

Chapter 2 Personnel Policies and Procedures

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Chapter 2 Personnel Policies and Procedures

1 **Purpose**

- 1.1 The purpose of this chapter is to establish a system of personnel administration that meets the social, economic, and program needs of the Town of Bucksport. This chapter includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, discipline, and other related activities.

2 **Authority**

- 2.1 This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. §3001 et seq.

3 **Applicability**

- 3.1 The Town's workforce consists of both non-union employees and union employees organized into collective bargaining units under Maine State Law. This chapter shall apply to all employees, except when a provision in this chapter is inconsistent with a provision in a collective bargaining agreement, the provision of the agreement shall apply to the union employees.

4 **Severability and Conflict**

- 4.1 If a court finds any provision of this chapter to be invalid, the court's decision may not invalidate any other provision of this chapter.
- 4.2 If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

5 **Disclaimer**

- 5.1 Although this chapter identifies the rights, responsibilities, and benefits of the Town of Bucksport employees, the chapter does not create legally enforceable rights. The following disclaimers are included to provide notice to that effect.
- 5.1.1 This chapter is not a contract and nothing in the chapter affords employees any contractual rights.
- 5.1.2 Where this chapter contains descriptions or references 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.
- 5.2 The Town Council may change, amend, repeal, or modify this chapter at any time.

6 **Administration**

- 6.1 The day-to-day administration of this chapter is a function of the Department Heads. Any issue regarding the interpretation or application of this chapter should be addressed to the Town Manager.

- 6.2 Where appropriate or necessary, the implementation of this chapter shall be supplemented by administrative policies promulgated by the Town Manager, which explain in detail the mechanics of implementation and applications thereof.

7 **Town Management Authority**

- 7.1 Except as may otherwise be specifically limited by law or by this chapter, the authority to administer and manage the day-to-day operations of the Town Government shall remain with the Town Manager and Department Heads. This authority shall include the right to take such administrative action as deemed necessary or appropriate to:
- a. Direct the programs of the various departments;
 - b. Direct the work force;
 - c. Establish work schedules;
 - d. Introduce new or improved methods, techniques, or facilities;
 - e. Hire, suspend, demote, or discharge for just cause;
 - f. Change duties and assignments; and
 - g. Promote and maintain discipline.
- 7.2 Equally important to the authority of management is the right to take necessary and appropriate administrative action to uphold the rights and interest of the general citizenry, the Town Council, and employees.
- 7.3 The Town Manager or designee shall endeavor to keep this chapter current with respect to accepted personnel practices and state and federal personnel and employment law, and shall prepare amendments to this chapter for the Town Council's consideration, when necessary.

8 **Employment Classifications**

- 8.1 **FULL-TIME:** An employee that is hired to work at least 37.5 hours per week, year-round.
- 8.2 **PART-TIME:** An employee that is hired to work less than 37.5 hours per week, year-round.
- 8.3 **TEMPORARY:** An employee that is hired for seasonal work, to address a short-term employee shortage, or to work on a special project. Upon completion of the purpose of the hire, their employment is ended.
- 8.4 **ON-CALL:** An employee that is hired to work on an unscheduled, as-needed basis.
- 8.5 **CONTRACTED:** An employee that is hired to work in accordance with the terms of a written agreement entered into by the employee and Town Council.
- 8.6 **APPOINTED:** An employee that is hired to serve an official duty required by state law, for a term of no less than one year. The employee shall be further classified as a full-time, part-time or on-call employee based on their work requirements.

9 **Employee Vacancies**

- 9.1 **NOTICE:** When the town decides to fill a vacancy, the town will advertise publicly in a newspaper having general circulation in the community and the notice will contain the statement "The Town is an Equal Opportunity Employer." The Town will post notice at the Town Office, Public Safety Building, and Town Garage for five working days.

