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TOWN OF ACTON

PERSONNEL POLICY

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TOWN OF ACTON - PERSONNEL POLICY

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The Town of Acton specifically reserves the right to repeal, modify or amend these policies as necessary. These policies are intended as informational guidance and the Town reserves the right to interpret any provision and to change policies without prior notice or with reasonable notice when possible. These policies are not to be interpreted as promises of specific treatment or as creating any contractual rights with any employee/volunteer. In addition, conflicting changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated into the policy.

PERSONNEL POLICY

TOWN OF ACTON

SECTION I. Preamble and Purpose

1.1 Preamble

A. By action of the Town of Acton Board of Selectmen, the Personnel Policy (hereafter referred to as the "Policy") was voted into effect on December 6, 2005. This Personnel Policy is established as guidelines to assist in developing sound working relationships between the municipality and its employees. These policies and subsequent modifications shall supersede any policy and/or rules made previously by the Board of Selectmen.

B. Elected officials and the Board of Selectmen in addition to all town committee members are not under the jurisdiction of the Personnel Policy. However, it is *expected* that these persons will utilize sound judgment in exercising their official duties and recognize relevant sections (e.g., Employee Conduct, Conflict of Interest, Harassment and Sexual Harassment, Confidentiality, Communications) of the Personnel Policy as a guide to the performance of their duty to serve the Town and its citizens. Standardized forms, definitions of terms and procedures, as well as certain legal mandates such as equal employment opportunity, worker's compensation, unemployment compensation, and safety requirements, are intended to apply to all employees unless inconsistent with a collective bargaining agreement.

Fire Department officers and Fire Department personnel along with Volunteer Rescue personnel, shall be subject to the Personnel Policy of the Town of Acton. All other municipal volunteers, to the extent relevant and appropriate, are subject to this policy.

A copy of this policy shall be given to all town employees upon appointment.

SECTION II. Employment

2.1 Generally

A. Selection. The appointment of all personnel shall be the responsibility of the Board of Selectmen with input, as appropriate, from Department Heads/Municipal Officials. The Board of Selectmen may make appointments for one (1) year or may make it a regular full-time or part-time position without requiring an annual re-appointment.

The Fire Chief is appointed by the Board of Selectmen and shall be responsible for the recruitment, training, safety, discipline (under the direction of the Board of Selectmen) and the efficient functioning of the Fire Department, its members and personnel.

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

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

D. Probation period. All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance. Probationary employees are not eligible to take vacation or personal time. New probationary employees accrue vacation and sick leave but are not eligible to use vacation until after their trial period is completed. Sick leave accrual is subject to Section 8.3 of this Policy. Under extenuating circumstances, the probationary period may be extended with the approval of the Board of Selectmen, for no longer than 3 months.

E. Appointment of a new Town Clerk, Tax Collector or Treasurer. When appointing a new Town Clerk, Tax Collector or Treasurer, the Board of Selectmen will seek the advice and consent of the Warrant & Finance Committee.

2.2 Equal Opportunity Employer

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

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

2.3 Recruitment

The municipality shall employ the best-qualified persons who are available at the salary levels established for municipal employment. Taking time limitations into account, there shall be as wide a search for qualified candidates as is practicable. The character of the recruitment and selection process for all positions will vary contingent on the position, but may include advertising and open competitive examination in addition to contact with state and other employment offices and contact with special sources of information. In appropriate circumstances, the municipality reserves the right to hire from within, without externally posting the job vacancy. It shall be the duty of the Board of Selectmen (or Fire Chief under the direction of the Board of Selectmen) to seek out the most desirable employees/volunteers. Appendix (A) will be used as part of the selection process.

2.4 Employment Files

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

All employees shall have job descriptions, that have been reviewed and approved by the Board of Selectmen.

An employee may, with reasonable notice to the Board of Selectmen and at a convenient time for the Board of Selectmen, review his/her employment file during regular working hours.

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

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

2.5 Employment Classification

A. Probationary employees. All new employees and every person promoted or transferred to a new position are considered probationary for the first six (6) months of employment.

The probationary period shall be considered an extension of the selection process during which time employees will be subject to review and evaluation. In no case, will the probationary period be extended. If an employee's job is temporarily interrupted during the probationary period, upon return he/she will be required to complete the probationary period and may be given credit for the time already served. New probationary employees accrue vacation and sick leave but are not eligible to use vacation until after their trial period is completed. Sick leave accrual is subject to Section 8.3 of this Policy. Probationary employees may be removed at any time during the probationary period without cause and without right to a hearing.

B. Full-time. A full-time employee works a normal workweek of 35-hours a week and on a continuing basis. Such employees are subject to all personnel policies and rules and receive all benefits for which they satisfy required eligibility criteria.

C. Part-time. An employee in this classification works less than the normal 35-hour workweek, but on a continuing basis. Part-time employees are subject to all personnel policies and rules. A regular part-time employee working in excess of twenty (21) hours per week on a regular continuing basis receives benefits and rights as provided by this policy. This classification shall only be assigned at the discretion of the Board of Selectmen.

