pay to any regular full time employee his/her regular pay during any annual activity requirement not to exceed two weeks' total per year.

## **ARTICLE XIV - RETIREMENT**

- A. All town employees will participate in and contribute to Social Security.
- B. All employees will be eligible to participate in the ICMA Retirement Corporation Deferred Compensation Program. Full-time employees contribution will be matched by the Town based on the following table:

Years of Employment	Employer Match of Gross Wages
During 0 – 6 months	0%
During 6 months – 1 year	1%
During year 2	2%
During year 3	3%
During year 4	4%
During and after year 5	5% (maximum rate)

## **ARTICLE XV – WORKERS' COMPENSATION**

- A. All Town employees are covered by Worker's Compensation Insurance. All injuries, no matter how minor, occurring during the working hours must be reported to the Employee's immediate supervisor and a written report must be made as soon as possible.

~~In an~~ emergency call 911 for medical assistance. All other instances ~~involvsuffering~~ an on-the-job accident/injury, the employee will be directed to visit ~~will be sent to~~ the Town specified preferred provider.

- B. Transitional Work Policy: It is the goal of the Town to assist injured employees to return to the position they held at the time of their injuries, which will be referred to as Regular Work. To that end, the Town ~~has~~ may make defined ~~available to injured employees specific work assignments or of~~ “Transitional Work” ~~that will be made available to those injured employees, who, in the judgement of the Town, will and may make Transitional Work available probably be able to return to the positions they held at the time of their injury. for a reasonable time, to be determined in light of the nature of the employee’s Regular Work and the Town’s operational needs for accomplishing the Regular Work.~~

~~Transitional Work will be made available to injured workers of the Town who have sustained injuries arising out of and in the course of their employment with the Town and who have been approved for this program by their physician. Injured employees will be eligible for placement in the Transitional Work program within one (1) year after the date of initial injury.~~

~~Under this program, employees qualified for Transitional Work will be permitted to work up to 90 days in a transitional position. If at the end of the 90 day period, the employee has not returned to Regular Work, Transitional Work will no longer be available unless further medical evidence is presented that permits the Town to believe that, with reasonable further periods of Transitional Work, the employee will probably be able to return to Regular Work. If such evidence is provided, the Town may offer additional periods of Transitional Work for up to a one year period from the initial date of return to Transitional Work.~~

~~If, during the course of the Transitional Work, it becomes evident to the Town that the injured worker probably will not be able to return to Regular Work within a one year period from when they initially returned to Transitional Work, Transitional Work will no longer be made available to them. Those employees will then be subject to the rehabilitation provisions of the Maine Workers’ Compensation Act. (39 M.R.S.A. Sec. 81 et seq).~~

## ARTICLE XVI – HEALTH, DENTAL, AND LIFE INSURANCE

Employees will be eligible to participate in the Town’s health, dental, and life group insurance programs. The Town will pay 100% of the cost of individual health insurance coverage. Family health insurance coverage will be paid at a rate of 85% Town, 15% Employee match for eligible employees. Employees eligible to receive this benefit must work 30 or more hours on average per week. All other employees who average greater than 16 hours per week for the previous year will be allowed to participate in either program at their own cost.

Employees eligible to receive family health care benefits but electing not to take advantage of this employee benefit will be eligible to receive one-half the cash value (up to a dollar value of \$3,454 family or \$2,413 two person) of the difference in cost between the family plan and the single subscriber plan. This benefit will be paid in the form of an increased retirement contribution to qualified programs outlined in this policy or utilized toward the cost of Town sponsored life insurance premiums. In order to take advantage of this benefit, eligible employees are required to show evidence that their spouse and/or family is insured under another family health care benefit plan. Program eligibility will be determined annually and governed by eligibility requirements of the current health care plan. 50% added retirement benefit eligibility will be denied to non-custodial parents who are not legally required to provide health and /or dental insurance for their child(ren) ~~(6/17/03)~~.

The Town reserves the right to change eligibility requirements, group plan, carrier and/or contribution levels at any time, with reasonable notice to participants.

## ARTICLE XVII - DISCIPLINARY PROCEEDINGS

~~A. PURPOSE. All Town employees are expected to maintain a high degree of professionalism, responsibility, loyalty and adherence to the duly adopted programs and policies of the Town. Employees who fail to maintain these standards, or who fail to comply with the provisions of this Personnel Policy, may be subject to discipline up to and, in cases of substantial or repeated failure to adhere to these standards or the provisions of this Personnel Manual, including discharge.~~

A. PURPOSE. All Town employees are expected to maintain a high degree of professionalism, responsibility, loyalty and adherence to the duly adopted programs and policies of the Town. Employees who fail to maintain these standards, or who fail to comply with the provisions of this Personnel Policy, may be subject to discipline up to and, in cases of substantial or repeated failure to adhere to these standards or the provisions of this Personnel Manual, including discharge.

~~B. CATEGORIES. The following categories of disciplinary proceedings shall apply to all employees. - Disciplinary measures need not be imposed in the order set out below, and the Town reserves the discretion to move to or impose greater discipline. Appropriate discipline will be determined in light of the circumstances of each case.~~

1. Verbal warning – Normally intended to point out to an employee relatively minor or isolated instances of unsatisfactory job performance which, if repeated or continued, might lead to a more serious level of discipline.
2. Verbal reprimand – Normally intended to point out to an employee a relatively serious breach of job performance standards which, if repeated, shall lead to a more serious level of discipline.

3. Written warning or reprimand – Intended as a formal record of repeated unsatisfactory job performance (warning) which, if continued, is likely to result in jeopardy to the employee's prospects for advancement, pay increase or continued employment; or as a formal record of serious breach of duty or failure to meet job performance standards (reprimand) which, if repeated, will result in jeopardy to the employee's advancement, pay increase or continued employment.
4. Suspension – Suspension from employment, ~~which may be with or without pay depending on the circumstances,~~ shall be utilized only in those cases involving significant and serious breach of duty or standards by an employee, where active employment by the employee should not continue until such time as the Town Manager is satisfied that the recurrence of such breach is unlikely, ~~or until such time as the Town Manager is able to conduct an investigation into the action(s) meriting discipline.~~
5. Demotion. When the conduct at issue indicates that the employee should not continue in his or her present position but may be permitted to continue employment at a lower level of pay, position and/or responsibility, the employee may be demoted to a lower position if a vacancy exists or the Town otherwise determines that a demotion is feasible and appropriate. In the event of a proposed demotion, the employee will be provided with notice of the basis for the proposed action and an opportunity to be heard in response to the proposed action prior to the planned effective date.
- 5.—
6. Discharge from Employment —When discharge from employment is recommended by a supervisor or department head and/or considered by the Town Manager, the employee involved shall be entitled to ~~a pre-termination hearing prior~~ written notice of the basis and explanation for the recommendation. The employee will be provided an opportunity to meet with before a panel consisting of and present a response to his or her supervisor and/or department head or, if the department head or supervisor has made the recommendation, to the and the Town Manager. The meeting hearing shall be informal, with the purpose of ~~informing the employee, either in writing or orally, of the charges against the employee which may merit discharge, an explanation of the grounds for discipline including discharge, and providing~~ an opportunity for the employee to provide a response to the proposed recommendation, including additional relevant information and including any mitigating or extenuating circumstances or factors. matters in extenuation and mitigation. The department head or supervisor or the Town Manager, whichever met with the employee, at panel shall issue a written decision promptly, with a copy to the employee. The final decision may ~~might~~ be discharge, lesser discipline or no discipline. The employee will remain

employed through the date of the final decision and until the effective date stated in the decision.

7. Appeal of Disciplinary ~~Action~~ Action in Event of Suspension, Demotion or Discharge. —An employee ~~shall who has been suspended, demoted or discharged shall~~ have the right to appeal ~~the any~~ disciplinary action taken against him or her to the Board of Selectmen. Such appeal will be given in writing to the Town Manager. The employee making an appeal shall have seven (7) days to submit an appeal after having received notice of disciplinary action against him or her. Once an appeal is received, the Board of Selectmen shall schedule a hearing within thirty (30) days to consider such appeal. At the time of any review by the Board of Selectmen the employee shall have the right to be present, to be represented by counsel, may call witnesses and present any reasonably relevant evidence in his or her behalf. The Town Manager shall also have the right to be present, may call witnesses and present any reasonably relevant evidence supporting the disciplinary action taken against the employee. The Board of Selectmen shall issue a written decision on the basis of their review, within thirty (30) days thereafter. In the event the Board of Selectmen fail to issue a decision within thirty (30) days, the appeal will be considered denied. ~~In the event the Selectmen are prevented from conducting the review in an impartial manner because they actively participated in the investigation of the charges, participated in the pre-termination hearing, or have had repeated substantive disputes or employment disagreements with the employee which predate the allegations underlying the discharge or recommended discharge, then the review of discharge or recommended discharge shall be conducted by an independent, impartial hearing officer to be engaged and paid for by the Town.~~

- ~~7.8.~~ Application – This Section does not apply to an employee who is on initial probation. Probationary employees may be disciplined or discharged at any time during the probationary period without notice or opportunity to be heard and for any reason.

8. ~~All disciplinary proceedings and action toward the Town Manager shall be pursuant to 30A M.R.S.A. ss 2633, except as provided by contract.~~

~~30A M.R.S.A. ss 2633, paragraph 3, reads as follows:~~

~~The Selectmen shall remove or suspend the town manager for cause in accordance with the following procedures:~~

~~A. The Selectmen shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.~~

- ~~B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.~~
- ~~C. Upon request of a public hearing, the selectmen shall hold one at least 10 days but not more than 30 days after the request is filed.~~
- ~~D. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the selectmen may adopt or reject the resolution of removal.~~
- ~~E. The selectmen may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.~~

## C. EMPLOYEE PERSONNEL RECORDS.

1. ~~1.~~ Employee Records – The Town maintains a personnel file on each employee.

The personnel file includes such information as the employee's job application, resume and records of training, documentation of performance evaluations, disciplinary actions, salary increases and other employment records.

Personnel files are the property of the Town and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Town who have a legitimate need to know ~~reason to review specific~~ information in a file are allowed access to do so.

Employees who wish to review their own file should contact the Town Manager. With reasonable advance notice, employees may review their personnel files while in the presence of the Town Manager or an individual appointed by the  
——Town Manager.——

2. ~~2.~~ Personal Data Security – The Town recognizes the importance of maintaining the security of personal information and therefore complies with all laws regulating the retention of such information. For purposes of this policy, “personal information” is defined as a person's name, in combination with the person's Social Security number, driver's license or state-issued identification number, financial account number, or credit or debit card number. Personal Information may be found in printed documents and hard files and may also be collected, accessed and stored electronically. Personal Information is covered by this policy whether it is printed or electronically stored.

Employees You are required to take all reasonable measures to limit access to personal information, and to limit collection or retention of Personal Information, to only what is reasonably necessary to accomplish legitimate purpose for which the Personal Information is collected, stored or accessed. Further, employees you are required to comply with all information security laws and regulations and any other policies and programs adopted by the Town to comply with the Town's obligations to maintain the security of Personal Information.

## **ARTICLE XVIII - GRIEVANCE PROCEDURES**

Should an employee feel aggrieved concerning the interpretation, meaning, or application of any provisions of the Town's personnel rules, regulations and policies, he/she shall submit the details of such grievance in writing to his or her immediate supervisor or the Town Manager. Within fourteen (14) calendar days thereafter, the supervisor or Town Manager shall meet with the employee and others designated by them for the purpose of discussing the grievance. In all cases the decision of the Town Manager shall be final.

## ARTICLE XIX - POLITICAL ACTIVITY

~~While performing their normal work duties while on duty,~~ Employees shall refrain from seeking or accepting nomination or election to any office in the Town government that would conflict with the duties of their position as a Town employee. Employees may not use their office or employment and from using their influence publicly in any way for or against any candidate for elective office in the Town government. This ~~policy 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, holding a political office, running for political office, ~~or from~~ voting with complete freedom in any election or from engaging in the exercise of other protected political rights.

## ARTICLE XX - RESIGNATION

- A. Sufficient notice: To resign in good standing, ~~employees~~ employees must shall submit resignations in writing at least ten (10) working days in advance of the effective date of their resignation.
- B. Quitting without sufficient notice: Any employee who quits without sufficient written notice will be regarded as leaving not in good standing and may forfeit accrued vacation pay, as provided in Article -IX of this Policy.

## ARTICLE XXI – EMPLOYEE REFERENCES

The Town ~~of Raymond shall~~ does not provide substantive employment references. Information provided to ~~prospective erspective~~ employers of former Town Raymond employees will be limited to dates of employment and any other information that the town is legally required to provide under Maine's Right to Know law. This information will be provided by the Town Manager or a designated employee only.

## ARTICLE XXII - DRUGS AND ALCOHOL IN THE WORKPLACE

- A. The Town strives to maintain a safe workplace and thus prohibits drug activity while on Town premises or otherwise working on behalf of the Town. The use of drugs or other controlled substances threatens the entire Town environment and will not be tolerated. This policy applies to every Town employee.

Employees are prohibited from reporting to work or performing any job-related activities, on or off Town premises (including parking lots), while under the influence of any unlawful controlled substance. An unlawful controlled substance is any drug that is unlawful under federal, state or local law, including marijuana, as well as any drug that, though available legally, has been obtained illegally. Employees are also

prohibited from being under the influence of, or impaired by, alcohol or any other substance (including, but not limited to, any prescription or over-the-counter medication) that impairs the employee's job performance or poses a hazard to the safety and welfare of the employee, the public, the Town, or other employees.

This policy does not prohibit the use or possession of a controlled substance ~~(with the exception of marijuana)~~ in accordance with a valid medical prescription issued to an employee by a licensed physician, provided that use of the prescribed medication does not impair an employee's ability to perform his or her job duties safely and effectively. Employees may not, however, use or possess marijuana on Town Property, even if prescribed by a licensed physician. If an employee is unable to perform his or her job duties safely and effectively while taking a prescribed medication, the employee may be reassigned or, if no suitable position is available, may be placed on a leave of absence.

~~Town employees shall not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance anywhere on the premises of the Town.~~

The guidelines above apply to all employees. Any complaints or conflicts should be directed to supervisors and management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

## B. ALCOHOL AND DRUG TESTING PROCEDURES AND PROTOCOL

NOTE: TESTING PROCEDURES AND PROTOCOL SHOULD BE ATTACHED AS AN APPENDIX TO THE POLICY RATHER THAN INCORPORATED  
SEE APPENDIX B

Employees are subject to alcohol and drug testing pursuant to 26 M.R.S.A. § 681 (8)(c). The procedures and protocols for such testing are kept with the testing facility and with the Town's HR Director.

### ~~A. Alcohol and Drug Policy Testing and Procedures~~

- ~~1. Policy Statement and Authorization - It is the intent of this policy to assure compliance with mandated Federal and State laws and regulations regarding drug and alcohol testing of employees. This includes Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CFR 49 Part 382, Substances and Alcohol Use and Testing, and the State of Maine Substance Abuse Testing Law (26 M.R.S.A., CH?, Subchapter III A), and the Omnibus Transportation Employee Testing Act.~~

~~The Town of Raymond has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the Town seeks to hire and employ workers requiring a Commercial Driver's License (CDL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires the final applicant selected for a position requiring a CDL to undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.~~

~~Studies indicate that the use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those involved in safety sensitive operations, and may endanger the employee, coworkers, the public, the Town and public and private property. The Town seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Town or public. The Town also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.~~

- ~~2. Drug and Alcohol Testing. All applicants for employment in positions requiring a~~  
~~CDL shall be required to pass a drug and alcohol test as a post-offer prerequisite to employment. Employees shall remain free from the abuse of alcohol and controlled substances. An employee may be tested at any time based on the following:~~

~~Reasonable suspicion that the employee:~~

- ~~• has unlawfully used illicit drugs and/or abused controlled substances; or~~
- ~~• has reported to work under the influence of or has illicitly ingested controlled substances or alcohol during work hours.~~
- ~~• Post-Accident following involvement in a vehicle accident.~~
- ~~• Random selection is mandated under CFR 49.~~
- ~~• Returning to duty following a confirmed positive test.~~

- ~~3. Responsibility. It is the responsibility of the (who?) to administer and enforce this policy and the procedures. Employment by the Town shall not be deemed to be final, nor shall a prospective employee have the right to accept any offer or suggestion of an offer of employment until such time as a drug test evaluation has been received and cleared by the (who?). Any work performed by an individual for or in behalf of the Town prior to such approval shall not involve the operation of any Town equipment requiring a CDL prior to testing.~~

~~It is the responsibility of each Department Head to abide by this policy, and work with the (who?) to ensure that alcohol and drug tests are conducted. The (who?) will contract for specimen collection, medical review and testing.~~

It is the responsibility of the (who?) and each Department Head to see that supervisors are properly trained and that employees have notice of, and are familiar with, these drug and alcohol policies and procedures.