- 9.2 NON-DISCRIMINATION AND AFFIRMATIVE ACTION: The town shall not discriminate unlawfully against any person because of race, color, religion, sex, national origin, age, sexual orientation, genetic information, or physical or mental disability. Furthermore, the Town shall take affirmative action to enhance the opportunities for minority group members, where they may be underutilized.
- 9.3 RECRUITMENT: The character of the recruitment and selection process for all town positions will vary with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable. This may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information. It shall be the duty of the Town Manager or the Town Council to seek out the most qualified employees for the Town.
- 9.4 SELECTION POLICY: It is the policy of the Town of Bucksport to select the best-qualified applicant for vacant positions and to give consideration to internal candidates. Hiring decisions shall be based upon the ability of the applicant to meet the requirements of the position, the level and degree of prior job related experience, the strength of the applicant's employment history, the applicant's educational background as it specifically relates to the position sought, the quality of references, and such other factors as may be related to the applicant's ability to perform the duties of the position.
- 9.5 PROMOTIONS: Town employees shall be given maximum opportunity for advancement in the service. Present employees shall be given first consideration in filling a vacancy and may be given training opportunities to qualify for promotion, but it is recognized that, from time to time, the good of the service will require that a vacancy be filled from outside the service. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.
- 9.6 ANTI-NEPOTISM: No person may be employed as a full-time or part-time employee to work for a Department Head that is an immediate family member of that person. No person that is an immediate family member of the Town Manager may be employed as a full-time or part-time employee in any department. "Immediate family" means parents, spouse, brother, sister, child, stepchild, adopted child, grandmother, grandfather, mother-in-law, and father-in-law. A full-time or part-time employee who was employed prior to July 1, 2017 and who is an immediate family member of a Department Head or the Town Manager, may continue employment with the Town.
- 9.7 PHYSICAL EXAMS: As a condition of employment, the Town may require a physical exam by a physician of the Town's choice at the expense of the Town.
- 9.8 COMPENSATION: The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees.
- 9.9 PROBATION: Any new full-time or part-time employee shall be subject to a probationary period for the first 180 days of employment. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a 180-day period of observation and review by the Department Head.

- 9.9.1 During the probationary period, the Department Head, with the approval of the Town Manager, may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability did not merit their continuance of service.
- 9.9.2 After the first 180 days, the employee shall receive a formal written evaluation by their supervisor, which will be delivered to the Town Manager. An employee has successfully completed their probationary period when their supervisor has issued a positive evaluation.

10 **Employee Resignations**

- 10.1 An employee may resign from Town service in good standing. "Good standing" shall mean the submittal of a written notice 14 calendar days in advance of the last day of actual work for non-salary employees and 30 calendar days for salaried employees.
- 10.2 The failure of an employee to resign in good standing may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist.
- 10.3 The resignation should be accompanied by a statement by the Department Head as to the resigning employee's service performance and pertinent information concerning the cause of resignation.
- 10.4 The effective date of the employee's termination with the Town is considered to be the last day actually worked. Upon separation from service, the Town shall pay all wages owed, as well as earned vacation pay, if any, on the next regular pay day.
- 10.4.1 Upon separation from service in good standing, the Town shall pay to the employee their accumulated sick in accordance with the requirements of Section 14.3.9 on the next regular pay day.

11 **Employee Responsibilities**

- 11.1 EMPLOYEE CONDUCT: 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.
- 11.2 CONFIDENTIALITY: During the course of their duties, some employees of the Town have access to sensitive personal information about individuals. This information must be kept confidential. Examples include, but are not limited to, medical conditions, labor relations or personnel actions. Employees are expected to respect the confidential nature of such information.
- 11.3 ATTENDANCE: Employees shall be at their respective places of work in accordance with general or departmental regulations. In the event of necessary absence because of illness or any other cause, it is the responsibility of employees to see that their department head or supervisor is advised of the reason for absence prior to the start of the workday and on each subsequent day, so that the daily schedule of work can be adjusted as necessary.

- 11.4 TRAINING AND EDUCATION: Both the Town and its employees profit from the provisions of educational training opportunities reasonably related to the employee's position for which provisions have been made in the budget. It shall be the responsibility of the Town Manager to assure that Town employees are provided reasonable opportunities for such training in order to improve quality of performance and bring about a more efficient and more effective operation.
- 11.5 CONFLICT OF INTEREST: No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly, in any contract with the Town unless first authorized by the Town Council.
- 11.6 GRATUITIES: No Town employee shall accept any gratuities from any person or organization, with whom that employee does town business. A gratuity is any gift, perk, privilege, or item exceeding \$25.00 in value or any amount of currency.
- 11.7 REIMBURSEMENT OF EXPENSES: Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official Town business. Such reimbursement shall be made in accordance with current approved rates upon submission of a standard expense sheet, and signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between an employee's home and the town office. Requests for reimbursement of meals, parking fees, lodging, and registration fees must be accompanied by receipts of same whenever possible.
- 11.8 TOWN PROPERTY: Employees may not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities. Town-owned telephones may be used by any employee to make or take personal calls, provided that the calls are occasional and brief. Long distance telephone charges incurred for any personal call may not be charged to the Town.
- 11.9 OUTSIDE COMPENSATION: Any employees receiving payment for services from non-Town sources rendered during their normal workday and for which workday Town compensation was given, shall turn the entire amount of that compensation over to the Treasurer, Town of Bucksport. This provision does not apply to activities outside the workday, or during periods of vacation.
- 11.10 OUTSIDE EMPLOYMENT: A Town employee may engage in outside employment. However, no full-time or part-time employee may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment.
- 11.10.1 Employees must inform their department supervisor of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, the employee shall be notified in writing that the outside employment must be terminated.
- 11.10.2 Any employee who engages in employment outside their regular working hours shall be required to perform their regular duties first.