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

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

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

G. Volunteers/Committee Board Members. Given the distinct nature of volunteer status, the municipality reserves the right to alter the procedures contained in this policy as is deemed necessary by the Board of Selectmen. The procedures contained herein shall serve only as a general guide to dealing with volunteers and may be altered on a

case-by-case basis. Nonetheless, volunteers are expected to follow the rules of conduct contained in this policy.

2.6 Employee Evaluations

A. Generally. Evaluations will relate directly to the employee's position, work habits and job performance. Evaluations will be conducted by the employee's immediate supervisor with final review by the Board of Selectmen after a six-month probationary period for employees entering a new position, and annually thereafter. Once a written evaluation has been completed, the employee and person charged with performing the evaluation will meet to discuss the evaluation. After the reviewing agent has completed the reviews, the Board of Selectmen, individually, will have no more than 14 days total to review and return comments or sign, and if not done, the review stands. Evaluations will remain on file and be used as a tool to set performance goals. The employee's signature will be obtained which acknowledges review and understanding of the evaluation. Refusal of employee to sign will be noted.

B. Regular employees. All regular employees (full-time and part-time) will receive a written evaluation annually, on or about their anniversary date. Non-exempt employees shall receive their evaluation from the Department Head/Municipal Official. The Board of Selectmen will evaluate exempt employees. After the reviewing agent has completed the reviews, the Board of Selectmen, individually, will have no more than 14 days total to review and return comments or sign and if not done, the review stands.

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

2.7 Whistleblower Protection

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

2.8 Hiring of Relatives

The employment of relatives in the same department/office of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment may be carried into day-to-day working relationships. Therefore, the hiring of employees with a personal relationship with the supervisor within a department/office is strongly discouraged.

Relatives of persons currently employed by the Town of Acton may be hired for full time employment only if they will not be working directly for, supervising, or working in the same department as an immediate relative.

If the relative relationship is established after employment, The Board of Selectmen may transfer one of the affected employees if another position is available for which they are qualified.

In other cases where a conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment.

For the purposes of this policy, a relative is defined as spouse, children, stepchildren, parents, grandparents, grandchildren, brother, sister, brother-in-law, sister-in-law, aunt, uncle, nephew, niece, son-in-law, daughter-in-law, mother-in-law, father-in-law, step-parents, half-brother, half-sister, first cousin, or other persons residing in the same household. Relationships other than those defined shall be subject to the discretion of the Board of Selectmen.

Situations pertaining to this section which exist at the time of adoption of these policies shall be considered "grandfathered".

The Board of Selectmen, giving consideration to the recommendation of the appropriate Department Head/Municipal Official may make a finding that it is in the Town's best interest to hire the relative of an existing employee. Reason's, that the Board of Selectmen might make this finding, include but are not limited to the following:

- The relative has a skill or experience that is not attainable elsewhere.
- The relative is clearly the very best applicant for the position.
- The supervisory relationship is not direct or occurs infrequently.

This section does not limit or affect the authority or discretion of the Board of Selectmen.

SECTION III. Work Week & Attendance

3.1 Work Week.

The regular workweek for payroll purposes begins 12:01 am on Sunday and ends Saturday midnight. The actual hours for municipal employees shall be set by the Board of Selectmen. The normal office hours for the Selectmen, Town Clerk/Tax Collector and Treasurer are 9-4, T,W & F, Thursday evening from 6-8. The Selectmen's office and the Town Clerk/Tax collectors Office will also be open on the 1st and last Saturday of each month from 9-12.

3.2 Time Sheets.

For purposes of public accountability, all employees, exempt or non-exempt must record actual hours of work as well as paid or unpaid leave on their time sheets. Falsification of time records is a breach of Town policy and may result in disciplinary action including the possibility of dismissal. Time sheets are due no later than 10 am on the next Tuesday following the end of the workweek. Payday is, normally the next Friday following the end of the workweek. Any employee who fails to turn in timely time sheets may be subject to disciplinary action. All Time Sheets shall be signed by the Employee's Supervisor and reviewed by the Selectmen prior to the signing of the Weekly Warrant

3.3 Overtime.

A. Exempt employees: Exempt employees will not receive overtime pay, and are expected to work the number of hours required to perform the job. However, an exempt employee shall be entitled to one hour of compensation time for each hour worked in excess of their regular scheduled weekly hours. Compensation time may be accumulated up to eight (8) hours per calendar year. Compensation time will not carry over from one year to the other without approval by the Board of Selectmen. There shall be no payment for unused compensation time at the termination of employment for exempt employees.

B. Non-exempt employees: Employees not exempt from the Fair Labor Standards Act shall receive overtime pay at the rate of time and one-half (1 ½) in excess of thirty-five (35) hours per week. For the purpose of computing overtime, within any given week, only those hours spent on the job and actually worked will be used to calculate overtime pay. Vacation, sick leave, bereavement leave, holiday, military/jury leave and all other leave will not be counted toward calculating overtime pay.