#### ~~4. Definitions~~

~~Alcohol and Drug Test: A generally accepted and proven test methodology or methodologies as recommended by the Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CFR Part 382, Substances and Alcohol Use and Testing. This test method determines whether an individual has ingested or otherwise used the substance in question within a period of time before the test.~~

~~Breath Alcohol Technician (BAT): Professionally trained and certified in the use of an evidential breath testing device (EBT)~~

~~Applicant: A person who has applied for a position with the Town of Raymond including past employees eligible for re-hire, and present employees voluntarily seeking another town position.~~

~~Employee Assistance Program (EAP): A confidential counseling program available to all Town employees.~~

~~Medical Review Officer (MRO): Physician responsible for reviewing all test results for confirmation prior to communicating same to the employer. The MRO must protect the confidentiality of individual involved.~~

~~NIDA: The National Institute on Drug Abuse (also known as SEMSA)~~

~~Positive Test: Alcohol and Drug tests results that meet or exceed the standards outlined under CFR 49.~~

~~Random Testing: A scientific method used to select employees for testing at random. This method will be performed yearly and involve testing of a minimum of 50% of CDL employees registered in the consortium for drugs and 25% of CDL employees registered in the consortium for alcohol.~~

~~Reasonable Suspicion: A belief by the supervisor or Town official based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol to the extent that job performance may be impaired or the ability to perform the job safely may be reduced. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:~~

- ~~• A pattern of abnormal or erratic behavior;~~

- ~~• Information provided by a reliable and credible source;~~
- ~~• Direct observation of drug or alcohol use; or~~
- ~~• Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)~~

~~Substance Abuse: The use of alcohol, prescription or over the counter drugs, any of which impairs the ability of an employee to perform the job safely and effectively, use of illegal drugs or other controlled substances without a valid prescription.~~

~~Substance Abuse Professional (SAP): Individual or institution licensed to provide rehabilitation services for substance abuse.~~

- ~~5. Procedures for Testing. When chemical drug and alcohol screening is required under the provisions of this policy and CFR 49 and Parts, a breath test and/or urinalysis test will be given to detect the presence of the following drug groups: Alcohol, Amphetamines, Cocaine, Opiates, Phencyclidine (PCP), and THC (Marijuana).~~

- ~~6. Testing Techniques.~~

~~Drug Testing: Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. The testing facility must ensure that specimen collection be done in a dignified, professional and confidential manner. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of and the specimen is shipped to a SEMSA certified laboratory.~~

~~All urinalysis procedures are required to include split specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.~~

~~During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over-the-counter medications are not reported as positive results.~~

~~If the analysis of the primary specimen results in a confirmed positive test, the employee may within 72 hours request that the split specimen also be tested at the SEMSA laboratory of his/her choice. The second test is at the employee's~~

~~expense, unless the test should be negative, in which case the Town would reimburse the employee.~~

~~All test results are reviewed by a physician Medical Review Officer (MRO) prior to results being reported to the Town. In the event of a positive test result, the MRO will first contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive result (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative.~~

~~Alcohol Testing: Alcohol testing will be conducted using an evidential breath testing (EBT) device. If an applicant /employee is clinically unable to take the breath test and provides sufficient documentation which gives evidence of the applicant's or employee's inability to take a breath test, a blood test may be provided. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of the EBT and alcohol testing procedures. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.~~

~~Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentration is considered a negative result. Any result of greater than 0.02 requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.~~

~~7. Applicant Testing - General Standard - Applicants for all classes of employment requiring a CDL will be required to undergo a chemical drug and alcohol test upon a conditional offer of employment and prior to their final appointment to the position.~~

~~8. Current Employee Testing - General Standard - The Town may require a current Town employee whose position requires a CDL to undergo drug and alcohol testing if there is reasonable suspicion by the immediate supervisor or other management personnel that the employee is under the influence of drugs or alcohol during work hours.~~

~~Supervisors are required to document the specific facts, symptoms, or observations which formed the basis that reasonable suspicion existed or did not exist to warrant the testing of an employee.~~

~~The Town will require a current Town employee in a position requiring a CDL to undergo post-accident drug and alcohol testing if he/she is involved in a reportable work-related vehicular accident resulting in a fatality and/or receives a citation under State law for a moving traffic violation relating to the accident.~~

~~All current employees in positions requiring CDL will be subject to Random Testing.~~

~~Employees having had a confirmed positive test will be subject to re-testing at the time they return to work. After returning to work, they may be subject to follow-up testing without notice for up to 60 months.~~

- ~~9. Testing of Supervisors — All supervisors who directly oversee or monitor the activities of those requiring a CDL are subject to the testing rules and procedures outlined in this policy.~~

~~If an employee suspects a supervisor of substance abuse, the employee will notify the Department Head or (who?) of the employee's suspicions. The contacted official will act as specified above and in accordance with the reasonable suspicion section below. All employee reports are kept strictly confidential. Anonymous complaints will not be investigated.~~

- ~~10. Supervisor Training — The Town shall provide training to assist supervisory personnel identifying drug and alcohol use among employees.~~

- ~~11. Prior Notice of Testing Policy — The Town shall provide written notice of its drug and alcohol testing policies to all employees and job applicants. The notice shall contain the following information:~~

- ~~• the need for drug and alcohol testing;~~
- ~~• the circumstances under which testing may be required;~~
- ~~• the procedure for confirming an initial positive drug test result;~~
- ~~• the consequences of a confirmed positive test result and the appeal procedures available;~~
- ~~• The consequences of refusing to undergo a drug and alcohol test;~~
- ~~• The right to explain a positive test result and the appeal procedures available; and~~
- ~~• The availability of drug abuse counseling and referral services.~~

- ~~12. Notice and Consent — Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those Town officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over the counter medication.~~

~~All recruitment announcements for any position, including in-house recruitment and promotion will disclose that a chemical, alcohol, and drug screening test will be required for the applicant.~~

~~13. Pre-employment Testing — When any Department Head or other Town hiring authority makes a conditional offer of employment to an applicant for a position requiring a CDL, the offer will be conditional upon test results. He/she will notify the test facility and arrange for pre-employment testing of the applicant/candidate. A chemical substance and alcohol screening test will be conducted at the test facility.~~

~~The applicant shall be given a copy of this policy, a consent form to complete, and take to the test facility, and will be informed of the test appointment.~~

~~The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss the same prior to release of the information to the Town.~~

~~After the (who?) has received the test results from the MRO or medical facility, she/he will inform the hiring authority or Department Head of the test results. This disclosure from the MRO will state whether the test is positive or negative, and if positive, which substances were detected, and shall be kept confidential by the (who?).~~

~~The (who?) will inform the hiring authority/Department Head whether or not the applicant is eligible for employment. All test results shall be kept confidential within the (who?).~~

~~14. Reasonable Suspicion Testing — A supervisor may, upon reasonable suspicion (see definition) and after at least attempting to consult with the (who?), ask an on-duty employee to submit to an immediate alcohol and drug test. The (who?) or designee should be notified as soon as possible and shall immediately advise the (who?) of the determination of reasonable suspicion.~~

~~The employee shall be given a "Test Consent Form" to complete and sign.~~

~~The employee will immediately be taken by the supervisor or another supervisor or management employee of the department to the appropriate facility for testing.~~

~~The employee may be immediately removed from duty, with no reduction in pay or benefit, and assisted in getting home after the drug and alcohol test.~~

~~When reasonable suspicion is grounds for requiring a drug/alcohol test, the employee shall be placed on administrative leave (with no reduction in pay or benefits) until the test results are available and a preliminary administrative review has been conducted.~~

~~A drug and alcohol test for reasonable suspicion will include the urinalysis test and a breath test.~~

~~Results from the alcohol and drug screen test will be given by the laboratory to the MRO who, after confirmation, will forward to the (who?).~~

- ~~15. Random Testing — This method will be performed yearly, and will initially involve a minimum of 50% of CDL employees in the consortium for drugs and 25% of CDL employees in the consortium for alcohol. Those to be tested will be selected at random. Employees will be notified of the testing requirement shortly before they are scheduled to be tested. Employees selected for random testing are required to be present at the testing facility within 60 minutes of their notification to be tested.~~

~~16. Post-accident Testing —~~

~~The accident results in a loss of life.~~

~~The operator receives a citation under local or State law for a moving traffic violation arising from the accident.~~

- ~~17. Return to Duty Testing — Any employee returning to duty following a confirmed positive test must be subjected to a return to duty test. The test must show a verified negative result prior to the employee's returning to duty.~~

- ~~18. Follow-up Testing — An employee returning to work following a confirmed positive test and period of counseling/rehabilitation will be subject to unannounced follow-up testing for a period of at least 12 months and not more than 60 months. The frequency and follow-up testing will be recommended by the Substance Abuse Professional (SAP). A mandatory minimum of 6 tests within the first 12 months is required. Employees subject to follow-up testing must also remain in the random.~~

~~Follow-up tests may be used to determine whether or not the drug is still being used.~~

- ~~19. Refusal to Consent — Applicants — A job applicant who refuses to consent to a drug and alcohol screening test will be denied employment with the Town. If the applicant is a current Town employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without first attempting to discuss the refusal with the applicant.~~

- ~~20. Refusal to Consent — Employees — An employee who refuses to consent to a drug and alcohol screening test when selected for random testing, or when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the employee, Department Head, and (who?).~~

- ~~21. Confirmation of Chemical Test Results — An employee or job applicant whose drug test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.~~

~~If the second test confirms the positive test result, the employee or applicant shall be notified of the results by the MRO, who will offer the employee an opportunity to discuss the results. The MRO will then notify in writing the (who?) or designee. The letter of notification shall identify the particular substance found and its concentration level.~~

- ~~22. Consequences of a Confirmed Positive Test Result — Job Applicants will be denied employment with the Town if their initial positive test results have been confirmed. Applicants who are current Town employees shall be denied employment in the position for which application was made. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be referred to the Town's Employee Assistance Program.~~

~~If an employee's positive test result has been confirmed, the Town will remove the employee from the CDL position and refer the employee to the Town's Employee Assistance Program (EAP). The EAP will provide the employee with counseling and a referral to the Substance Abuse Professional (SAP). The SAP will arrange for up to 6 months in a rehabilitation program designed to enable the employee to avoid future substance abuse. If the employee chooses not to participate in a rehabilitation program, he/she will be subject to disciplinary action up to and including termination. No disciplinary action may be taken against an employee who voluntarily participates in a rehabilitation program. Disciplinary action based on a violation of the Town's drug and alcohol policy for a second time is not automatically waived by an employee's participation in a rehabilitation program and may be imposed.~~

- ~~23. Discussions with Employees — The applicant will be provided an opportunity to meet with the MRO to comment and provide input regarding the results of any positive test and seek a second confirmation test as provided above.~~

~~In the case of a second offense, if an employee's positive test result has been confirmed by the MRO, the employee is entitled to a pre-disciplinary hearing before any disciplinary action resulting in suspension or discharge may be taken by the Town.~~

- ~~24. Employee Assistance Program (EAP) Referral — Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the Town will refer the employee to an Employee Assistance Program (EAP) for assessment, counseling, and referral for rehabilitation.~~

~~25. Confidentiality of Test Results — All information from an employee's or applicant's drug and alcohol test is strictly confidential. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant.~~

~~The results of a positive drug test shall not be released by the MRO to the Town until confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. All positive test results will be maintained by the MRO, and reported to the Town, where they will be kept on file.~~

~~Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation, or administrative proceedings arising out of a positive drug or alcohol test or other violation of these rules.~~

~~26. Privacy in Chemical Drug Testing — Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.~~

~~An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness and not be required to disrobe and wear a hospital gown.~~

~~27. Laboratory Testing Requirement — All chemical drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the Town. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the Town in selecting a testing facility include, in addition to NIDA (SEMSA) certification,:~~

- ~~• testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering; and~~
- ~~• methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results; chain of custody procedures which ensure proper identification, labeling and handling of test samples; and retention and storage procedures which ensure reliable results on confirmatory tests of original samples.~~

~~28. Second Confirmation Test—The applicant or employee may request from the MRO a second confirmation test of the same sample with 72 hours of notice that the first test was positive.~~

~~The cost of the second confirmation test must be paid in advance by the applicant or employee. If the test is negative, the Town shall reimburse the applicant or employee for the cost of the test.~~

~~See Appendix A at the end of this handbook for drug cutoff concentrations table.~~

~~B. The following are strictly prohibited by the ALL Town EMPLOYEES:~~

- ~~1. Possession or use of alcohol, or being under the influence of alcohol while on the job, on Town property, or while on on-call status.~~
- ~~2. Driving a vehicle or operating equipment owned or leased by the Town, while under the influence of or impaired by alcohol, illegal/controlled substances, or prescription drugs which warn against such activity.~~
- ~~3. Distribution, sale or purchase of an illegal or controlled substance on the job or on Town property.~~
- ~~4. Possession or use of an illegal or controlled substance or being under the influence of any illegal or controlled substance while on the job, on Town property, or while on-call status.~~

~~In addition, no employee may remain on duty or on on-call status while under the influence or impaired by any illegal drug or alcohol. For the purposes of this policy, a drug will be considered an “illegal drug” if its use is prohibited or restricted by law. It is also a violation of this policy if any employee improperly uses or possesses an “illegal drug” whether or not the employee is criminally prosecuted and/or convicted for such conduct.~~

~~An employee’s conviction on a charge of illegal sale or possession of any controlled substance while off Town property will not be tolerated because such conduct, even though off duty, reflects adversely on the Town.~~

~~C. Searches~~

~~In order to enforce this policy, the Town reserves the right to conduct searches on Town property and to adopt other measures reasonably necessary to deter and detect violations of this policy. An employee’s refusal to consent to a search may result in disciplinary action up to and including termination.~~

#### ~~D. Legal Drugs~~

~~Any employee who is using prescription or over the counter drugs that may impair the employee's ability to safely perform the job or affect the safety or well-being of others must notify a supervisor of such use immediately before starting or resuming work.~~

#### ~~E. Drug and Alcohol Treatment / Rehabilitation~~

~~The Town encourages employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. The Town is not obligated, however, to continue to employ any person whose job performance is impaired because of current drug or alcohol use, nor is the town obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of current drug or alcohol use. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not be given a second opportunity to seek treatment and/or rehabilitation. In order to be considered for re-employment, an employee must present proof of successful completion in a treatment and/or rehabilitation program.~~

~~Rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency. Drug and alcohol abuse rehabilitation and assistance programs are available through the Town's medical insurance program. Employees with drug or alcohol abuse problems are strongly encouraged to participate in these programs.~~

#### ~~F. Disciplinary Action~~

~~Violations of the above rules and standards of conduct will not be tolerated and will subject the employee to discipline up to and including discharge. The Town also reserves the right to bring the matter to the attention of appropriate law enforcement authorities.~~

### ARTICLE XXIII - ~~POLICY ON ILLEGAL~~ ANTI-HARASSMENT POLICY

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of illegal harassment. Harassment, both sexual and verbal, is illegal and prohibited. This policy will be vigorously enforced; the policy applies not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment based on sex, sexual preference or orientation, religion, age, ethnic origin, color, physical or mental disability, genetic information and

history, Veterans status, whistleblower activity or any other status or characteristic protected by law will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of illegal harassment.

Derogatory or vulgar comments regarding a person's sex, sexual preference or orientation, religion, age, ethnic origins, ~~physical appearance,~~ color, physical or mental disability, Veterans status, whistleblower activity or any other status or characteristic protected by law, including the distribution of written or graphic material having such an effect, are prohibited. Any employee who believes he or she has been the subject of such harassment should report the alleged conduct to the Town Manager or other appropriate management. Management is considered any department head. In the Fire/Rescue Department, management shall include the Fire Chief and Deputy Fire Chiefs. Any supervisor or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

A discrimination complaint alleging harassment on the basis of sex, race, color, sexual orientation, physical or mental disability, religion, age, ethnicity, genetic information or history, national origin or any other status or characteristic protected by law and subject to the jurisdiction of the Maine Human Right Commission may also be submitted to the Maine Human Rights Commission at any time within 300 days of the alleged discriminatory incident. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is used.

