

# **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

September 13, 2016

### **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 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. 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.