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

3.4 Attendance.

Employees shall be at their respective places of work at the appointed starting time and remaining at work until the end of the scheduled workday. It is the responsibility of employees who may be late or absent from work to see that their immediate Supervisor is advised of the reason for lateness or absence with as much advance notice as possible. If an absence, which has not been previously arranged for becomes necessary, within two (2) hours of the beginning of the employee's normal starting time or sooner if practicable, the employee is expected to contact their Supervisor. If an absence continues beyond one day, the employee is responsible for reporting in each day or providing the municipality with a physician's letter that contains the date the employee is to return to work. (Refer to the Medical Leave section for

information on extended sick leave reporting requirements.) Repeated lateness, unexcused absences, absences without authorization or failure to return to duty within 24 hours may be cause for discipline and/or discharge.

3.5 Snow Days.

Employees may be excused from work due to snow days or severe weather at the discretion of the Board of Selectmen. Compensation for that absence will be considered as follows:

1. If the municipal building closes the doors to the public, effected non-exempt employees will not be compensated for the hours they normally would have worked.
2. When the municipal building is open, if an employee does not report for work, is offered the opportunity to leave work early and does so or is late arriving, non-exempt employees will not be paid for the absence. If possible, they may be offered the opportunity to make up the time or to utilize accrued paid time. Under the Fair Labor Standards Act, exempt employees are not subject to wage reduction due to inclement weather absences during a week where any regular work is performed. However, exempt employees are expected to demonstrate professionalism and good judgment with regard to the performance of their duties on such weeks.
3. Employees will be called when the municipal building is closed due to inclement weather.
4. The closing of the Transfer Station during snow days is left to the discretion of the Transfer Station manager.

3.6 Lunch & Break Periods.

Town Hall employees are entitled to a half ($\frac{1}{2}$) an hour paid lunch/meal period. One fifteen (15) minute break the first half of the work shift and one fifteen (15) minute break the second half of the work shift is permitted. Break time may not be taken at the beginning or end of a work shift, or immediately before or after a lunch break. Break time can not be accumulated to be applied toward an alternate work schedule. Break time is calculated as the time the employee is away from his/her workstation. Break time is not limited to only time spent at the place the break is taken.

Transfer Station employees are entitled to a half ($\frac{1}{2}$) an hour paid lunch/meal period.

3.7 Meetings, Seminars and Training Courses.

When the Town asks employees to attend these sessions for career development, payment will be for time spent at the course on the basis of a normal work day. Mileage will be paid at the rate set by the Board of Selectmen.

SECTION IV. Compensation

4.1 Payment Schedule.

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

4.2 Payroll Adjustments.

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

4.3 Deductions.

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

4.4 Garnishment of Wages.

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

4.5 Expense Reimbursement.

Employees shall be reimbursed for reasonable and authorized expenses incurred while carrying out official Town business. Reimbursement for use of a personal vehicle for Town business shall be at the per mile rate established by the Board of Selectmen, and expenses for tolls, parking, meals, lodging, etc. will be reimbursed at cost. Employees must submit receipts along with signed mileage sheet, approved by the Department Head and Board of Selectmen for reimbursement.

Section V. Employee/Volunteer Conduct

5.1 Generally.

Our taxpayers are entitled to the best service we can give them. Cooperation and teamwork by all employees/volunteers is essential to efficiency. Courtesy, responsibility, and unbiased treatment are the key elements of good service. All employees are expected and required to treat the public with promptness, patience, courtesy and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the Town. Employees are prohibited from engaging in any conduct 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 result in or create the impression of using public employment for private gain, giving preferential treatment to any person or losing complete impartiality in conducting Town business.

5.2 Drugs & Alcohol.

It is the policy of the Town to recognize alcohol and drug abuse as a treatable disease. However, it is not the intent of the Town to accept below-standard performance nor to restrict supervisors in dealing with performance problems. Whenever appropriate, the Town shall refer employees to appropriate agencies and organizations to seek treatment. The use, possession, distribution, dispensing, sale, or working under the influence is strictly prohibited and is grounds for immediate dismissal.

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

Employees/volunteers are required to report to work drug and alcohol free and free from the smell of alcohol. Job performance must be executed in a safe manner.

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

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

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

Employees who seek treatment may use their sick leave to attend a treatment program and may also be eligible for Family and Medical Leave Act (FMLA) or disability leave. Employees are encouraged to discuss their questions or concerns regarding such leave with their Department Head.

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

5.3 Driving Policy.

Any employee, volunteer, official or other person who drives municipal vehicles, or drives private vehicles on municipal business, must have a valid Maine driver's license and a satisfactory driving record. Any person hired for a position, which involves driving municipal vehicles or driving a private vehicle for municipal business, shall have his or her license checked semi-annually for active status and accident/conviction history.

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

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

Any CDL licensed drivers are required to participate in a Town accepted drug testing program.

The Board of Selectmen may implement such other policies, as is necessary to ensure a safe driving policy.

5.4 Loss of License or Certification.

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

Employees who lose their license or fail to obtain re-certification as necessary, must immediately inform the Department Head of their new status.