## **ARTICLE XXIV - SEXUAL HARASSMENT POLICY**

It is the policy of the Town of Raymond that all employees have the right to work in an environment free of discrimination which includes freedom from sexual harassment. The Town of Raymond will not accept any form of sexual harassment by supervisors, coworkers, customers or suppliers. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale and which interferes with a positive and productive work environment.

Sexual harassment is illegal and, as outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act, includes:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (ii) submission to or rejection of such by an individual is used as the basis for employment decisions affecting such individual, (iii) such conduct has the purpose or effect of substantially interfering

with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The following examples are common types of conduct that may constitute sexual harassment:

- slurs, jokes or degrading comments of a sexual nature;
- unwelcome sexual advances;
- suggestive or lewd remarks;
- unwelcome hugging, touching or kissing;
- requests for sexual favors;
- repeated offensive sexual flirtation or propositions;
- the display of sexually suggestive pictures or objects; or
- repeated unwelcome physical contact or touching such as patting, pinching or constant brushing against another body.

Consistent with the above guidelines, this policy prohibits any overt or subtle pressure for sexual favors including implying or threatening that an applicant's or employee's cooperation of a sexual nature (or lack thereof) will have any effect on the person's employment, job assignment, wage, promotion, or any other condition of employment or future job opportunities. This policy also prohibits any conduct which would tend to create an intimidating, hostile or offensive work environment.

Managers and supervisors are responsible for monitoring conduct which can be construed to be harassment and for initiating necessary action to eliminate such behavior. Any employee who feels that he or she is the victim of sexual harassment should immediately report the matter to his or her supervisor or, if the employee would prefer, to the Town Manager or any member of the Board of Selectmen. (Note: [All](#) Department Heads shall be considered managers or supervisors. In the Fire/Rescue Department, management shall include the Fire Chief and [all](#) Deputy Fire Chiefs. No other officers or supervisors in the Fire /Rescue Department ~~are authorized to~~ are authorized to act on reports of harassment but are required to report any such instances to the Town.

The Town ~~of Raymond~~ will immediately investigate any complaints of sexual harassment and, where warranted, take disciplinary action against any employee engaging in sexual harassment. Depending on the circumstances, such disciplinary action may include suspension or termination of employment.

Any questions regarding this policy should be addressed to the Town Manager or the Selectmen. Any employee, who believes that he or she has been a victim of sexual harassment, or who has knowledge of that kind of behavior, is urged to report such conduct immediately. No employee will be retaliated against for complaining about sexual harassment.

A discrimination complaint alleging harassment on the basis of sex, sexual orientation or sexual harassment may be submitted to the Maine Human Rights Commission at any time within 300 days of the alleged discriminatory incident. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is used.

### Retaliation Prohibited

Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form, and should report any retaliation immediately to any supervisor or the Town Manager.

In addition, the Town also encourages employees to report other conduct which affects the workplace and working conditions, including harassment based on any other protected category, such as race, national origin, age, sex, and whistleblowing reports. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees who report such conduct will be protected from retaliation in any form, and should report any retaliation immediately to any supervisor or the Town Manager. All complaints of retaliation will be investigated and prompt remedial action will be taken.

## **ARTICLE XXV - WORKPLACE VIOLENCE**

All employees have the right to work in an environment free of physical violence, threats and intimidation. The Town's position is that violence is a form of serious misconduct that undermines the integrity of the employment relationship. No employee should be subject to unsolicited and physical violence, threats or intimidation. Such behavior may result in disciplinary action, up to and including dismissal.

The Town has a strong commitment to its employees and citizens to provide a safe, healthy and secure work environment. The Town also expects its employees to maintain a high level of productivity and efficiency.

Under Maine law, an employee may possess a firearm on Town property in parking lots designated for employee use or in a personal vehicle used by an employee to drive to work only if the employee strictly complies with the following requirements:

1. The employee must have a valid permit to carry a concealed firearm under Title 25, chapter 252 of the Maine Revised Statutes or otherwise be licensed to possess a weapon under applicable state law;
2. The firearm must be kept in the employee's vehicle and the vehicle must be locked; and

3. The firearm must not be visible.

~~Furthermore, it is unlawful to have a loaded firearm or crossbow in or on a motor vehicle (including trailer, ATV, aircraft, snowmobile, or railway car). A loaded clip may be carried in a motor vehicle, but it must not be inserted in a firearm. Persons who hold a Maine concealed Handgun permit may carry a loaded pistol or revolver in a motor vehicle. For the purposes of this law, a muzzle-loading firearm is considered to be loaded only if charged with powder, lead and a primed ignition device or mechanism.~~

~~Maine law also states that certain places are off limits to those carrying a firearm or other dangerous weapon, even with a permit/license, including but not limited to the following relevant situations:~~

- ~~• A person may not possess a firearm on public school property or discharge a firearm within 500 feet of school property. (Title 20a Chapter 223 §6552)~~
- ~~• It is a crime for any person, including, but not limited to, security guards and persons involved in a labor dispute or strike, to be armed with a dangerous weapon, at the site of a labor dispute or strike. (Title 32 Chapter 93 §9412)~~
- ~~• All persons are prohibited from entering any court facility, including any courtroom, or any other area or building within the control or supervision of the Maine Judicial Branch, if armed with a firearm, other dangerous weapon or while in possession of a disabling chemical. (Administrative Order JB-05-9)~~
- ~~• Any place where federal law prohibits the carrying of firearms~~

All weapons or other dangerous or hazardous devices not kept in strict compliance with this policy are strictly prohibited on Town premises, in Town vehicles, in parking lots designated for employee use, or in a personal vehicle used by an employee to drive to work.

Any violation of this policy will result in disciplinary action up to and including immediate discharge.

Reporting an incident of Violence:

Employees who are victims or witnesses to violent incidents should immediately report such conduct to their supervisor or Town Manager. No employee who reports an incident of violence or threatening conduct or participates in an investigation of such an incident shall be subject to retaliation.

## ARTICLE XXVI – SAFETY

~~A. The Town of Raymond recognizes that an organized and systematic loss of control program is important to our operational and administrative systems. The safety and~~

~~health of employees and of the public and the protection from loss of the Town's physical facilities is both a moral and legal obligation.~~

~~It is intended that the Town of Raymond will undertake initiatives to maintain safe and healthful working conditions and facilities, develop safe operating procedures, and utilize its financial and personnel resources to achieve a loss free environment for our employees and for the public.~~

~~The responsibility for this undertaking is shared by the Manager, Supervisors and employees. Oversight of the loss of control/safety program will be done by a by the Department Head (?). However, all employees must work cooperatively to ensure that workplace safety is a matter of continual concern, equal in importance to all other operation considerations.~~

- A. The Town requires all employees to complete mandatory safety training that complies with Federal (OSHA), State and local requirements. Each Department Head is required to ensure the proper training for each of their employees. Written proof, signed by the employee and Department Head/Certified Training Authority or a valid Certificate of course completion, shall be required for all training, and will be added to each employee's Personnel File. Employees are expected to abide by all safety rules and regulations, which shall be posted on bulletin boards, announced at staff meetings or otherwise communicated by the Town. An employee's failure to comply may result in disciplinary action and/or termination.

B. Smoking Policy

Smoking is not allowed in any [Town](#) workplace. It is the policy of the Town to comply with all applicable federal/state laws, and local ordinance regarding no smoking in the workplace and in public areas. The Town of Raymond further prohibits smoking tobacco in town vehicles.

C. Phone Usage

Phone use is limited to business matters during working hours. Employees are allowed to use cell phones for personal use only during breaks and should not be on the phone during working hours. Supervisors/Managers, however, are entitled to phone usage throughout the day as long as it is related to Town matters, and not for personal matters. Cell phone usage is prohibited while on machinery regardless of employee or supervisor/manager status. Failure to abide by these regulations will result in disciplinary action up to and including termination.

Phone Usage in Vehicle

The Town is committed to protecting employees and others from the hazards that can be caused by use of a cellular telephone while driving, whether for telephone calls, text-messaging, reading or sending e-mail or accessing the Internet. Accordingly, all employees of the Town (including supervisors and management) are required to adhere to the following guidelines:

- a. Employees operating [Town/company](#) vehicles, or operating their own vehicles on company business, must pull over to the side of the road before using a cellular telephone for any purpose.
- b. Employees must adhere to all federal, state and local laws, regulations and ordinances governing the use of cellular telephones while driving. These laws vary from state to state; it is the individual's responsibility to comply with state law.
- c. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.
- d. Employees are always expected to exercise discretion and care while using a cellular telephone and to avoid placing themselves or others at risk.

Violators of this policy will be subject to discipline, up to and including termination.

#### D. Leave for Victims of Domestic Violence

1. In accordance with Maine Law, the Town will grant you a reasonable and necessary amount of time off from work without pay if you are a victim of domestic violence, domestic assault, sexual assault or stalking, and you need the time to:
  - a. Prepare for or attend court proceedings,
  - b. Receive medical treatment, or
  - c. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.
2. You must request the leave as soon as circumstances make it clear that time off is necessary. Approval of leave will be dependent upon:
  - a. Whether your absence will create an undue hardship for the Town,
  - b. Whether you requested leave within a reasonable time, and
  - c. Whether the requested leave is impractical, unreasonable or unnecessary given the facts made available to the Town at the time of your request.
3. If your leave is approved, you will be required to first use any accrued paid vacation or sick time before taking unpaid leave. Vacation and sick days do not accrue during your leave and holidays are not paid while you are on leave. You will not be discriminated against for taking or asking for leave.

#### E. Bulletin Boards/Non-Solicitation

Bulletin boards placed in designated areas provide employees access to important posted information and announcements. The employee is responsible for reading information posted on the bulletin boards. The Town reserves the discretion to remove items from the bulletin board which are inappropriate.

All solicitations for charities, organizations, groups, businesses, services, etc. must be approved by the Town Manager prior to posting. The Town reserves the right to reject any solicitation, in any format, if the Town Manager deems it not in the best interests of the Town. In person solicitation must also be pre-approved by the Town Manager.

## ARTICLE XXVII – ELECTRONIC COMMUNICATION POLICY

The Town ~~of Raymond~~, in an age of growing technology and electronic communication, ~~is implementing a policy~~ this policy to clearly define employee expectations and responsibilities.

**“System”** means all telephones, computers, facsimile machines, voicemail, e-mail, and other electronic communication, copying or data storage systems or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the System.

**“Electronic communication”** means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon, any part of the System, including, but not limited to e-mail, voicemail, and Internet usage.

**All parts of the System are owned by the Town and/or are provided solely for use in the Town’s business activities. All electronic communications are the Town’s property. The Town has the right and the ability to monitor and review all electronic communications at any time without notice to its employees or any other party and for any purpose whatsoever.**

Town employees may not use the System, or send, receive, create or store electronic communications upon the System, in a manner that is illegal, disruptive to others, or that interferes with the Town’s business activities. All Town employees are prohibited from using any part of the System to harass others, or to download, obtain, display, store, receive or transmit:

- a) Any information that is sexually explicit, obscene, or of a sexual nature, that contains libelous or defamatory material, or that would not be permitted on any bulletin located on Town property;
- b) Any ethnic, racial or religious slurs, or anything that is, or may be construed as, disparagement of others based on race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by law; or
- c) ~~Any communication that is derogatory of fellow employees.~~ The System may also not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations. Except as otherwise provided below, the System may not be used for any other purpose that is not related to Town business.

**E-mail** is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional employee use of e-mail with permissible content for personal matters is not prohibited, but is discouraged.

**Voicemail** is used to leave messages for employees regarding matters of a business nature. Voicemail boxes will occasionally be emptied to free up System space.

**Internet usage** is to be limited to matters of business connected to the Town. The occasional use of the Internet for otherwise permissible personal matters is not prohibited, but is discouraged. Any downloading of materials or loading of programs/software onto any part of the System without permission from Town technical staff is prohibited.

~~The workplace activities of Town employees reflect upon, and may create liability for, the Town. The person signing as an employee at the end of this handbook acknowledges receiving a copy of this policy and understands that the Town may take disciplinary action, up to and including termination of employment, against any employee who violated the terms of this policy as those terms may be changes and/or supplemented from time to time by the Town.~~

## ARTICLE XXVIII – INFECTIOUS DISEASE POLICY

~~NOTE: INFECTIOUS DISEASE POLICY SHOULD BE INCLUDED IN APPENDIX RATHER THAN INCORPORATED. SEE APPENDIX C~~

### ARTICLE XXVIX – SEVERABILITY AND EFFECTIVE DATE

#### A. Purpose

~~This is to establish the policy of the Town for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing their job as a Town employee or volunteer, should immediately reference the Town Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Community Services Departments.~~

#### B. Policy

- ~~1. It is the policy of the Town to assure to the extent possible a safe and beautiful work environment.~~
- ~~2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.~~
- ~~3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Head.~~
- ~~4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.~~
- ~~5. The Town shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post-exposure evaluation and follow-up. Please reference the Town Exposure Control Plan for detailed information on necessary procedure to follow.~~

#### ~~C. Procedures~~

- ~~1. The Town will not discriminate against employees and or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.~~
- ~~2. Where allowed by law, the Town retains the right to test employees for infectious diseases.~~
- ~~3. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individuals or organizations unless required by law.~~
- ~~4. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Personnel Administrator, and to carry out his or her assigned duties if reasonable accommodations can be made.~~
- ~~5. Upon notification by an employee that an infectious disease has been confirmed and is a threat to the public health, the Personnel Administrator will"~~

- ~~a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.~~
- ~~b. Assist in the identification of reasonable accommodations to be made, if any.~~
- ~~c. Assist individual departments, if necessary, in complying with this policy.~~
- ~~d. Then Town will treat all occupational infectious disease injuries or illnesses according to state law.~~

- ~~1. The Town will provide appropriate education opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.~~
- ~~2. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.~~
- ~~3. An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or a member of the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.~~

#### ~~D. Accidental Needle Stick Procedure~~

~~Police, fire, rescue and solid waste personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:~~

- ~~1. Wash the puncture site thoroughly with soap/disinfectant and water.~~
- ~~2. Report the incident to your supervisor.~~
- ~~3. Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.~~
- ~~4. Complete Incident and/or Workers Compensation forms.~~
- ~~5. Establish your potential exposure risk to infectious diseases.~~

~~6. Notify your Department Head to establish your:~~

- ~~a. Tetanus status,~~
- ~~b. Hepatitis B status, and~~
- ~~c. HIV exposure.~~

~~7. Seek further medical attention if necessary.~~

~~E. Procedure for Exposure to AIDS Infection~~

~~If a Town employee is exposed to the blood or body fluid of a known or highly suspected AIDS infected person:~~

- ~~1. Wash the exposed areas thoroughly with soap and water. Clean any spills with one (1) part bleach to ten (10) parts water solution.~~
- ~~2. Report the incident to your supervisor.~~
- ~~3. Complete the Incident and Workers Compensation forms.~~
- ~~4. Notify your Department Head as soon as possible to schedule an appointment for a voluntary blood test.~~
- ~~5. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.~~
- ~~6. If all three specimens are negative, you are considered not to be infected.~~
- ~~7. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.~~
- ~~8. Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town.~~
- ~~9. Strict confidence will be maintained in all incidents unless appropriate medical and/or information releases have been obtained.~~

-If any Article, Section or provision of this Policy should be found to be invalid or unenforceable by decision of the courts, only that Article, Section or provision specified in such decision shall be of no force and effect and such decision shall not invalidate any other Article, Section or provision.

Revisions to the policies may occur from time to time, as the Select Board deems necessary. When any of the policies are updated, they supersede the policies in this manual and employees will be provided with copies of the updates.

Personnel Policies in this document are effective as of their date of adoption by the Town Board of Selectpersons. These personnel policies supersede all existing personnel policies and all existing past practices which are contrary to the purpose and intent of this Handbook.

*This manual addresses the basic employment policy of the Town and supersedes all previous manuals and written or implied policies. Occasionally, it may become necessary to modify, change, update, revoke, replace, or even terminate the policies outlined in this manual, and the Town reserves the right to make changes at any time at its discretion. Employees will, of course, be notified of such changes as they occur.*



### Acknowledgement

I acknowledge that I have received a copy of the Town of ~~Personnel~~ Raymond Personnel Policy. ~~and I do commit to~~ I have read them and agree to follow these policies.

I am aware that if, at any time, I have questions regarding Town policies I should direct them to my Department Head or the Finance Department. I understand it is my obligation to ask questions and obtain clarification before acting if I have any questions as to the scope and applicability of these policies.

I know that Town policies and other related documents do not form a contract of employment and are not a guarantee by the Town of the conditions and benefits that are described within them. Nevertheless, the provisions of such Town policies are incorporated into the acknowledgement, and I agree that I shall abide by its provisions.

I am also aware that the Town of Raymond, at any time, may on reasonable notice, change, add to, or delete from the provisions of the Town policies for which I will be notified.

\_\_\_\_\_  
*Employee's Printed Name*

\_\_\_\_\_  
*Position*

\_\_\_\_\_  
*Employee's Signature*

\_\_\_\_\_  
*Date*

**APPENDIX A**  
**FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY**

Please note that depending upon the number of employees employed by the Town, and the individual employee's eligibility, the Federal and Maine FMLA, or both, may not apply to the employee. Please consult with the Town Manager or the Town HR Director when applying for FMLA.

**A. Federal FMLA**

Employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during their prior twelve (12) months with the Town may be eligible to take up to twelve (12) weeks of unpaid leave (FMLA leave) for the following reasons:

1. Birth of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, parent, or child who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. "Military Family Leave" due to "any qualifying exigency" arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active status in either the National Guard or Reserves.

In addition, employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twenty-six (26) weeks of unpaid "Military Family Leave" leave to care for a seriously injured service member (regular armed forces, National Guard or Reserves) who is the spouse, child, parent or next of kin of the employee. The 26-week period includes any 12-week period permitted for any other qualifying FMLA reason.

**B. Maine FMLA**

Employees who have worked for the Town for 12 months but for less than 1,250 hours during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave under Maine law. Such employees should follow the procedures set forth herein to apply for a Maine FMLA leave.

Maine FMLA law permits family and medical leave to be taken for the following reasons:

1. Birth of a child of the employee or a child of the employee's domestic partner;
2. Placement of a child under 16 years of age into the employee's family by adoption or by a foster care arrangement;
3. The serious health condition of the employee's spouse, parent, child, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), domestic partner, or domestic partner's child, or the death of one of the aforementioned individuals who is a member of the military and who dies while on active duty.
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. The donation of an organ by the employee; or
6. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), or child, if that person is a member of the military and dies or incurs a serious health condition while on active duty.

### **C. Procedures**

Any federal FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the federal Family and Medical Leave Act. For example, if an employee used four weeks of leave beginning February 1, 2013, four weeks of leave beginning June 1, 2013, and four weeks of leave beginning December 1, 2013, the employee would not be entitled to any additional leave until February 1, 2014. On February 1, 2014, the employee would be entitled to four weeks of leave, and on June 1, 2014, the employee would be entitled to an additional four weeks, etc.

The right to FMLA for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Town agree. If both spouses are employed by the Town, the combined leave shall not exceed twelve (12) weeks.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital; hospice or residential medical care facility;
- any period or incapacity requiring absence from work or other regular daily activities for more than three (3) calendar days that also involves continuous treatment by or under the supervision of a healthcare provider; or
- continuous treatment by or under the supervision of a healthcare provider for a chronic long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) calendar days; or
- prenatal care.

In the case of unpaid FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family member's or the employee's own serious health condition, the Town has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Employees are required to use their available vacation time during any unpaid FMLA leave period, and available sick/personal time is required to be used when unpaid family leave is taken because of the employee's serious health condition. In the case of family leave due to reasons other than the employee's serious health condition, the employee may opt to use available sick/personal time. The remainder of the FMLA leave will be unpaid.

Employees out on paid Worker's Compensation leave or paid Disability Leave may elect to use available sick and/or vacation leave during their absence, but are not required to do so.

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Town at least thirty (30) days' notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the Town, the employee must provide such notice as soon as practical. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- give at least thirty (30) days' notice, or as soon as practical if treatment starts in less than thirty (30) days; and

- make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the Town, subject to the approval of the healthcare provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical. Any FMLA leave request based on a family member's or employee's own serious health condition must be supported by certification from a healthcare provider. ~~The employee must provide a copy of the certification to the Town in a timely manner;~~ (Fifteen calendar days will be allowed to provide the certification.) Certification from the healthcare provider must contain:

- the date the serious health condition began;
- the possible duration of the condition;
- the appropriate medical facts regarding the condition;
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job;
- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date and duration of the treatment should be specified; and
- in the case of intermittent leave or leave on a reduced hours basis for medical conditions that do not necessarily involve planned medical treatment, an estimate as to the anticipated frequency and timing of the absences should be given.

During FMLA leaves of absence, the Town will continue to pay its portion of the health insurance premium, if any, and the employee must continue to pay his/her share of the premium, if any, including family plan premiums. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of any unpaid FMLA leave, the employee may be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

During FMLA leave, the employee shall not accrue employment benefits, such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

|

The Town may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave. Employees with chronic or continuing health issues may be required to provide recertification every six (6) months.

Employees who return to work from FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay. Upon returning to work from a FMLA leave within or on the business day following the expiration of the ~~ten/twelve/twenty-six~~ (10/12/26) weeks, up to two vacation days may be taken during the next 90 days.

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days' notice is not possible. All necessary forms are available from the Town Manager or his designee. Appropriate forms must be submitted to the Town Manager and/or his designee to initiate a family leave and to return the employee to active status.

Each employee taking leave that meets the requirements for FMLA leave will be provided the "Response to Your Request for Leave" form. Other forms relating to FMLA leave can be obtained from the Town office.

## APPENDIX B

### ALCOHOL AND DRUG POLICY

#### A. Alcohol and Drug Policy Testing and Procedures

5. Policy Statement and Authorization – It is the intent of this policy to assure compliance with mandated Federal and State laws and regulations regarding drug and alcohol testing of employees. This includes Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CRF 49
- 6.1. Part 382, Substances and Alcohol Use and Testing, and the State of Maine Substance Abuse Testing Law (26 MRSA, CH?, Subchapter III A), and the Omnibus Transportation Employee Testing Act.

The Town of Raymond has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the Town seeks to hire and employ workers requiring a Commercial Driver's License (COL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires the final applicant selected for a position requiring a CDL to undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Studies indicate that the use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those involved in safety sensitive operations, and may endanger the employee, coworkers, the public, the Town and public and private property. The Town seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Town or public. The Town also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

7. Drug and Alcohol Testing – All applicants for employment in positions requiring a
- 8.2. CDL shall be required to pass a drug and alcohol test as a post-offer prerequisite to employment. Employees shall ~~remain~~ remain free from the abuse of alcohol and controlled substances. An employee may be tested at any time based on the following:

Reasonable suspicion that the employee:

- has unlawfully used illicit drugs and/or abused controlled substances; or

- has reported to work under the influence of or has illicitly ingested controlled substances or alcohol during work hours.
- Post-Accident following involvement in a vehicle accident.
- Random selection is mandated under CFR 49.
- Returning to duty following a confirmed positive test.

9.3. Responsibility – It is the responsibility of the (who?) to administer and enforce this policy and the procedures. Employment by the Town shall not be deemed to be final, nor shall a prospective employee have the right to accept any offer or suggestion of an offer of employment until such time as a drug test evaluation has been received and cleared by the (who?). Any work performed by an individual for or in behalf of the Town prior to such approval shall not involve the operation of any Town equipment requiring a CDL prior to testing.

It is the responsibility of each Department Head to abide by this policy, and work with the (who?) to ensure that alcohol and drug tests are conducted. The (who?) will contract for specimen collection, medical review and testing.

It is the responsibility of the (who?) and each Department Head to see that supervisors are properly trained and that employees have notice of, and are familiar with, these drug and alcohol policies and procedures.

#### 10.4. Definitions

**Alcohol and Drug Test:** A generally accepted and proven test methodology or methodologies as recommended by the Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CRF Part 382, Substances and Alcohol Use and Testing. This test method determines whether an individual has ingested or otherwise used the substance in question within a period of time before the test.

**Breath Alcohol Technician (BAT):** Professionally trained and certified in the use of an evidential breath testing device (EBT)

**Applicant:** A person who has applied for a position with the Town of Raymond including past employees eligible for re-hire, and present employees voluntarily seeking another town position.

**Employee Assistance Program (EAP):** A confidential counseling program available to all Town employees.

**Medical Review Officer (MRO):** Physician responsible for reviewing all test results for confirmation prior to communicating same to the employer. The MRO must protect the confidentiality of individual involved.

**NIDA:** The National Institute on Drug Abuse (also known as SEMSA)

**Positive Test:** Alcohol and Drug tests results that meet or exceed the standards outlined under CFR 49.

**Random Testing:** A scientific method used to select employees for testing at random. This method will be performed yearly and involve testing of a minimum of 50% of CDL employees registered in the consortium for drugs and 25% of CDL employees registered in the consortium for alcohol.

**Reasonable Suspicion:** A belief by the supervisor or Town official based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol to the extent that job performance may be impaired or the ability to perform the job safely may be reduced. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- A pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;
- Direct observation of drug or alcohol use; or
- Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and /or reflexes)

**Substance Abuse:** The use of alcohol, prescription or over-the-counter drugs, any of which impairs the ability of an employee to perform the job safely and effectively, use of illegal drugs or other controlled substances without a valid prescription.

**Substance Abuse Professional (SAP):** Individual or institution licensed to provide rehabilitation serves for substance abuse.

~~7.5.~~Procedures for Testing – When chemical drug and alcohol screening is required under the provisions of this policy and CFR 49 and Parts, a breath test and/or urinalysis test will be given to detect the presence of the following drug groups: Alcohol, Amphetamines, Cocaine, Opiates, Phencyclidine (PCP), and THC (Marijuana).

~~8.6.~~Testing Techniques –

Drug Testing: Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. The testing facility must ensure that specimen collection be done in a dignified, professional and confidential manner. Once the employee provides a urine specimen, it is sealed and labeled by a

certified/authorized agent of the testing facility. A chain of and the specimen is shipped to a SEMSA certified laboratory.

All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over-the-counter medications are not reported as positive results.

If the analysis of the primary specimen results in a confirmed positive test, the employee may within 72 hours request that the split specimen also be tested at the SEMSA laboratory of his/her choice. The second test is at the employee's expense, unless the test should be negative, in which case the Town would reimburse the employee.

All test results are reviewed by a physician Medical Review Officer (MRO) prior to results being reported to the Town. In the event of a positive test result, the MRO will first contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive result (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative.

Alcohol Testing: Alcohol testing will be conducted using an evidential breath testing (EBT) device. If an applicant /employee is clinically unable to take the breath test and provides sufficient documentation which gives evidence of the applicant's or employee's inability to take a breath test, a blood test may be provided. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of the EBT and alcohol testing procedures. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentration is considered a negative result. Any result of greater than 0.02 requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

9.7. Applicant Testing- General Standard – Applicants for all classes of employment requiring a CDL will be required to undergo a chemical drug and alcohol test upon a conditional offer of employment and prior to their final appointment to the position.

10.8. Current Employee Testing- General Standard – The Town may require a current Town employee whose position requires a CDL to undergo drug and alcohol testing if there is reasonable suspicion by the immediate supervisor or other management personnel that the employee is under the influence of drugs or alcohol during work hours.

Supervisors are required to document the specific facts, symptoms, or observations which formed the basis that reasonable suspicion existed or did not exist to warrant the testing of an employee.

The Town will require a current Town employee in a position requiring a CDL to undergo post-accident drug and alcohol testing if he/she is involved in a reportable work-related vehicular accident resulting in a fatality and/or receives a citation under State law for a moving traffic violation relating to the accident.

All current employees in positions requiring CDL will be subject to Random Testing.

Employees having had a confirmed positive test will be subject to re-testing at the time they return to work. After returning to work, they may be subject to follow-up testing without notice for up to 60 months.

14.9. Testing of Supervisors – All supervisors who directly oversee or monitor the activities of those requiring a CDL are subject to the testing rules and procedures outlined in this policy.

If an employee suspects a supervisor of substance abuse, the employee will notify the Department Head or (who?) of the employee's suspicions. The contacted official will act as specified above and in accordance with the reasonable suspicion section below. All employee reports are kept strictly confidential. Anonymous complaints will not be investigated.

15.10. Supervisor Training – The Town shall provide training to assist supervisory personnel identifying drug and alcohol use among employees.

16.11. Prior Notice of Testing Policy – The Town shall provide written notice of its drug and alcohol testing policies to all employees and job applicants. The notice shall contain the following information:

- the need for drug and alcohol testing;
- the circumstances under which testing may be required;
- the procedure for confirming an initial positive drug test result;
- the consequences of a confirmed positive test result and the appeal procedures available.
- The consequences of refusing to undergo a drug and alcohol test;
- The right to explain a positive test result and the appeal procedures available; and
- The availability of drug abuse counseling and referral services.

17.12. Notice and Consent – Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those Town officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.

All recruitment announcements for any position, including in-house recruitment and promotion will disclose that a chemical, alcohol, and drug screening test will be required for the applicant.

18.13. Pre-employment Testing – When any Department Head or other Town hiring authority makes a conditional offer of employment to an applicant for a position requiring a CDL, the offer will be conditional upon test results. He/she will notify the test facility and arrange for pre- employment testing of the applicant/candidate. A chemical substance and alcohol screening test will be conducted at the test facility.

The applicant shall be given a copy of this policy, a consent form to complete, and take to the test facility, and will be informed of the test appointment.

The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss the same prior to release of the information to the Town.

After the (who?) has received the test results from the MRO or medical facility, she/he will inform the hiring authority or Department Head of the test results. This disclosure from the MRO will state whether the test is positive or negative, and if positive, which substances were detected, and shall be kept confidential by the (who?).

The (who?) will inform the hiring authority/Department Head whether or not the applicant is eligible for employment. All test results shall be kept confidential within the (who?).

29-14. Reasonable Suspicion Testing – A supervisor may, upon reasonable suspicion (see definition) and after at least attempting to consult with the (who?), ask an on-duty employee to submit to an immediate alcohol and drug test. The (who?) or designee should be notified as soon as possible and shall immediately advise the (who?) of the determination of reasonable suspicion.

The employee shall be given a "Test Consent Form" to complete and sign.

The employee will immediately be taken by the supervisor or another supervisor or management employee of the department to the appropriate facility for testing.

The employee may be immediately removed from duty, with no reduction in pay or benefit, and assisted in getting home after the drug and alcohol test.

When reasonable suspicion is grounds for requiring a drug/alcohol test, the employee shall be placed on administrative leave (with no reduction in pay or benefits) until the test results are available and a preliminary administrative review has been conducted.

A drug and alcohol test for reasonable suspicion will include the urinalysis test and a breath test.

Results from the alcohol and drug screen test will be given by the laboratory to the MRO who, after confirmation, will forward to the (who?).

30-15. Random Testing – This method will be performed yearly, and will initially involve a minimum of 50% of CDL employees in the consortium for drugs and 25% of CDL employees in the consortium for alcohol. Those to be tested will be selected at random. Employees will be notified of the testing requirement shortly before they are scheduled to be tested. Employees selected for random testing are required to be present at the testing facility within 60 minutes of their notification to be tested.

31-16. Post-accident Testing –

- The accident results in a loss of life.
- The operator receives a citation under local or State law for a moving traffic violation arising from the accident.

32-17. Return to Duty Testing – Any employee returning to duty following a confirmed positive test must be subjected to a return to duty test. The test must show a verified negative result prior to the employee's returning to duty.

33-18. Follow-up Testing – An employee returning to work following a confirmed positive test and period of counseling/rehabilitation will be subject to unannounced follow-up testing for a period of at least 12 months and not more than 60 months. The frequency and follow-up testing will be recommended by the Substance Abuse Professional (SAP). A mandatory minimum of 6 tests within the first 12 months is required. Employees subject to follow-up testing must also remain in the random.

Follow-up tests may be used to determine whether or not the drug is still being used.