5.5 Confidentiality.

Many municipal employees have access to confidential information pertaining to persons or property in the municipality. Employees/volunteers are prohibited from disclosing confidential information to **anyone** not having a need to know the information. The employees/volunteers must not use confidential or privileged information to their own private advantage or to provide family or acquaintances with private advantages. Employees/volunteers are charged with the responsibility of releasing, upon approval of the Board of Selectmen, only that information that is required under the "Right to Know" law (M.R.S.A., s/s 401 – 410).

5.6 Sexual Harassment

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

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

Harassment by Town employees/volunteers is prohibited and is considered unprofessional and unacceptable conduct. This policy specifically prohibits an employee or volunteer from engaging in any *intimidating, insulting, coercive or harassing behavior* that is sexual in nature. Remember, sexual harassment is in the 'eyes of the beholder' and not the way it may have been intended.

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

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

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

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

Any employee or volunteer determined to have engaged in harassment of any kind and/or violence shall be subject to disciplinary action up to and including discharge.

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

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

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

5.7 Other Forms of Harassment.

Because the Town of Acton recognizes that each employee/volunteer has the right to work in a "safe" environment, any form of intimidation, hostility, unprofessional or obscene language will not be tolerated. Harassment related to race, color, sex, national origin, age, religion, ability/disability will not be tolerated. Violations of this policy will

lead to disciplinary action including termination of employment and may also result in criminal prosecution.

Examples include but are not limited to:

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

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

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

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

5.8 Workplace Violence.

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

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

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

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

5.9 Complaint Procedures & Witness Obligations.

A. Complaints. If you believe you are being harassed, sexually or otherwise, we encourage you to complain promptly to your Supervisor, or to any member of management. You may also contact the Chairman of the Board of Selectmen at 636-3839.

The Town is dedicated to working with you to resolve your complaint promptly and fairly. If you believe you are being sexually harassed, you also have the right to file a complaint with the Human Rights Commission (MHRC) within six months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, you may contact the Commission by mail at 51 State House Station, Augusta, ME 04333-0051, or by telephone at (207) 624-6050. You can also refer to the end of this policy for a copy of the MHRC procedures for filing a complaint.

If You Have Questions... Please feel free to contact the Board of Selectmen in person or by telephone at 636-3839 if you have any further questions about what harassment/sexual harassment is, how our complaint process works, or about our policy against sexual harassment.

B. Witnessing Harassment. If a Town employee/volunteer witnesses what he or she believes to be harassment (sexual or otherwise) or witnesses workplace violence, the individual has an obligation to report this conduct to his or her Supervisor or to the Board of Selectmen. Supervisory and management staff aware of any form of harassment or workplace violence *must take immediate action to stop it*. Allegations will be promptly and discreetly investigated.

All employees or Town volunteers, who are asked, must cooperate in any such investigation and must maintain confidentiality regarding the investigation. All "good faith" reports can be made without fear of reprisal. Retaliation against witnesses or persons reporting such conduct in good faith is prohibited.

5.10 Workplace Safety & Injury Reporting.

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

Employees/volunteers must immediately report any unsafe condition to his or her Department Head or the Board of Selectmen. Material Safety Data Sheets (MSDS) are on file in the Selectmen's Office.

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

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

5.11 Ethics & Conflicts of Interest.

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

No Town employee or immediate family members of a Town employee on the Warrant and Finance Committee may participate in discussions and/or vote on any department budget that the employee and/or family member may be involved with. Family members are defined under Section II; 2.8 Hiring of Relatives.

Any Board Member that may have a conflict of interest or appearance of conflict of interest shall provide full disclosure and abstain from any further discussion or voting on the matter.

The Board of Selectmen have the right to take all steps necessary to ensure that a real or perceived conflict of interest situation is rectified.

5.12 Outside Employment & Solicitation.

A. Outside employment. No employee may engage in additional employment that in any way interferes with the proper and effective performance of the duties of his position, results in a conflict of interest or subjects the Municipality to public criticism or embarrassment. If the Board of Selectmen determines that such outside employment is disadvantageous to the Municipality, upon notification in writing by the Board of Directors, the employee involved shall take prompt steps to resolve the situation. Any full-time or part-time employee who engages in employment outside of his regular working hours shall be subject to perform his or her regular municipal duties first. The Municipality shall not be liable for nor grant sick leave or disability leave in the case of any injury or occupational illness incurred by an employee/volunteer while engaged in outside employment.

B. Solicitation. No employee shall engage in any business other than regular duties of the Municipality during working hours, including such activities as selling to fellow employees/volunteers, lending of money for profit, etc. With the exception of municipally approved activities, no solicitation of any kind is permitted on municipal premises during

working time. Working time includes the working time of both the employee/volunteer soliciting, and the employee/volunteer to whom such activity is directed. Working time does not include break time. While on municipal premises during non-working time, such as breaks and meal times, employees/volunteers may engage in personal, business or social activities that are not disruptive to those who are working.