34-19. Refusal to Consent- Applicants – A job applicant who refuses to consent to a drug and alcohol screening test will be denied employment with the Town. If the applicant is a current Town employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without first attempting to discuss the refusal with the applicant.

35-Refusal to Consent- Employees – An employee who refuses to consent to a drug and alcohol screening test when selected for random testing, or when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the employee, Department Head, and

36-20. (who?).

37-21. Confirmation of Chemical Test Results – An employee or job applicant whose drug test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results by the MRO, who will offer the employee an opportunity to discuss the results. The MRO will then notify in writing the (who?) or designee. The letter of notification shall identify the particular substance found and its concentration level.

38-22. Consequences of a Confirmed Positive Test Result – Job Applicants will be denied employment with the Town if their initial positive test results have been confirmed. Applicants who are current Town employees shall be denied employment in the position for which application was made. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be referred to the Town's Employee Assistance Program.

If an employee's positive test result has been confirmed, the Town will remove the employee from the CDL position and refer the employee to the Town's Employee Assistance Program (EAP). The EAP will provide the employee with counseling and a referral to the Substance Abuse Professional (SAP). The SAP will arrange for up to 6 months in a rehabilitation program designed to enable the employee to avoid future substance abuse. If the employee chooses not to participate in a rehabilitation program, he/she will be subject to disciplinary action up to and including termination. No disciplinary action may be taken against an employee who voluntarily participates in a rehabilitation program. Disciplinary action based on a violation of the Town's drug and alcohol policy for a second time is not automatically waived by an employee's participation in a rehabilitation program and may be imposed.

39.23. Discussions with Employees – The applicant will be provided an opportunity to meet with the MRO to comment and provide input regarding the results of any positive test and seek a second confirmation test as provided above.

In the case of a second offense, if an employee's positive test result has been confirmed by the MRO, the employee is entitled to a pre-disciplinary hearing before any disciplinary action resulting in suspension or discharge may be taken by the Town.

40.24. Employee Assistance Program (EAP) Referral – Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the Town will refer the employee to an Employee Assistance Program (EAP) for assessment, counseling, and referral for rehabilitation.

41.25. Confidentiality of Test Results – All information from an employee's or applicant's drug and alcohol test is strictly confidential. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant.

The results of a positive drug test shall not be released by the MRO to the Town until confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. All positive test results will be maintained by the MRO, and reported to the Town, where they will be kept on file.

Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation, or administrative proceedings arising out of a positive drug or alcohol test or other violation of these rules.

42.26. Privacy in Chemical Drug Testing – Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may

not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness and not be required to disrobe and wear a hospital gown.

43. Laboratory Testing Requirement – All chemical drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the Town. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain

44.27. test samples. Factors to be considered by the Town in selecting a testing facility include, in addition to NIDA (SEMSA) certification,:

- testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering; and
- methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results; chain of custody procedures which ensure proper identification, labeling and handling of test samples; and retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

45.28. Second Confirmation Test – The applicant or employee may request from the MRO a second confirmation test of the same sample with 72 hours of notice that the first test was positive.

The cost of the second confirmation test must be paid in advance by the applicant or employee. If the test is negative, the Town shall reimburse the applicant or employee for the cost of the test.

See Appendix A at the end of this handbook for drug cutoff concentrations table.

G.B. The following are strictly prohibited by the ALL Town EMPLOYEES:

1. Possession or use of alcohol, or being under the influence of alcohol while on the job, on Town property, or while on on-call status.
2. Driving a vehicle or operating equipment owned or leased by the Town, while under the influence of or impaired by alcohol, illegal/controlled substances, or prescription drugs which warn against such activity.

3. Distribution, sale or purchase of an illegal or controlled substance on the job or on Town property.
4. Possession or use of an illegal or controlled substance or being under the influence of any illegal or controlled substance while on the job, on Town property, or while on-call status.

In addition, no employee may remain on duty or on on-call status while under the influence or impaired by any illegal drug or alcohol. For the purposes of this policy, a drug will be considered an “illegal drug” if its use is prohibited or restricted by law. It is also a violation of this policy if any employee improperly uses or possesses an “illegal drug” whether or not the employee is criminally prosecuted and/or convicted for such conduct.

An employee’s conviction on a charge of illegal sale or possession of any controlled substance while off Town property will not be tolerated because such conduct, even though off duty, reflects adversely on the Town.

#### H.C. Searches

In order to enforce this policy, the Town reserves the right to conduct searches on Town property and to adopt other measures reasonably necessary to deter and detect violations of this policy. An employee’s refusal to consent to a search may result in disciplinary action up to and including termination.

#### I.D. Legal Drugs

Any employee who is using prescription or over-the-counter drugs that may impair the employee’s ability to safely perform the job or affect the safety or well-being of others must notify a supervisor of such use immediately before starting or resuming work.

#### I.E. Drug and Alcohol Treatment / Rehabilitation

The Town encourages employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. The Town is not obligated, however, to continue to employ any person whose job performance is impaired because of current drug or alcohol use, nor is the town obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person’s job performance remains impaired as a result of current drug or alcohol use. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not be given a second opportunity to seek treatment and/or rehabilitation. In order to be considered for re-employment, an

employee must present proof of successful completion in a treatment and/or rehabilitation program.

Rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency. Drug and alcohol abuse rehabilitation and assistance programs are available through the Town's medical insurance program. Employees with drug or alcohol abuse problems are strongly encouraged to participate in these programs.

#### K.F. Disciplinary Action

Violations of the above rules and standards of conduct will not be tolerated and will subject the employee to discipline up to and including discharge. The Town also reserves the right to bring the matter to the attention of appropriate law enforcement authorities.

## APPENDIX C INFECTIOUS DISEASE POLICY

### D.A. Purpose

This is to establish the policy of the Town for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing their job as a Town employee or volunteer, should immediately reference the Town Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Community Services Departments.

### E.B. Policy

- 6.1. It is the policy of the Town to assure to the extent possible a safe and beautiful work environment.
- 7.2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
- 8.3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Head.
- 9.4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
- 10.5. The Town shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post-exposure evaluation and follow-up. Please reference the Town Exposure Control Plan for detailed information on necessary procedure to follow.

### F.C. Procedures

- 1. The Town will not discriminate against employees and or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
- 2. Where allowed by law, the Town retains the right to test employees for infectious diseases.

3. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individuals or organizations unless required by law.
4. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Personnel Administrator, and to carry out his or her assigned duties if reasonable accommodations can be made.
5. Upon notification by an employee that an infectious disease has been confirmed and is a threat to the public health, the Personnel Administrator will<sup>2</sup>:
  - e.a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
  - f.b. Assist in the identification of reasonable accommodations to be made, if any.
  - g.c. Assist individual departments, if necessary, in complying with this policy.
  - h.d. Then Town will treat all occupational infectious disease injuries or illnesses according to state law.
6. The Town will provided appropriate educations opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
7. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
8. An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or a member of the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

F.D. Accidental Needle Stick Procedure

Police, fire, rescue and solid waste personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

1. Wash the puncture site thoroughly with soap/disinfectant and water.
2. Report the incident to your supervisor.
3. Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
4. Complete Incident and/or Workers Compensation forms.
5. Establish your potential exposure risk to infectious diseases.
6. Notify your Department Head to establish your:
  - a. Tetanus status,
  - b. Hepatitis B status, and
  - c. HIV exposure.
7. Seek further medical attention if necessary.

G.E. Procedure for Exposure to AIDS Infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

1. Wash the exposed areas thoroughly with soap and water. Clean any spills with one (1) part bleach to ten (10) parts water solution.
2. Report the incident to your supervisor.
3. Complete the Incident and Workers Compensation forms.
4. Notify your Department Head as soon as possible to schedule an appointment for a voluntary blood test.
5. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
6. If all three specimens are negative, you are considered not to be infected.

7. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
8. Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town.
9. Strict confidence will be maintained in all incidents unless appropriate medical and/or information releases have been obtained.

---

# Personnel Policy - Final Draft with all Changes

---

## ***DRAFT/ WORK PRODUCT AND PRIVILEGED COMMUNICATION OF COUNSEL/ 9-6-16***

### **TOWN OF RAYMOND, MAINE Personnel Policy**

Adopted February 4, 1997  
Amended March 4, 1997  
December 1, 1998  
August 1, 2000  
November 20, 2001  
December 3, 2002  
June 17, 2003  
December 20, 2005  
January 16, 2007  
March 10, 2015

#### **ARTICLE I - PREAMBLE**

- A. The Board of Selectmen hereby adopts the following Policy for utilization by the Town of Raymond in the administration of the personnel activities of the employees of the Town of Raymond. These rules and subsequent modification shall supersede any policy and rules made previously by the Board of Selectmen. Any practice, policy or application which may have previously existed and is or would be contrary to these policies is disclaimed, cancelled and eliminated by the adoption of this Policy.
- B. The Town, through its Board of Selectmen, may delete, amend, modify or change any or all of the provisions contained in this Policy. The policies set forth are not in any way a contract and nothing in the policies affords employees any contractual or other rights. Policies contained within give references and descriptions to insurance or other benefit plans; the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning interpretation, application or benefit level.
- C. The Town Manager shall be responsible for the implementation of this policy.

#### **ARTICLE II - EMPLOYMENT**

- A. The employment of all personnel shall be the responsibility of the Town Manager.
- B. The employment of the Town Manager shall be the responsibility of the Board of Selectmen.

- C. All applicants for employment must submit a written application for employment on forms approved and provided by the Town Manager. The Town does not accept applications for employment that are not in response to a posted or otherwise available vacancy and/or that are on not on Town-approved forms.
- D. Any willful and material misrepresentation of fact on an application shall be grounds for disciplinary procedures and/or termination and dismissal upon discovery of such misrepresentation, regardless of employment history or performance.
  - Employment with the Town of Raymond is voluntarily entered into and the employee may terminate his or her at-will employment at any time, with or without notice or cause. Similarly, The Town of Raymond may terminate the “at will” employment relationship at any time, with or without cause.
- E. All other factors being equal, preference will be given to residents of the Town, then to those candidates willing to establish residency within the Town limits.
- F. Present Town employees, who apply for employment, shall be given first consideration in filling a vacancy, but it is recognized that the good of the Town may require a vacancy be filled outside the ranks of Town employees or from outside of the community.
- G. It is the policy of the Town to provide and ensure a safe and secure environment for all members of the workforce and its property. As part of this mandate, criminal background checks may be required of prospective employees who have already received a bona fide offer of employment, depending on the nature and duties of the position(s) sought. The Town uses a third party to conduct these investigations. The Town may also, directly or through a third party, investigate other job-related factors such as, by way of example, driving record, insurability and ability to be bonded. All reports are subject to the federal Fair Credit Reporting Act (FCRA) and state laws to the extent applicable. Applicants for positions will be notified of background check requirements during the job interview. Any and all results are kept private and securely stored in accordance with the Town’s data security policy.
- H. 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 notice or cause and without right to file a grievance.
- I. Prior to the completion of the probationary period, the employee will receive a formal written evaluation from his/her immediate supervisor and/or the Town Manager. A favorable evaluation will result in the employee being transferred to permanent status. An employee is not transferred to permanent status unless or until a formal written evaluation of satisfactory performance is received.

- J. Employees will be given an annual written evaluation by their immediate supervisor and/or the Town Manager. Such evaluation will be taken into consideration when salary, promotions, discipline or any other personnel action is proposed.

### **ARTICLE III - EQUAL OPPORTUNITY EMPLOYER**

In order to provide equal opportunities to all individuals, employment decisions at the Town are based on merit, qualifications and abilities.

The Town is committed to a policy of non-discrimination and equal opportunity for all employees and qualified applicants without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, veteran status, military service, genetic information, participation in the Town's group insurance plans, receipt of free medical care, or any other category protected under applicable laws. The Town will make reasonable accommodations for qualified individuals with known disabilities, in accordance with applicable laws.

This commitment is evident in all aspects of the Town's employment practices and policies, including recruiting, hiring, job assignment, promotion, compensation, discipline, discharge, benefits and training.

### **ARTICLE IV - TYPES OF APPOINTMENTS**

The following types of appointments may be made to the Town's service in conformity with the rules established.

- A. Full Time: A full time employee works full time (a minimum of thirty-two hours per week) and on a continuing and indefinite basis. Most full time employees will be expected to work between 35 and 40 hours per week and will be subjected to additional hours on an as-needed basis. Full-time employees are subject to all personnel rules and regulations and receive all benefits and rights as provided by this Policy.
- B. Regular Part Time: Regular Part-time employees work less than a full workweek (less than 32 hours per week), but on a continuing and indefinite basis. Regular Part-time employees are subject to all personnel rules and regulations. Vacation, sick leave and holiday benefits shall be in proportion to the hours worked.
- C. On Call Part-Time Employees: An on-call employee works less than a full workweek (less than 32 hours per week) and only works when called upon. On-call employees are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave or vacation time.

- D. Stipend / Part -Time Employees: A stipend employee works less than a full workweek (less than 32 hours per week), works enough hours to perform the duties required of him/her, and is paid an annual fixed salary. Stipend employees are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave or vacation time.
- E. Temporary Employees: Temporary employees work on a non-permanent basis, usually within a limited time frame such as seasonal positions. Temporary employees are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority and may be terminated without notice for any reason at any time.
- F. Special Appointees: Special appointees hold official positions filled by appointment of the Town Manager and/or Board of Selectmen, but are not considered employees for purposes of compensation or benefits.
- G. Other Classifications: The Town (through its Selectmen and/or Town Manager) may, from time to time, by appointment fill other posts and positions, either by voluntary service on certain Town boards and committees (such as Planning Board, Board of Appeals or Conservation Commission); by contract or fee for services (such as engineer, auditor or town attorney); or similar. These categories of service are not considered “employment” within the meaning of this policy. Those individuals are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority. They serve at the pleasure of the Selectmen and/or Town Manager or, where appropriate, within the limited terms and conditions of any special appointment they may have received. Individuals in this category may be terminated without notice for any reason at any time, except as otherwise provided by law.
- H. Job Descriptions: From time to time the Town Manager (and/or Selectmen where permitted by statute) shall develop and, as appropriate, modify and amend job descriptions for all of the above referenced employees or other individuals, which shall then be appended hereto as Appendix A and made a part hereof by reference.
- I. Organization and Status of Municipal Employees: Appended hereto as Appendix B and made a part hereof by reference.

## **ARTICLE V - PUBLIC AND EMPLOYEE RELATIONS**

- A. Integrity of Service. Town employees must avoid any action which may reasonably result in or create the impression of using public employment for private gain, giving preferential treatment to any person, losing complete impartiality in conducting Town

business, accepting gifts or other favors in exchange for service, or abandoning commitment to or pursuit of the goals and policy objectives of the Town.

- B. Efficiency of Service and Public Trust. Cooperation of all employees is essential to efficiency. Raymond citizens are entitled to the best service we can give them. Cooperation, courtesy and responsibility are the key elements of good service.

The Town wishes to uphold its reputation for integrity and excellence, which requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The Town is dependent on the citizens' trust and is committed to preserving that trust. The Town requires all employees to act in a manner that will merit the continued trust and confidence of the public and customers.

The Town will comply with all applicable laws and regulations. The Town also expects its principals and employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation arises with respect to which it is difficult for the employee to determine the proper course of action, the employee should consult with his/her direct supervisor or the Town Manager.

- C. Second Job: On occasion, employees of the Town may decide to seek employment outside their regular working hours. The Town has no objections to this type of work when it does not interfere with the work performance or attendance of the Town employee and when he or she is not in the employ of a vendor, client or organization so as to create a conflict of interest in employment. Employees are expected to notify the Town Manager prior to accepting second jobs.

All employees, regardless of second jobs, will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements. If the Town determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Town.

- D. Conflict of Interest: No employee of the Town shall have any financial interest in or profit from any contract, purchase, sale or work performed by the Town unless otherwise provided for by the Board of Selectman. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or immediate family as listed in the definitions

portion of this Policy. Actual conflicts of interest, as well as incidents or situations which create the appearance of a conflict, must be avoided.

1. Purchasing – No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly in any contract with the Town. No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have any influence or transactions involving purchases, contracts or leases, it is imperative that they disclose this, as soon as possible, to an officer of the Town, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
2. Gratuities – Compensation paid to the employee in accordance with the Pay Schedule, and reasonable expenses as approved by the Town Manager, shall constitute the sole remuneration for services rendered by an employee in the discharge of Town duties. No additional reward, gift or other form of remuneration shall be accepted by any employee for the discharge of their Town duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Personal gains may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town does business, but also when an employee or relative receives any “kickbacks”, bribes, substantial gifts or special consideration, as a result of any transaction or business dealings involving the Town.

- E. Confidentiality: Many Town employees have access to confidential information pertaining to persons or property in the town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the “Right to Know” law, 1 MRSA Sections 401-410 (“FOAA”). Only Town-designated public access officer(s) are authorized to and charged with the responsibility of releasing information pursuant to under the scope of FOAA. Any FOAA request must be transmitted to and handled by a designated public access officer.

## **ARTICLE VI - WORKWEEK - OVERTIME**

- A. The regular workweek for payroll purposes begins on Monday and ends on Sunday. The hours of work (starting times, quitting times, lunch times and overtime) will be established within each department subject to the Town Manager’s approval. The hours of work may be changed by mutual agreement of the Department Supervisor and Department’s staff, subject to the Town Manager’s approval.

B. Work hours for all employees will be scheduled by the employee's immediate supervisor.

1. Payroll Policy – All employees will be responsible for submitting a weekly electronic time sheet, which must be approved by their department managers. The electronic time sheets of the department heads will be approved by the Town Manager.

Repeated failure of any employee to submit time sheets could result in disciplinary action.

An employee who works unauthorized overtime will be paid for time worked but may be subject to discipline for working without authorization.

The Department Head or his/her designee must approve the time sheets for his/her department personnel. Employees who expect to be out of the office due to vacations and other planned absences will turn in time sheets to their Department Head before leaving. If the absence is unexpected (sick leave or bereavement leave for example), then the time sheets will be completed by the Department Head to the best of their knowledge and any adjustments will be made on the next week.

2. Administrative – The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor. The employee should then contact the Town's Human Resource Officer so that all issues can be researched and any corrections can be made as quickly as possible.

C. Exempt employees will be expected to work as many hours as necessary to fulfill the duties of their position.

D. Employees not exempt from the Fair Labor Standards Act shall receive overtime pay after forty hours of actual work per week. At the discretion of the Town Manager, any such overtime may be compensated for with compensatory time. (See Section E. below). For the purpose of Public Works and Maintenance, employees will be paid overtime for time worked after their normal daily scheduled hours. All overtime shall be paid at the rate of one and one-half times the employee's normal rate of pay. For the purposes of overtime calculation, holiday and vacation time will be considered time actually worked, with the exception of floating holidays. In accordance with FLSA, temporary summer Recreation employees are exempt from overtime.

- E. **Compensatory Time:** Under certain prescribed conditions, employees of State and Local government agencies may receive compensatory time off, at a rate of not less than one and one-half for each overtime hour worked, instead of cash overtime pay. Fire protection and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local employees may accrue up to 240 hours. An employee is permitted to use compensatory time on the date requested unless doing so would “unduly disrupt” the operation of the Town. During periods of slow or low work the Town reserves the right to require employees to use compensatory time.
- F. **Regular Work Hours:** Due to the wide variety of services provided by the Town, hours per week between departments and employees also vary. Management reserves the right to change the workday or workweek for the purpose of promoting the efficiency of the municipal government; from establishing the work schedule of the employees, and establishing part-time positions. In the event schedules dictate a condensed workweek, with daily hours exceeding 8 hours, accrued time paid will be paid allocated by hours equal to daily set scheduled hours (not to exceed 10 hours). Accrued time earned is accumulated hourly and time used will be allocated on an hourly basis.

## **ARTICLE VII - ATTENDANCE**

Regular attendance at work is an essential function of all Town positions. Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her work day.

## **ARTICLE VIII - HOLIDAY**

- A. Subject to these rules, the following holidays shall be paid holidays for regular fulltime Town employees: New Year’s Day; Martin Luther King’s Birthday; Presidents’ Day; Patriots’ Day; Memorial Day; July Fourth; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; the day after Thanksgiving Day; Christmas; and one personal holiday.
- B. Holiday privileges are available to full-time and regular part-time employees.
- C. If a regular holiday falls on a Sunday, the following Monday is considered a holiday.
- D. A person on a leave of absence without pay shall not be entitled to holiday pay.

- E. When occasion warrants, employees may be required to work on a holiday. Employees working on a holiday shall receive time and a quarter pay for time actually worked plus the applicable holiday pay. If the holiday also represents an overtime shift, the employee shall be paid time and three quarters for time actually worked plus the applicable holiday pay. (12/20/2005)
- F. Exempt employees will receive a normal day's pay for the holiday at their regular rate of pay for hours normally worked. Holiday benefit not to exceed 8 hours unless the set schedule by the Department Head dictates longer scheduled hours during a holiday week (not to exceed 10 hours.)
- G. Employees not scheduled to work on a holiday will have the holiday time credited as vacation time, and such time and usage will be governed by the Town's Vacation Policy.

## **ARTICLE IX - VACATION**

- A. Vacation privileges are available to full-time and regular part-time employees subject to the following conditions. Each full-time employee shall earn vacation with pay on the following basis: Vacation pay will accrue at the rate of 1 day per month employed for the first 3 years; 1 ¼ days per month worked after 3 years; 1 ½ days per month worked after 10 years; and 1 ¾ day per month worked after 15 years. Earned vacation benefits will be based on normal day's hours.
- B. Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employee's seniority in regard to scheduling vacations.
- C. Vacation time will be allowed to accumulate to a maximum of 152 hours and will be paid to employees retiring, resigning voluntarily, or through other means of separation.
- D. Vacation time will not be approved for periods of more than two weeks, except in an emergency situation not of the employee's making. All exceptions must be approved by the Town Manager.
- E. Vacation leave shall accrue from the date of hire; however, employees shall not use vacation benefits until they have completed their first 6 months of employment.
- F. Employees may receive their vacation pay prior to the start of their vacation, but must advise the town Treasurer, in writing, at least ten (10) days in advance.
- G. Employees may not borrow or use vacation in excess of their accrual at the start of the vacation period.

- H. If an employee resigns voluntarily with less than two weeks' written notice to the Town, he or she will be regarded as not leaving in good standing and all accrued vacation leave will be forfeited as a result of the failure to give notice. If there are extenuating circumstances for the resignation without notice or by mutual agreement, the forfeiture may be waived at the discretion of the Town.

## **ARTICLE X - SICK LEAVE**

- A. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other work and assigned to such other work; or for personal medical or dental appointments; or to care for members of his/her immediate family affected by serious illness.
- B. Sick leave accrual for full-time employees shall accrue at the rate of one work day, not to exceed 8 hours, for each full calendar month of service to a maximum of sixty (60) working days or 480 hours. For the purpose of this section, the first month of an employee's service shall be counted as a full month if employment begins on or before the 15th day of the month.
- C. Full-time and Regular part time employees shall be eligible to use sick leave after thirty (30) days of service with the Town.
- D. The employee must work thirteen (13) or more full work days in that month to earn sick leave for that month.
- E. Sick leave shall not be considered as an entitlement which an employee may use at his/her discretion, but shall be allowed for the necessity arising from actual sickness or disability of the employee. After using three successive days of sick leave, the employee shall furnish the Town with a certificate from his/her attending physician.
- F. Absences for a part of a day that are chargeable to sick leave shall be charged proportionately in an amount not smaller than one-half (1/2) day.
- G. The Town Manager shall review all sick leave records periodically and shall investigate any cases which indicate abuse of the privilege, including but not limited to patterns of leave, usage around holidays or weekends and the like. Abuse of sick leave privilege shall be cause for discipline. Sick leave shall under no circumstances be bought back.
- H. The department head shall be notified of an employee's sick leave absence as close to the start of the work shift as possible.

- I. Employees shall be expected to call on each day of absence. Failure to report shall be justification for disallowing sick leave for that day.
- J. Sick leave will not be used to extend vacation time or create holiday weekends.
- K. An employee taking extended leave for one's self or care for a qualifying member under FMLA/MFLMA must use accrued sick leave. An employee who is absent for illness or health reasons that do not qualify under FMLA/MFLMA must use accrued sick leave.
- L. An employee may donate up to 40 sick hours of sick leave per year to a sick leave bank to be used as needed for major illness of any contributor. An employee must donate to the program by June 30th in order to be eligible during the following fiscal year.
- M. Upon an employee's separation in good standing status with the Town, the employee shall be paid up to ½ of all accumulated sick leave. In no case shall the employee be paid more than 240 hours of pay.

## **ARTICLE XI - LEAVES OF ABSENCE**

### **A. BEREAVEMENT LEAVE.**

An employee may be excused from work for up to three (3) work days because of death in his/her immediate family, as outlined below, and shall be paid his/her regular rate of pay for scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral. For purposes of this article only, immediate family is defined to mean spouse, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, and grandchildren. One (1) work day may be granted to employees at the sole discretion of the Town Manager for attendance at funerals of persons not covered under the above definition.

### **B. LEAVE WITHOUT PAY.**

If not eligible for FMLA, an employee may be granted a leave of absence without pay, granted by and at the discretion of the Town Manager, for a period deemed necessary by the employee for the purpose of the leave. Unless otherwise determined by the Town, the maximum unpaid leave of absence will not exceed sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the Town Manager. Continued absence without having arranged for an extension of leave may be deemed a resignation from employment. Employees may choose to continue health benefits for the duration of the leave by assuming the full cost of premium. Vacation and sick

leave will not continue to accrue during the leave. Any accrued time earned is expected to be used during leave approved under this provision.

**C. FAMILY AND MEDICAL LEAVE.**

**SEE APPENDIX A.**

**ARTICLE XII - JURY DUTY**

The Town shall pay to an employee called for jury duty, for a period of up to 4 weeks, the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received.

**ARTICLE XIII - ARMED FORCES AND NATIONAL GUARD ACTIVE AND CALL UP DUTY**

The Town shall pay to any regular full time employee his/her regular pay during any annual activity requirement not to exceed two weeks' total per year.

**ARTICLE XIV - RETIREMENT**

- A. All town employees will participate in and contribute to Social Security.
- B. All employees will be eligible to participate in the ICMA Retirement Corporation Deferred Compensation Program. Full-time employees' contribution will be matched by the Town based on the following table:

Years of Employment	Employer Match of Gross Wages
During 0 – 6 months	0%
During 6 months – 1 year	1%
During year 2	2%
During year 3	3%
During year 4	4%
During and after year 5	5% (maximum rate)

**ARTICLE XV – WORKERS' COMPENSATION**

- A. All Town employees are covered by Workers' Compensation Insurance. All injuries, no matter how minor, occurring during the working hours must be reported to the

Employee's immediate supervisor and a written report must be made as soon as possible.

In an emergency call 911 for medical assistance. All other instances involving an on-the-job accident/injury, the employee will be directed to visit the Town specified preferred provider.

- B. Transitional Work Policy: It is the goal of the Town to assist injured employees to return to the position they held at the time of their injuries, which will be referred to as Regular Work. To that end, the Town may make available to injured employees specific assignments of "Transitional Work" and may make Transitional Work available for a reasonable time, to be determined in light of the nature of the employee's Regular Work and the Town's operational needs for accomplishing the Regular Work.

## **ARTICLE XVI – HEALTH, DENTAL AND LIFE INSURANCE**

Employees will be eligible to participate in the Town's health, dental, and life group insurance programs. The Town will pay 100% of the cost of individual health insurance coverage. Family health insurance coverage will be paid at a rate of 85% Town, 15% Employee match for eligible employees. Employees eligible to receive this benefit must work 30 or more hours on average per week. All other employees who average greater than 16 hours per week for the previous year will be allowed to participate in either program at their own cost.

Employees eligible to receive family health care benefits but electing not to take advantage of this employee benefit will be eligible to receive one-half the cash value (up to a dollar value of \$3,454 family or \$2,413 two person) of the difference in cost between the family plan and the single subscriber plan. This benefit will be paid in the form of an increased retirement contribution to qualified programs outlined in this policy or utilized toward the cost of Town sponsored life insurance premiums. In order to take advantage of this benefit, eligible employees are required to show evidence that their spouse and/or family is insured under another family health care benefit plan. Program eligibility will be determined annually and governed by eligibility requirements of the current health care plan. 50% added retirement benefit eligibility will be denied to non-custodial parents who are not legally required to provide health and /or dental insurance for their child(ren).

The Town reserves the right to change eligibility requirements, group plan, carrier and/or contribution levels at any time, with reasonable notice to participants.

## **ARTICLE XVII - DISCIPLINARY PROCEEDINGS**

- A. PURPOSE. All Town employees are expected to maintain a high degree of professionalism, responsibility, loyalty and adherence to the duly adopted programs and policies of the Town. Employees who fail to maintain these standards, or who fail to comply with the provisions of this Personnel Policy, may be subject to discipline up to and, in cases of substantial or repeated failure to adhere to these standards or the provisions of this Personnel Manual, including discharge.
- B. CATEGORIES. The following categories of discipline apply to all employees. Disciplinary measures need not be imposed in the order set out below, and the Town reserves the discretion to move to or impose greater discipline. Appropriate discipline will be determined in light of the circumstances of each case.
1. Verbal warning – Normally intended to point out to an employee relatively minor or isolated instances of unsatisfactory job performance which, if repeated or continued, might lead to a more serious level of discipline.
  2. Verbal reprimand – Normally intended to point out to an employee a relatively serious breach of job performance standards which, if repeated, shall lead to a more serious level of discipline.
  3. Written warning or reprimand – Intended as a formal record of repeated unsatisfactory job performance (warning) which, if continued, is likely to result in jeopardy to the employee's prospects for advancement, pay increase or continued employment; or as a formal record of serious breach of duty or failure to meet job performance standards (reprimand) which, if repeated, will result in jeopardy to the employee's advancement, pay increase or continued employment.
  4. Suspension – Suspension from employment without pay shall be utilized only in those cases involving significant and serious breach of duty or standards by an employee, where active employment by the employee should not continue until such time as the Town Manager is satisfied that the recurrence of such breach is unlikely.
  5. Demotion. When the conduct at issue indicates that the employee should not continue in his or her present position but may be permitted to continue employment at a lower level of pay, position and/or responsibility, the employee may be demoted to a lower position if a vacancy exists or the Town otherwise determines that a demotion is feasible and appropriate. In the event of a proposed demotion, the employee will be provided with notice of the basis for the proposed action and an opportunity to be heard in response to the proposed action prior to the planned effective date.
  6. Discharge from Employment –When discharge from employment is recommended by a supervisor or department head and/or considered by the Town Manager, the employee involved shall be entitled to prior written notice

of the basis and explanation for the recommendation. The employee will be provided an opportunity to meet with and present a response to his or her supervisor and/or department head or, if the department head or supervisor has made the recommendation, to the Town Manager. The meeting shall be informal, with the purpose of providing an opportunity for the employee to provide a response to the proposed recommendation, including additional relevant information and any mitigating or extenuating circumstances or factors. The department head or supervisor or the Town Manager, whichever met with the employee, shall issue a written decision promptly, with a copy to the employee. The final decision may be discharge, lesser discipline or no discipline. The employee will remain employed through the date of the final decision and until the effective date stated in the decision.

7. **Appeal of Disciplinary Action in Event of Suspension, Demotion or Discharge.** An employee who has been suspended, demoted or discharged shall have the right to appeal the disciplinary action taken against him or her to the Board of Selectmen. Such appeal will be given in writing to the Town Manager. The employee making an appeal shall have seven (7) days to submit an appeal after having received notice of disciplinary action against him or her. Once an appeal is received, the Board of Selectmen shall schedule a hearing within thirty (30) days to consider such appeal. At the time of any review by the Board of Selectmen the employee shall have the right to be present, to be represented by counsel, may call witnesses and present any reasonably relevant evidence in his or her behalf. The Town Manager shall also have the right to be present, may call witnesses and present any reasonably relevant evidence supporting the disciplinary action taken against the employee. The Board of Selectmen shall issue a written decision on the basis of their review, within thirty (30) days thereafter. In the event the Board of Selectmen fail to issue a decision within thirty (30) days, the appeal will be considered denied.
8. **Application –** This Section does not apply to an employee who is on initial probation. Probationary employees may be disciplined or discharged at any time during the probationary period without notice or opportunity to be heard and for any reason.