5.13 Political Activity.

While performing their normal work duties, employees shall refrain from seeking or accepting nomination or election to any office in the Town government, and from using their influence publicly in any way for or against any candidate for elective office in the Town government. Town employees shall not circulate petitions or campaign literature for elective Town officials, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service for any person for any political purpose pertaining to the Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

5.14 Gratuities/Gifts.

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

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

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

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

5.15 Smoking.

The municipality supports a smoke free work environment. Smoking is not permitted inside any town-owned building or any other structure under the control of the Town. Town Hall employees wishing to smoke outside may smoke in a designated smoking area outside the Municipal Office Area specified by the Selectmen. There is no Smoking allowed on the grounds of the Transfer Station.

5.16 Municipal Property.

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

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

5.17 Electronic Communications.

What is an "electronic communication"?

- Telephones, pagers, communication radios, and voice-mail facilities;
- E-mail;
- Fax machines, modems, and servers;
- City-supplied computers; and
- Network tools such as browsers and Internet access facilities.

A. PURPOSE

Electronic mail, internet and telecommunication access are resources made available to Town employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the Town.

B. POLICY

Email is designed to facilitate town business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the email system is not intended to transmit sensitive materials, such as personnel decisions or other similar information which may be more appropriately communicated by written memorandum or personal conversation. The email system is Town property and intended for town business. The system is not to be used for employee personal gain or to support or advocate for non town-related business or purposes. **All data and other electronic messages within this system are the property of the Town of Acton.** Email messages have been found to be public records and may be subject to the right-to-know laws, depending on their content. In addition, the town, through its manager and department heads, reserves the right to review the contents of employees' email communications when necessary for town business purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter or receive other person's email messages without proper authorization. The Town of Acton purchases, owns and administers the necessary software and licenses to provide access to email and Internet services. Employees may not rent, copy or loan the software or its documentation. The town has invested time and money

to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the town system. Department heads are responsible for the implementation and adherence of this policy within their departments.

C. PROCEDURES

1. General Information on Passwords: While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that email is the property right of the employee. The use of the email system is for town business. Passwords should be periodically changed to ensure security of the email system. Users should not share their passwords with anyone other than as his or here department may require.

2. Internet: The Internet provides the town with significant access and dissemination of information to individuals outside of the town. The use of the Internet system for access and dissemination is intended to serve town business. Like all email messages, Internet messages are capable of being forwarded without the express permission of the original author. Internet messages are also routinely passed through routers before they reach their final destination. A message is “touched” many times before it gets to its recipient and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the town and must comply with all state and federal laws.

3. Prohibited Uses: When sending email messages, appropriateness and good judgment should be used. Following are examples of Internet and email uses, which are prohibited:

- Communications that in any way may be construed by other as disruptive, offensive, abusive or threatening;
- Communications of sexually explicit images or messages;
- Communications that contain ethnic slurs, racial epithets or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs;
- Solicitation for commercial ventures, religious or political causes, outside organizations or other non job-related solicitations;
- Access to Internet resources, including web sites and news groups that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the town and its business in any way.

4. Retention of Email: Employees should be aware that when they have deleted a message from their workstation mailbox, it may not have been deleted from the central email system. The message may be stored on the computer’s back-up system for an indefinite period. Note that email has been classified as “public documents, i.e. available to the media, in at least one state. Keep that in mind when you create or store email.

5. Web Site Development: The Internet is developing into an effective channel for the

town to share information with citizens, visitors and customers. Departments are strongly encouraged to develop and keep up-to-date a departmental page as a link from the town's home page.

6. Applicability to employees, part-time employees, contractors and other users:

This email policy applies to all employees, contractors, part-time employees, volunteers and other individuals who are provided access to the town's email system. Third party should only be provided access to the email system as necessary for their business purpose with the town and only if they abide by all applicable rules.

7. Employee termination, leave of absence, vacation and other: Employees who leave employment with the town have no right to contents of their email messages and are not allowed access to the email system. The Board of Selectmen may access an employee's email if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the town's business purposes.

8. Penalties: The misuse of the Internet or email privileges will be considered sufficient cause for discipline in accordance with the personnel policies and procedures and/or other applicable rules or laws. In addition, violation of this policy or misuse of the email system may be referred for criminal prosecution.

SECTION VI. Employee/Volunteer Discipline

6.1 Reasons for Disciplinary Action.

Disciplinary action usually begins with the Department Head who documents performance problems. Contemplated disciplinary action must be reviewed with the Board of Selectmen.

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

- Absenteeism and/or tardiness
- Insubordination – The employee, without proper reason, refuses to perform a reasonable task or order when directed to do so by a supervisor.
- Unacceptable job performance
- Use of alcohol and/or non-prescriptive drugs during the work day or in any way which impairs the performance of the position
- Willful destruction of public and/or private property
- Falsification of documents, concerning the employee's application to the Town, payroll or other departmental operations
- Harassing and rude, obnoxious behavior including obscene language directed at employees, volunteers or members of the public
- Failure to comply with safety regulations and requirements
- Dishonesty of any kind or theft of Town, public or private property

- Acceptance of money or any gift by an employee/volunteer for any consideration afforded to the public, in general
- Felony or misdemeanor conviction involving moral turpitude
- Employee is unable to maintain a cooperative attitude or working relationship with co-workers, supervisors, and the public.
- Removal for the “Good of the Town”. The Board of Selectmen with the authority to appoint, prescribe the duties of, and when necessary for the good of the town, may remove any non-school officials and employees of the Town. Nothing in this personnel policy is intended or may be construed to limit the authority of the Board of Selectmen.
- Any other action or conduct materially affecting or impairing the efficiency of Town services or that brings the Town in public dispute or embarrassment
- Gossiping, either verbally or in written form is grounds for immediate dismissal.

6.2 Disciplinary Process

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

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

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

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

The employee will have the opportunity to respond to the charges prior to serving the suspension unless the employee's actions are a threat to self or others. The employee's opportunity to respond to the charges may occur at a meeting with the employee held to discuss the reasons for the suspension. The length of suspension is based on the seriousness of the offense and what the Board of Selectmen may determine is warranted.

Employees will receive confirmation of their suspension period and the necessary corrective steps. Employees will be warned of the potential for more serious disciplinary

action or dismissal in the event of further offenses. A copy of the letter of suspension will be included in the employee's personnel file. Suspension with or without pay may occur for an indefinite period pending complete investigation of the incident or offense.

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

All disciplinary action is normally taken in executive session of the Board of Selectmen unless the employee requests an open session.

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

SECTION VII. Employee/Volunteer Grievance Procedures

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

7.1 Grievance and Complaint Procedure.

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

A. Complaints must be filed in writing with the Board of Selectmen, as soon as possible but, no later than five (5) working days after the incident or complaint has occurred.

B. The complaint of the aggrieved employee/volunteer must clearly state the specifics of the complaint. Once having received the complaint, the Board of Selectmen may find it necessary to meet with the employee/volunteer to discuss the matter. The Board of Selectmen shall render a written decision within thirty (30) calendar days when practical, or within a reasonable amount of time depending on circumstances.

7.2 Terminating Employment.

A. Generally. Employees may leave a job in a variety of ways including resignation, retirement, layoff, or discharge. When possible, a meeting with the Board of Selectmen

will be conducted prior to the employee's last day. The purpose of the meeting(s) is to provide information regarding any benefits that are due to the employee, such as insurance coverage, and unused vacation. In addition, employees still in possession of municipal property are expected to return the property at this time. All Town property such as keys, equipment, etc. issued to the employee shall be returned to the Town in good condition prior to the employee's last day. Documentation of the meeting will be performed by the secretary to the Board of Selectmen and will become part of the employment file.

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

C. Resignations/Retirement. Exempt staff is encouraged to provide at least one (1) month's notice of resignation. Non-exempt staff is encouraged to provide two (2) weeks of notice of resignation. Written notice should be provided to the Department Head who will then bring it to the attention of the Board of Selectmen. The Department Head will prepare a plan to ensure continuing coverage of the departmental work and will work with the Board of Selectmen to identify benefits owed the employee and to begin the recruitment process. All Town property such as keys, equipment, etc. issued to the employee shall be returned to the Town in good condition prior to the employee's last day.

D. Lay-Offs. Funding for some positions may change due to Town Meeting appropriations. Employees may face lay-offs due to many reasons including restructuring or budgetary reasons. The normal termination process outlined under Section 7.2 will be followed when possible.

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

SECTION VIII Benefits

8.1 Vacation.

A. Generally. Vacation privileges are available to full-time employees and regular part-time employees working in excess of twenty (20) hours per week on a regular basis subject to the following conditions..

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

- One year of continuous service completed = 1 week of vacation time

- Two years of continuous service completed = 2 weeks of vacation time
- Five years of continuous services completed = 3 weeks of vacation time

B. Accrued Vacation Time. Vacation time shall accrue from the date of hire as a full-time employee or regular part-time employee working in excess of twenty (20) hours per week on a regular basis. Employees shall not receive vacation time until they have *completed their first year of employment* with the Town

Employees must take the vacation time due them within that year after the vacation time is earned. Vacation time may not be carried over to the next calendar year. Exception to this may be permitted for special circumstances with prior approval of the Board of Selectmen.

If an employee is absent from work, accrued sick time and/or vacation time/personal days must be used. Employees may be allowed to take unpaid leave, when approved by the Board of Selectmen, in cases where paid leave time has been exhausted. When an employee terminates employment with the Town of Acton, they will receive whatever vacation pay they have accrued.

C. Scheduling. Vacations will be scheduled at such times to be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employee's seniority in regard to scheduling vacations. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) week periods, but vacations for a lesser period may be permitted by the Board of Selectmen for special reasons.

Employees must request vacation time from the Department Head at least two (2) weeks in advance to ensure appropriate staff coverage during the vacation period.

D. Vacation pay. 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.

E. Personal Days. Employees may use accrued vacation time as Personal Days.

8.2 Holidays.

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

A. Subject to these rules, the following holidays shall be paid holidays for regular Town employees. Note: The Board of Selectmen reserve the right to approve additional holidays.

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

A person on a leave of absence without pay shall not be entitled to holiday pay.

When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday shall receive pay at the time and a half rate, i.e., road commissioners, plow drivers, etc.