#### C. EMPLOYEE PERSONNEL RECORDS.

1. **Employee Records –** The Town maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume and records of training, documentation of performance evaluations, disciplinary actions, salary increases and other employment records.

Personnel files are the property of the Town and access to the information they contain is restricted. Generally, only supervisors and management personnel of

the Town who have a legitimate need to know specific information in a file are allowed access.

Employees who wish to review their own file should contact the Town Manager. With reasonable advance notice, employees may review their personnel files while in the presence of the Town Manager or an individual appointed by the Town Manager.

2. Personal Data Security – The Town recognizes the importance of maintaining the security of personal information and therefore complies with all laws regulating the retention of such information. For purposes of this policy, “personal information” is defined as a person’s name, in combination with the person’s Social Security number, driver’s license or state-issued identification number, financial account number, or credit or debit card number. Personal Information may be found in printed documents and hard files and may also be collected, accessed and stored electronically. Personal Information is covered by this policy whether it is printed or electronically stored.

Employees are required to take all reasonable measures to limit access to personal information, and to limit collection or retention of Personal Information, to only what is reasonably necessary to accomplish legitimate purpose for which the Personal Information is collected, stored or accessed. Further, employees are required to comply with all information security laws and regulations and any other policies and programs adopted by the Town to comply with the Town’s obligations to maintain the security of Personal Information.

## **ARTICLE XVIII - GRIEVANCE PROCEDURES**

Should an employee feel aggrieved concerning the interpretation, meaning, or application of any provisions of the Town’s personnel rules, regulations and policies, he/she shall submit the details of such grievance in writing to his or her immediate supervisor or the Town Manager. Within fourteen (14) calendar days thereafter, the supervisor or Town Manager shall meet with the employee and others designated by them for the purpose of discussing the grievance. In all cases the decision of the Town Manager shall be final.

## **ARTICLE XIX - POLITICAL ACTIVITY**

Employees shall refrain from seeking or accepting nomination or election to any office in the Town government that would conflict with the duties of their position as a Town employee. Employees may not use their office or employment in any way for or against any candidate for elective office in the Town government. This policy is not to be

construed to prevent Town employees from becoming, or continuing to be, members of any political organization, attending political meetings, expressing their views on political matters, holding a political office, running for political office, voting with complete freedom in any election or engaging in the exercise of other protected political rights.

## **ARTICLE XX - RESIGNATION**

- A. Sufficient notice: To resign in good standing, employees must submit resignations in writing at least ten (10) working days in advance of the effective date of their resignation.
- B. Quitting without sufficient notice: Any employee who quits without sufficient written notice will be regarded as leaving not in good standing and may forfeit accrued vacation pay, as provided in Article IX of this Policy.

## **ARTICLE XXI – EMPLOYEE REFERENCES**

The Town does not provide substantive employment references. Information provided to prospective employers of former Town employees will be limited to dates of employment and any other information that the town is legally required to provide under Maine's Right to Know law. This information will be provided by the Town Manager or a designated employee only.

## **ARTICLE XXII - DRUGS AND ALCOHOL IN THE WORKPLACE**

- A. The Town strives to maintain a safe workplace and thus prohibits drug activity while on Town premises or otherwise working on behalf of the Town. The use of drugs or other controlled substances threatens the entire Town environment and will not be tolerated. This policy applies to every Town employee.

Employees are prohibited from reporting to work or performing any job-related activities, on or off Town premises (including parking lots), while under the influence of any unlawful controlled substance. An unlawful controlled substance is any drug that is unlawful under federal, state or local law, including marijuana, as well as any drug that, though available legally, has been obtained illegally. Employees are also prohibited from being under the influence of, or impaired by, alcohol or any other substance (including, but not limited to, any prescription or over-the-counter medication) that impairs the employee's job performance or poses a hazard to the safety and welfare of the employee, the public, the Town, or other employees.

This policy does not prohibit the use or possession of a controlled substance in accordance with a valid medical prescription issued to an employee by a licensed physician, provided that use of the prescribed medication does not impair an employee's ability to perform his or her job duties safely and effectively. Employees may not, however, use or possess marijuana on Town Property, even if prescribed by a licensed physician. If an employee is unable to perform his or her job duties safely and effectively while taking a prescribed medication, the employee may be reassigned or, if no suitable position is available, may be placed on a leave of absence.

The guidelines above apply to all employees. Any complaints or conflicts should be directed to supervisors and management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

#### **B. ALCOHOL AND DRUG TESTING PROCEDURES AND PROTOCOL**

Employees are subject to alcohol and drug testing pursuant to 26 M.R.S.A. § 681 (8)(c). The procedures and protocols for such testing are kept with the testing facility and with the Town's HR Director.

### **ARTICLE XXIII - ANTI-HARASSMENT POLICY**

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of illegal harassment. This policy will be vigorously enforced; the policy applies not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment based on sex, sexual preference or orientation, religion, age, ethnic origin, color, physical or mental disability, genetic information and history, Veterans status, whistleblower activity or any other status or characteristic protected by law will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of illegal harassment.

Derogatory or vulgar comments regarding a person's sex, sexual preference or orientation, religion, age, ethnic origin, color, physical or mental disability, Veterans status, whistleblower activity or any other status or characteristic protected by law, including the distribution of written or graphic material having such an effect, are prohibited. Any employee who believes he or she has been the subject of such harassment should report the alleged conduct to the Town Manager or other appropriate management. Management is considered any department head. In the Fire/Rescue Department, management shall include the Fire Chief and Deputy Fire Chiefs. Any supervisor or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

A discrimination complaint alleging harassment on the basis of sex, race, color, sexual orientation, physical or mental disability, religion, age, ethnicity, genetic information or

history, national origin or any other status or characteristic protected by law and subject to the jurisdiction of the Maine Human Right Commission may also be submitted to the Maine Human Rights Commission at any time within 300 days of the alleged discriminatory incident. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is used.

## **ARTICLE XXIV - SEXUAL HARASSMENT POLICY**

It is the policy of the Town of Raymond that all employees have the right to work in an environment free of discrimination which includes freedom from sexual harassment. The Town of Raymond will not accept any form of sexual harassment by supervisors, coworkers, customers or suppliers. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale and which interferes with a positive and productive work environment.

Sexual harassment is illegal and, as outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act, includes:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (ii) submission to or rejection of such by an individual is used as the basis for employment decisions affecting such individual, (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The following examples are common types of conduct that may constitute sexual harassment:

- slurs, jokes or degrading comments of a sexual nature;
- unwelcome sexual advances;
- suggestive or lewd remarks;
- unwelcome hugging, touching or kissing;
- requests for sexual favors;
- repeated offensive sexual flirtation or propositions;
- the display of sexually suggestive pictures or objects; or
- repeated unwelcome physical contact or touching such as patting, pinching or constant brushing against another body.

Consistent with the above guidelines, this policy prohibits any overt or subtle pressure for sexual favors including implying or threatening that an applicant's or employee's cooperation of a sexual nature (or lack thereof) will have any effect on the person's employment, job assignment, wage, promotion, or any other condition of employment or

future job opportunities. This policy also prohibits any conduct which would tend to create an intimidating, hostile or offensive work environment.

Managers and supervisors are responsible for monitoring conduct which can be construed to be harassment and for initiating necessary action to eliminate such behavior. Any employee who feels that he or she is the victim of sexual harassment should immediately report the matter to his or her supervisor or, if the employee would prefer, to the Town Manager or any member of the Board of Selectmen. (Note: All Department Heads shall be considered managers or supervisors. In the Fire/Rescue Department, management shall include the Fire Chief and all Deputy Fire Chiefs. No other officers or supervisors in the Fire /Rescue Department are authorized to act on reports of harassment but are required to report any such instances to the Town.

The Town will immediately investigate any complaints of sexual harassment and, where warranted, take disciplinary action against any employee engaging in sexual harassment. Depending on the circumstances, such disciplinary action may include suspension or termination of employment.

Any questions regarding this policy should be addressed to the Town Manager or the Selectmen. Any employee, who believes that he or she has been a victim of sexual harassment, or who has knowledge of that kind of behavior, is urged to report such conduct immediately. No employee will be retaliated against for complaining about sexual harassment.

A discrimination complaint alleging harassment on the basis of sex, sexual orientation or sexual harassment may be submitted to the Maine Human Rights Commission at any time within 300 days of the alleged discriminatory incident. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is used.

#### Retaliation Prohibited

Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form, and should report any retaliation immediately to any supervisor or the Town Manager.

In addition, the Town also encourages employees to report other conduct which affects the workplace and working conditions, including harassment based on any other protected category, such as race, national origin, age, sex, and whistleblowing reports. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees who report such conduct will be protected from retaliation in any form, and should report any retaliation immediately to any supervisor or the Town Manager. All complaints of retaliation will be investigated and prompt remedial action will be taken.

## **ARTICLE XXV - WORKPLACE VIOLENCE**

All employees have the right to work in an environment free of physical violence, threats and intimidation. The Town's position is that violence is a form of serious misconduct that undermines the integrity of the employment relationship. No employee should be subject to unsolicited and physical violence, threats or intimidation. Such behavior may result in disciplinary action, up to and including dismissal.

The Town has a strong commitment to its employees and citizens to provide a safe, healthy and secure work environment. The Town also expects its employees to maintain a high level of productivity and efficiency.

Under Maine law, an employee may possess a firearm on Town property in parking lots designated for employee use or in a personal vehicle used by an employee to drive to work only if the employee strictly complies with the following requirements:

1. The employee must have a valid permit to carry a concealed firearm under Title 25, chapter 252 of the Maine Revised Statutes or otherwise be licensed to possess a weapon under applicable state law;
2. The firearm must be kept in the employee's vehicle and the vehicle must be locked; and
3. The firearm must not be visible.

All weapons or other dangerous or hazardous devices not kept in strict compliance with this policy are strictly prohibited on Town premises, in Town vehicles, in parking lots designated for employee use, or in a personal vehicle used by an employee to drive to work.

Any violation of this policy will result in disciplinary action up to and including immediate discharge.

Reporting an incident of Violence:

Employees who are victims or witnesses to violent incidents should immediately report such conduct to their supervisor or Town Manager. No employee who reports an incident of violence or threatening conduct or participates in an investigation of such an incident shall be subject to retaliation.

## **ARTICLE XXVI – SAFETY**

- A. The Town requires all employees to complete mandatory safety training that complies with Federal (OSHA), State and local requirements. Each Department Head is required

to ensure the proper training for each of their employees. Written proof, signed by the employee and Department Head/Certified Training Authority or a valid Certificate of course completion, shall be required for all training, and will be added to each employee's Personnel File. Employees are expected to abide by all safety rules and regulations, which shall be posted on bulletin boards, announced at staff meetings or otherwise communicated by the Town. An employee's failure to comply may result in disciplinary action and/or termination.

#### B. Smoking Policy

Smoking is not allowed in any Town workplace. It is the policy of the Town to comply with all applicable federal/state laws, and local ordinance regarding no smoking in the workplace and in public areas. The Town of Raymond further prohibits smoking tobacco in town vehicles.

#### C. Phone Usage

Phone use is limited to business matters during working hours. Employees are allowed to use cell phones for personal use only during breaks and should not be on the phone during working hours. Supervisors/Managers, however, are entitled to phone usage throughout the day as long as it is related to Town matters, and not for personal matters. Cell phone usage is prohibited while on machinery regardless of employee or supervisor/manager status. Failure to abide by these regulations will result in disciplinary action up to and including termination.

##### Phone Usage in Vehicle

The Town is committed to protecting employees and others from the hazards that can be caused by use of a cellular telephone while driving, whether for telephone calls, text-messaging, reading or sending e-mail or accessing the Internet. Accordingly, all employees of the Town (including supervisors and management) are required to adhere to the following guidelines:

- a. Employees operating Town vehicles, or operating their own vehicles on company business, must pull over to the side of the road before using a cellular telephone for any purpose.
- b. Employees must adhere to all federal, state and local laws, regulations and ordinances governing the use of cellular telephones while driving. These laws vary from state to state; it is the individual's responsibility to comply with state law.
- c. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

- d. Employees are always expected to exercise discretion and care while using a cellular telephone and to avoid placing themselves or others at risk.

Violators of this policy will be subject to discipline, up to and including termination.

#### D. Leave for Victims of Domestic Violence

1. In accordance with Maine Law, the Town will grant you a reasonable and necessary amount of time off from work without pay if you are a victim of domestic violence, domestic assault, sexual assault or stalking, and you need the time to:
  - a. Prepare for or attend court proceedings,
  - b. Receive medical treatment, or
  - c. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.
2. You must request the leave as soon as circumstances make it clear that time off is necessary. Approval of leave will be dependent upon:
  - a. Whether your absence will create an undue hardship for the Town,
  - b. Whether you requested leave within a reasonable time, and
  - c. Whether the requested leave is impractical, unreasonable or unnecessary given the facts made available to the Town at the time of your request.
3. If your leave is approved, you will be required to first use any accrued paid vacation or sick time before taking unpaid leave. Vacation and sick days do not accrue during your leave and holidays are not paid while you are on leave. You will not be discriminated against for taking or asking for leave.

#### E. Bulletin Boards/Non-Solicitation

Bulletin boards placed in designated areas provide employees access to important posted information and announcements. The employee is responsible for reading information posted on the bulletin boards. The Town reserves the discretion to remove items from the bulletin board which are inappropriate.

All solicitations for charities, organizations, groups, businesses, services, etc. must be approved by the Town Manager prior to posting. The Town reserves the right to reject any solicitation, in any format, if the Town Manager deems it not in the best interests of the Town. In person solicitation must also be pre-approved by the Town Manager.

## ARTICLE XXVII – ELECTRONIC COMMUNICATION POLICY

The Town, in an age of growing technology and electronic communication, implements this policy to clearly define employee expectations and responsibilities.

**“System”** means all telephones, computers, facsimile machines, voicemail, e-mail, and other electronic communication, copying or data storage systems or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the System.

**“Electronic communication”** means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon, any part of the System, including, but not limited to e-mail, voicemail, and Internet usage.

**All parts of the System are owned by the Town and/or are provided solely for use in the Town’s business activities. All electronic communications are the Town’s property. The Town has the right and the ability to monitor and review all electronic communications at any time without notice to its employees or any other party and for any purpose whatsoever.**

Town employees may not use the System, or send, receive, create or store electronic communications upon the System, in a manner that is illegal, disruptive to others, or that interferes with the Town’s business activities. All Town employees are prohibited from using any part of the System to harass others, or to download, obtain, display, store, receive or transmit:

- a) Any information that is sexually explicit, obscene, or of a sexual nature, that contains libelous or defamatory material, or that would not be permitted on any bulletin located on Town property;
- b) Any ethnic, racial or religious slurs, or anything that is, or may be construed as, disparagement of others based on race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by law; or
- c) The System may also not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations. Except as otherwise provided below, the System may not be used for any other purpose that is not related to Town business.

**E-mail** is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional employee use of e-mail with permissible content for personal matters is not prohibited, but is discouraged.

**Voicemail** is used to leave messages for employees regarding matters of a business nature. Voicemail boxes will occasionally be emptied to free up System space.

**Internet usage** is to be limited to matters of business connected to the Town. The occasional use of the Internet for otherwise permissible personal matters is not prohibited, but is discouraged. Any downloading of materials or loading of programs/software onto any part of the System without permission from Town technical staff is prohibited.

## **ARTICLE XXVIII – INFECTIOUS DISEASE POLICY**

### **SEE APPENDIX B**

## **ARTICLE XXVIX – SEVERABILITY AND EFFECTIVE DATE**

If any Article, Section or provision of this Policy should be found to be invalid or unenforceable by decision of the courts, only that Article, Section or provision specified in such decision shall be of no force and effect and such decision shall not invalidate any other Article, Section or provision.

Revisions to the policies may occur from time to time, as the Select Board deems necessary. When any of the policies are updated, they supersede the policies in this manual and employees will be provided with copies of the updates.

Personnel Policies in this document are effective as of their date of adoption by the Town Board of Selectpersons. These personnel policies supersede all existing personnel policies and all existing past practices which are contrary to the purpose and intent of this Handbook.