8.3 Sick Leave

A. Employee Eligibility. Paid sick leave for each regular full-time employee is earned at the rate of one (1) day for each calendar month of service in proportion to the hours worked and may accumulate to no more than 120 days. Part time employees will receive a prorated amount of sick days. Sick days are available in ½ day increments. This time cannot be used for vacation time. Sick days cannot be used the day before or the day after a holiday. Employees absent from work on the day before or after a holiday may be requested to provide a physician's note certifying that the reason for the absence was illness.

Sick leave is not an entitlement to be used at the discretion of the employee but may be granted by the Board of Selectmen for any of the following reasons: Personal illness or injury of a nature sufficient to justify absence from work; personal medical or dental appointments that cannot be scheduled other than during working hours.

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

B. Probationary Employees. New probationary employees shall not be entitled to paid sick leave until they have completed one hundred eighty (180) days of employment. At the completion of one hundred eighty (180) days employment, probationary employees' cumulative sick leave days shall be computed from the original date of employment. An employee must work twelve (12) or more full work days in that month in order to earn sick leave for that month.

C. Abuse of Sick Leave. Employees who are found to abuse or fraudulently use sick leave will be subject to disciplinary action up to and including termination.

D. Absentees. If an employee is absent from work, accrued sick time and/or vacation time must be used. 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. Employees may be allowed to take unpaid leave, when approved by the Board of Selectmen, in cases where accrued paid leave time has been exhausted. Upon cessation of employment with the Town, employees will not receive accrued sick time pay.

8.4 Health Insurance

For all regular full-time employees or personnel defined as those employees averaging at least twenty-one (21) hours per week for fifty (50) weeks of the year, the Town will pay 100 percent (100%) of the single subscriber health insurance coverage and eighty-five percent (85%) of family subscriber coverage. The Board of Selectmen shall select the health insurance plan to be provided to employees.

8.5 Retirement

The Town does not contribute to a retirement fund for employees at the present time. Any employee that is 65 years of age and has 20 or more years of continuous service to the Town of Acton may be entitled to retain their Health benefits at the Town's expense upon retiring.

8.6 Worker's Compensation

This program protects employees against income losses caused by job-related injuries and occupational disease. The Town's Workmen's Compensation carrier is Maine Municipal Worker's Compensation Fund. Report filing, processing, and review are governed by State guidelines. Employees are required to immediately report any incident or accident to the Department Head, or in the absence of a Department Head, to the Board of Selectmen regardless of how minor the injury. All injuries will be reported to Maine Employer's Mutual and the Selectmen within twenty-four (24) hours of the incident.

8.7 Unemployment Insurance

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

8.8 Social Security.

The Town participates jointly with employees in making Social Security payments. Participation in this program is mandatory.

8.9 Staff Development.

A. Job-related, Required Training: As a condition of employment, each employee shall attend and participate in training programs designated to be necessary for effective job performance by the Department Head or the Board of Selectmen.

B. Voluntary Training: The town will attempt to make opportunities available to the employees, within the constraints of the municipal budget, for further development of specific skills and expertise deemed of mutual benefit to the employee and the town. Approval for staff development involving expenditure of funds must be obtained from the Board of Selectmen.

C. Training and Development Expenses: All training and development expenses shall be approved in advance by the Board of Selectmen.

SECTION IX LEAVES OF ABSENCE

9.1 Bereavement.

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 the 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, grandparents, and grandchildren.

One work day may be granted to employees without pay at the sole discretion of the Board of Selectmen for attendance at funerals of persons not covered under the above definition.

9.2 Family & Medical Leave (FMLA)

As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

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

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

An employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with questions about whether

specific illnesses are covered under this policy or under the Municipality's sick leave policy are encouraged to meet with the Board of Selectmen.

B. Employee Eligibility. An employee shall be entitled to family leave when he/she meets the following criteria:

- The employee has worked for at least 12 consecutive months for the Municipality. If the employee was on the payroll for part of a week, the Municipality will count the entire week. The Municipality considers 52 weeks to be equal to twelve months.
- When both spouses are employed by the Municipality, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

C. Calculation of Leave. Eligible employees can use up to 12 weeks of leave during any 12-month period. The Municipality will use a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the Municipality computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

D. Maintenance of Benefits. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the Municipality. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the Selectmen's office by the 15th (fifteenth) day of each month. If the employee's payment is more than 30 days overdue, the Municipality will drop the coverage.

If the employee informs the Municipality that he/she does not intend to return to work at the end of the leave period, the Municipality's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition, the Municipality will require the employee to reimburse the Municipality the amount the Municipality contributed towards the employee's health insurance during the leave period.

If the employee contributes to a life insurance or disability plan, the Municipality will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the Municipality will request that the employee continue to make those payments, along with the health care payments. If the employee does not continue these payments, the Municipality will recover the payments at the end of the leave period, in a manner consistent with the law.

Certain types of benefits will not accrue during the leave period consistent with the Municipality's benefits policy. However, the use of family or medical leave will not be

considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

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

The Municipality may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the Municipality deems it necessary to deny job restoration for a key employee on FMLA leave, the Municipality will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

F. Use of Paid and Unpaid Leave. If an employee has any accrued paid leave (e.g., sick leave, vacation) the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave.