*This manual addresses the basic employment policy of the Town and supersedes all previous manuals and written or implied policies. Occasionally, it may become necessary to modify, change, update, revoke, replace, or even terminate the policies outlined in this manual, and the Town reserves the right to make changes at any time at its discretion. Employees will, of course, be notified of such changes as they occur.*

### **Acknowledgement**

*I acknowledge that I have received a copy of the Town of Raymond Personnel Policy. I have read them and agree to follow these policies.*

*I am aware that if, at any time, I have questions regarding Town policies I should direct them to my Department Head or the Finance Department. I understand it is my obligation to ask questions and obtain clarification before acting if I have any questions as to the scope and applicability of these policies.*

*I know that Town policies and other related documents do not form a contract of employment and are not a guarantee by the Town of the conditions and benefits that are described within them. Nevertheless, the provisions of such Town policies are incorporated into the acknowledgement, and I agree that I shall abide by its provisions.*

*I am also aware that the Town of Raymond, at any time, may on reasonable notice, change, add to, or delete from the provisions of the Town policies for which I will be notified.*

\_\_\_\_\_  
*Employee's Printed Name*

\_\_\_\_\_  
*Position*

\_\_\_\_\_  
*Employee's Signature*

\_\_\_\_\_  
*Date*

**APPENDIX A**  
**FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY**

**Please note that depending upon the number of employees employed by the Town, and the individual employee's eligibility, the Federal and Maine FMLA, or both, may not apply to the employee. Please consult with the Town Manager or the Town HR Director when applying for FMLA.**

**A. Federal FMLA**

Employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during their prior twelve (12) months with the Town may be eligible to take up to twelve (12) weeks of unpaid leave (FMLA leave) for the following reasons:

1. Birth of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, parent, or child who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. "Military Family Leave" due to "any qualifying exigency" arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active status in either the National Guard or Reserves.

In addition, employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twenty-six (26) weeks of unpaid "Military Family Leave" leave to care for a seriously injured service member (regular armed forces, National Guard or Reserves) who is the spouse, child, parent or next of kin of the employee. The 26-week period includes any 12-week period permitted for any other qualifying FMLA reason.

**B. Maine FMLA**

Employees who have worked for the Town for 12 months but for less than 1,250 hours during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave under Maine law. Such employees should follow the procedures set forth herein to apply for a Maine FMLA leave.

Maine FMLA law permits family and medical leave to be taken for the following reasons:

1. Birth of a child of the employee or a child of the employee's domestic partner;
2. Placement of a child under 16 years of age into the employee's family by adoption or by a foster care arrangement;
3. The serious health condition of the employee's spouse, parent, child, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), domestic partner, or domestic partner's child, or the death of one of the aforementioned individuals who is a member of the military and who dies while on active duty.
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. The donation of an organ by the employee; or
6. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), or child, if that person is a member of the military and dies or incurs a serious health condition while on active duty.

### **C. Procedures**

Any federal FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the federal Family and Medical Leave Act. For example, if an employee used four weeks of leave beginning February 1, 2013, four weeks of leave beginning June 1, 2013, and four weeks of leave beginning December 1, 2013, the employee would not be entitled to any additional leave until February 1, 2014. On February 1, 2014, the employee would be entitled to four weeks of leave, and on June 1, 2014, the employee would be entitled to an additional four weeks, etc.

The right to FMLA for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Town agree. If both spouses are employed by the Town, the combined leave shall not exceed twelve (12) weeks.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital; hospice or residential medical care facility;

- any period of incapacity requiring absence from work or other regular daily activities for more than three (3) calendar days that also involves continuous treatment by or under the supervision of a healthcare provider; or
- continuous treatment by or under the supervision of a healthcare provider for a chronic long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) calendar days; or
- prenatal care.

In the case of unpaid FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family member's or the employee's own serious health condition, the Town has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Employees are required to use their available vacation time during any unpaid FMLA leave period, and available sick/personal time is required to be used when unpaid family leave is taken because of the employee's serious health condition. In the case of family leave due to reasons other than the employee's serious health condition, the employee may opt to use available sick/personal time. The remainder of the FMLA leave will be unpaid.

Employees out on paid Worker's Compensation leave or paid Disability Leave may elect to use available sick and/or vacation leave during their absence, but are not required to do so.

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Town at least thirty (30) days' notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the Town, the employee must provide such notice as soon as practical. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- give at least thirty (30) days' notice, or as soon as practical if treatment starts in less than thirty (30) days; and
- make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the Town, subject to the approval of the healthcare provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical. Any FMLA leave request based on a family member's or employee's own serious

health condition must be supported by certification from a healthcare provider. Fifteen calendar days will be allowed to provide the certification. Certification from the healthcare provider must contain:

- the date the serious health condition began;
- the possible duration of the condition;
- the appropriate medical facts regarding the condition;
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job;
- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date and duration of the treatment should be specified; and
- in the case of intermittent leave or leave on a reduced hours basis for medical conditions that do not necessarily involve planned medical treatment, an estimate as to the anticipated frequency and timing of the absences should be given.

During FMLA leaves of absence, the Town will continue to pay its portion of the health insurance premium, if any, and the employee must continue to pay his/her share of the premium, if any, including family plan premiums. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of any unpaid FMLA leave, the employee may be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

During FMLA leave, the employee shall not accrue employment benefits, such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

The Town may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave. Employees with chronic or continuing health issues may be required to provide recertification every six (6) months.

Employees who return to work from FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Upon returning to work from a FMLA leave within or on the business day following the expiration of the (10/12/26) weeks, up to two vacation days may be taken during the next 90 days.

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days' notice is not possible. All necessary forms are available from the Town Manager or his designee. Appropriate forms must be submitted to the Town Manager and/or his designee to initiate a family leave and to return the employee to active status.

Each employee taking leave that meets the requirements for FMLA leave will be provided the "Response to Your Request for Leave" form. Other forms relating to FMLA leave can be obtained from the Town office.

## **APPENDIX B**

### **INFECTIOUS DISEASE POLICY**

#### **A. Purpose**

This is to establish the policy of the Town for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing their job as a Town employee or volunteer, should immediately reference the Town Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Community Services Departments.

#### **B. Policy**

1. It is the policy of the Town to assure to the extent possible a safe and beautiful work environment.
2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Head.
4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
5. The Town shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post-exposure evaluation and follow-up. Please reference the Town Exposure Control Plan for detailed information on necessary procedure to follow.

#### **C. Procedures**

1. The Town will not discriminate against employees and or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
2. Where allowed by law, the Town retains the right to test employees for infectious diseases.

3. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individuals or organizations unless required by law.
4. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Personnel Administrator, and to carry out his or her assigned duties if reasonable accommodations can be made.
5. Upon notification by an employee that an infectious disease has been confirmed and is a threat to the public health, the Personnel Administrator will:
  - a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
  - b. Assist in the identification of reasonable accommodations to be made, if any.
  - c. Assist individual departments, if necessary, in complying with this policy.
  - d. Then Town will treat all occupational infectious disease injuries or illnesses according to state law.
6. The Town will provide appropriate education opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
7. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
8. An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or a member of the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

#### D. Accidental Needle Stick Procedure

Police, fire, rescue and solid waste personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

1. Wash the puncture site thoroughly with soap/disinfectant and water.
2. Report the incident to your supervisor.
3. Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
4. Complete Incident and/or Workers Compensation forms.
5. Establish your potential exposure risk to infectious diseases.
6. Notify your Department Head to establish your:
  - a) Tetanus status,
  - b) Hepatitis B status, and
  - c) HIV exposure.
7. Seek further medical attention if necessary.

E. Procedure for Exposure to AIDS Infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

1. Wash the exposed areas thoroughly with soap and water. Clean any spills with one (1) part bleach to ten (10) parts water solution.
2. Report the incident to your supervisor.
3. Complete the Incident and Workers Compensation forms.
4. Notify your Department Head as soon as possible to schedule an appointment for a voluntary blood test.
5. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
6. If all three specimens are negative, you are considered not to be infected.

7. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
8. Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town.
9. Strict confidence will be maintained in all incidents unless appropriate medical and/or information releases have been obtained.

# General Assistance Ordinance

## Board of Selectmen – Agenda Item Request Form

401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742 fax 207-655-3024  
sue.look@raymondmaine.org

Requested Meeting Date:	Sept 13, 2016	Request Date:	Sept 2, 2016
Requested By:	Alice Hamilton, General Assistance Administrator		
Address:	Town of Raymond		
eMail:	alice.hamilton@raymondmaine.org		
Phone #:			

### Category of Business (please check one):

- ☐ Information Only    ☐ Public Hearing    ☐ Report    ☒ Action Item  
☐ Other - Describe:

Agenda Item Subject:	2016 - 2017 General Assistance Ordinance Maximums
Agenda Item Summary:	Need boards approval on General Assistance Ordinance Appendices A-D 2016-2017

Action Requested/ Recommendation:	See above item summary.
--------------------------------------	-------------------------

Attachments to Support Request:	
------------------------------------	--

### For Selectmen's Office Use Only

Date Received: \_\_\_\_\_

Approved for inclusion: ☐ Yes ☐ No

D  
a  
r



Office for Family Independence  
19 Union Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 624-4168  
Toll Free: 1-800-442-6003  
Fax (207) 287-3455

TO: Municipal Officials/Welfare Directors/General Assistance Administrators

FROM: Ian Miller, General Assistance Program Manager

RE: 2016 – 2017 General Assistance Ordinance Maximums

DATE:

Enclosed please find the following items:

- MMA's new (October 1, 2016–September 30, 2017) “**General Assistance Ordinance Appendix**” (A - D).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA. *Not in packet.*
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. *(see “Filing of GA Ordinance and/or Appendices” below for further information).*

#### Appendix A - D

The enclosed Appendices A - D have been revised for your municipality's General Assistance Ordinance. These new Appendices, once adopted, should replace the existing Appendices A – D. Even if you have already adopted MMA's model General Assistance Ordinance, the municipal officers must approve/adopt the new Appendices yearly.

### **The Adoption Process**

The municipal officers (i.e., selectpersons/council) adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

### **Filing of GA Ordinance and/or Appendices**

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site [www.memun.org](http://www.memun.org)).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

# GENERAL ASSISTANCE ORDINANCE

## APPENDICES A-D

### 2016-2017

The Municipality of Raymond adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2016—September 30, 2017. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)  
by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

## GA Overall Maximums

### Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	703	777	981	1,227	1,437
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	596	673	836	1,082	1,254
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	575	678	855	1,086	1,241
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	838	975	1,220	1,638	1,717
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	967	1,011	1,316	1,693	2,070
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	750	796	1,058	1,542	1,759

**Appendix A**  
Effective: 10/01/16-09/30/17

COUNTY	1	2	3	4	5*
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	769	851	986	1,302	1,581
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	734	860	1,065	1,439	1,460

\*Note: Add \$75 for each additional person.

**Non-Metropolitan Areas**

**Persons in Household**

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	609	624	750	948	1,037
<b>Franklin County</b>	636	662	783	973	1,383
<b>Hancock County</b>	653	737	936	1,231	1,277
<b>Kennebec County</b>	612	663	846	1,075	1,141
<b>Knox County</b>	743	745	916	1,172	1,299
<b>Lincoln County</b>	672	743	935	1,163	1,379
<b>Oxford County</b>	572	621	761	1,040	1,325
<b>Piscataquis County</b>	583	663	817	1,035	1,106
<b>Somerset County</b>	665	694	824	1,119	1,122
<b>Waldo County</b>	655	741	876	1,191	1,266
<b>Washington County</b>	584	633	752	957	1,159

\* Please Note: Add \$75 for each additional person.

## Appendix B

Effective: 10/01/16 to 09/30/17

### Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2015, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	45.12	194
2	83.02	357
3	118.84	511
4	150.93	649
5	179.30	771
6	215.12	925
7	237.67	1,022
8	271.86	1,169

**Note: For each additional person add \$146 per month.**

## Appendix C

Effective: 10/01/16-09/30/17

### GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should ONLY consider adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See *Instruction Memo for further guidance.*)

#### Non-Metropolitan FMR Areas

<u>Aroostook County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	111	476	129	556
1	111	476	131	565
2	130	558	159	682
3	167	718	202	870
4	177	762	220	947
<u>Franklin County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	117	503	136	583
1	117	503	140	603
2	137	591	166	715
3	173	743	208	895
4	258	1,108	301	1,293
<u>Hancock County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	114	489	137	590
1	126	543	155	667
2	163	699	198	853
3	220	948	264	1,136
4	220	948	271	1,166
<u>Kennebec County</u>				
Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	104	448	128	549
1	109	469	138	593
2	142	609	177	763
3	184	792	228	980
4	186	801	240	1,030

C-1

Prepared by MMA – 7/2016

## Appendix C

Effective: 10/01/16-09/30/17

### Non-Metropolitan FMR Areas

<b>Knox County</b>				
Bedrooms	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	135	579	158	680
1	135	579	158	680
2	158	679	194	833
3	207	889	250	1,077
4	223	959	276	1,188
<b>Lincoln County</b>				
Bedrooms	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	119	513	142	609
1	128	549	157	673
2	162	698	198	852
3	205	880	248	1,068
4	242	1,039	295	1,268
<b>Oxford County</b>				
Bedrooms	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	95	408	118	509
1	101	427	128	551
2	122	524	158	678
3	176	757	220	945
4	229	985	282	1,214
<b>Piscataquis County</b>				
Bedrooms	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	104	447	123	530
1	116	500	140	604
2	144	621	174	749
3	186	798	222	956
4	192	824	236	1,016
<b>Somerset County</b>				
Bedrooms	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	120	517	141	606
1	121	519	147	631
2	143	615	175	753
3	202	869	241	1,038
4	202	869	241	1,038

## Appendix C

Effective: 10/01/16-09/30/17

### Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	116	497	138	592
1	127	547	156	671
2	149	639	184	793
3	211	908	255	1,096
4	215	926	269	1,155
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	98	420	121	521
1	102	439	131	563
2	120	515	156	669
3	157	674	200	862
4	191	819	244	1,048

### Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	125	539	149	640
1	135	583	164	707
2	173	744	209	898
3	219	944	263	1,132
4	255	1,097	308	1,326
<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	101	432	124	533
1	111	479	140	603
2	139	599	175	753
3	186	799	230	987
4	213	914	266	1,143
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	96	411	119	512
1	112	484	141	608
2	144	618	180	772
3	187	803	230	991
4	210	901	263	1,130

## Appendix C

Effective: 10/01/16-09/30/17

### Metropolitan FMR Areas

★	<b>Portland HMFA</b>	<b>Unheated</b>		<b>Heated</b>	
	Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
	0	157	674	180	775
	1	182	781	210	905
	2	229	983	264	1,137
	3	315	1,355	359	1,543
	4	320	1,377	373	1,606
	<b>York/Kittery/S. Berwick HMFA</b>	<b>Unheated</b>		<b>Heated</b>	
	Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
	0	187	803	210	904
	1	190	817	219	941
	2	251	1,079	287	1,233
	3	328	1,410	372	1,598
	4	402	1,730	456	1,959
	<b>Cumberland Cty. HMFA</b>	<b>Unheated</b>		<b>Heated</b>	
	Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
	0	136	586	160	687
	1	140	602	169	726
	2	191	821	227	975
	3	293	1,259	337	1,447
	4	330	1,419	383	1,648
	<b>Sagadahoc Cty. HMFA</b>	<b>Unheated</b>		<b>Heated</b>	
	Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
	0	141	605	164	706
	1	153	657	182	781
	2	174	749	210	903
	3	237	1,019	281	1,207
	4	289	1,241	342	1,470
	<b>York Cty. HMFA</b>	<b>Unheated</b>		<b>Heated</b>	
	Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
	0	133	570	156	671
	1	155	666	184	790
	2	193	828	228	982
	3	269	1,156	313	1,344
	4	269	1,156	314	1,349

## APPENDIX D - UTILITIES

### ELECTRIC

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

**NOTE:** For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

**NOTE:** For each additional person add \$10.00 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

## APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

*FOR MUNICIPAL USE ONLY*

2

MMA  
07/16

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

## **APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

<b><u>Number in Household</u></b>	<b><u>Weekly Amount</u></b>	<b><u>Monthly Amount</u></b>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

## **SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<b><u>Number of Children</u></b>	<b><u>Weekly Amount</u></b>	<b><u>Monthly Amount</u></b>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

***FOR MUNICIPAL USE ONLY***

3

MMA  
07/16