G. Intermittent Leave and Reduced Work Schedules. In certain cases, intermittent use of the twelve weeks of family or medical leave or a part of a reduced workweek may be allowed by the Municipality. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's Department Head and the Board of Selectmen.

Employees may also use family or medical leave intermittently or as part of a reduced workweek whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the Municipality's operations.

In some cases, the Municipality may temporarily transfer an employee using intermittent or a reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

PROCEDURES:

H. Procedure for requesting leave. All employees requesting leave under this policy must complete the Family/Medical leave form available from the Board of Selectmen.

When an employee plans to take leave under this policy, the employee must give the Municipality thirty (30) days notice. If it is not possible to give thirty (30) days notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Municipality's operations.

While on leave, employees will be requested to report periodically to the Municipality regarding the status of the medical condition, and their intent to return to work.

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

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law.

When seeking certification of a serious medical condition, an employee should ensure that the certification form contains the following:

- 1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- 2) The certification should include a statement that the employee is unable to perform the essential functions of the employee's position and why.
- 3) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the Municipality may ask for a second opinion. The Municipality will pay for the employee to get a certification from a second doctor, which the Municipality will select. If there is a conflict between the original certification and the second opinion, the Municipality may require the opinion of a third doctor. The Municipality and the employee will jointly select the third doctor, and the Municipality will pay for the opinion. The third opinion will be considered final.

9.3 Leave Without Pay.

If an employee is absent from work, accrued sick time and/or vacation time must be used. Employees may be allowed to take unpaid leave, when approved by the Board of Selectmen, in cases where paid leave time has been exhausted.

At the discretion of the Board of Selectmen, a full-time or part-time employee may be granted a leave of absence without pay, not to exceed sixty (60) days. The employee is expected to return to work at the end of this period. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits during this leave by paying the full premium. Vacation and sick leave will not continue to accrue during the leave.

9.4 Jury Duty.

Regular employees chosen for jury duty will be released from their job duties for the time period of service, as determined by the court. The leave is not a benefit and the

employee is expected to return to work immediately following release from jury duty. The Town will pay the difference between the employee's daily pay and the amount of daily pay for jury duty. The employee must present to their Department Head or to the Board of Selectmen an official statement of the jury pay received.

9.5 Military Leave.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) grants rights to civilian employees whose employment is interrupted for military service or training. USERRA applies to all types of "service in the uniformed services" defined as the performance of duty on a voluntary or involuntary basis in any of the uniformed services.

Employees are entitled to a leave of absence for up to five (5) years with each employer for authorized service and military training in the uniformed services. More than five (5) years may be required if necessary to complete a period of obligated service.

Under USERRA a person leaving a civilian job in order to enter military service or training is entitled to return to his civilian job after discharge or release from active duty if the following criteria are met:

Employees returning from military leave of absence are generally entitled to immediate or prompt reinstatement as long as:

- Advance notice was given of the need for the leave
- Cumulative service in the uniformed services is not more than five (5) years with the same employer (excluding certain active duty, training and other types of obligated service)
- He/She either returns to work or reapplies for employment within the time prescribed by USERRA
- He/She did not receive a dishonorable discharge
- The pre-service position was other than temporary

A part-time or full-time employee who is a member of the military reserves or in the National Guard, and who is required to undergo field training during normal work hours, shall be entitled to a leave of absence with differential pay for the period of such training.

- Differential pay is not to exceed two (2) weeks in any one (1) year. The Town will pay the difference between compensation for military activities as shown by a statement issued by military authorities giving his/her rank, pay and allowances and the amount of net straight time pay due as an employee of the Town. If the compensation for military service is equal to or greater than the net straight time salary or wages due as a town employee, then no payment will be made. Employees are entitled to unpaid leaves of absence to perform military duties to the extent required by law.

It is expected that the employee will return to work at the expiration of the approved leave. Should the employee be unable to return to work at the expiration of the Leave, it will be the employee's responsibility to request an extension from the Department Head or the Board of Selectmen.

9.6 Victims of Family Violence.

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

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

Unless to do so would:

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

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

9.7 Emergency Disaster Volunteer Leave.

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

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

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

9.8 Emergency Disasters

The Board of Selectmen, with the advice and consent of the Warrant and Finance Committee, shall reimburse members of the Acton Fire and Rescue for any National Disaster or State of Emergency, or other fire emergency that exceeds (8) eight hours in duration, at the same rates established for the highway department. Firefighters or rescue members to be paid at the same rate as laborer; apparatus operator to be paid at the same rate as equipment operator; officers to be paid at the same rate as Road Commissioners. Funds to come from Undesignated Fund Balance (unappropriated surplus).

SECTION X EMPLOYEE INPUT-SUGGESTIONS

It is the intent of this policy to cover most aspects of employment, but employee input in the form of constructive suggestions regarding working conditions or these personnel policies is both encouraged and welcomed. Comments and/or suggestions should be forwarded in writing to the Board of Selectmen.

Adopted on December 6, 2005

Amended on December 19, 2006

Amended on , 2008