11.10.3 The Town shall in no respect be liable nor grant sick leave or disability leave in cases where an employee is injured, or contracts an occupational illness, or develops occupational disability while engaged in outside employment.

11.11 **POLITICAL ACTIVITY**: Full-time employees and their spouses 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. No employee may 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.

11.11.1 Section 11.11 is not to be construed to prevent any employee from beginning, or continuing to be members of any political organization, from attending political meetings, from expressing their views of political matters, or from voting with complete freedom in any local, state, or national election.

12 **Personnel Records**

12.1 Personnel records are maintained at the Bucksport Town Office for each employee of the Town. Any employee may review their files in the presence of the staff member with responsibility for the files, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. So as not to cause inconvenience, the employee must set up an appointment for such a review in advance.

12.2 Departments may create and maintain supplemental working personnel files for their convenience, but any records of a permanent nature should be included in the centralized Town Office files.

12.3 In each calendar year, the Town shall provide at no cost, one copy of the entire personnel file when requested in writing by the employee. A former employee is entitled to one copy of their personnel file at no cost.

12.4 Employee personnel files are considered confidential documents. Only those persons with the right to know, or the need to know, may have access to the personnel files.

13 **Employee Work Schedules**

13.1 The normal working days in the workweek are Monday through Friday. However, it is necessary, owing to the variations in the different services provided by the Town, that there be variations in the hours and days of work per week within different departments.

13.2 The hours of work, the starting and quitting time, and lunch periods will be established within each department with the Town Manager's approval. The hours of work, the starting and quitting time, or the lunch periods may be changed by mutual agreement of the Department Head and department employees, subject to approval by the Town Manager.

13.3 Salaried employees exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to do the work, and this requirement will be applied within reason.

- 13.4 Those employees not eligible for overtime under this section shall be identified in a master list maintained in the Town Manager's office.
- 13.5 It is the responsibility of each Department Head to insure that the department's work hours are adhered to by all employees.
- 13.6 Any time actually worked in excess of 40 hours per work week, except for exempt employees, shall be compensated for by overtime pay at a time and one-half rate. Sick leave, holiday leave, vacation leave, and other forms of paid leave shall not be counted as time worked.

14 **Employee Benefits**

- 14.1 **HOLIDAYS:** Full-time employees are granted the following holidays with pay:
- a. New Year's Day
 - b. Martin Luther King Jr. Day
 - c. Washington's Birthday (observed on Presidents' Day)
 - d. Patriots Day
 - e. Memorial Day
 - f. Juneteenth
 - g. Independence Day
 - h. Labor Day
 - i. Columbus Day
 - j. Veterans' Day
 - k. Thanksgiving (including the Friday after Thanksgiving)
 - l. Christmas
- 14.1.1 In order to be eligible for holiday pay, an employee must work the last scheduled work day prior to the holiday, and the next scheduled work day after the holiday, unless excused by the department's supervisor, or the employee is on an approved vacation or earned sick time.
- 14.1.2 Employees who work a five day work week (Monday – Friday): If a holiday falls on a Sunday, the holiday will be observed by the Town on the following Monday. If a holiday falls on a Saturday, the holiday will be observed by the Town on the preceding Friday. A Town Department with a normal work day on Saturday or Sunday shall observe a holiday falling on a Saturday or Sunday on the actual date of the holiday.
- 14.1.2.1 Employees who work a four day work week (Monday – Thursday): If a holiday falls on a Sunday, the holiday will be observed by the Town on the following Monday. If a holiday falls on a Friday, the holiday will be observed by the Town on the preceding Thursday. Holidays that fall on a Saturday will be given to the employees as an additional personal day. Employees will forfeit the Friday after Thanksgiving.
- 14.1.3 Full-time employees are also entitled to two personal days off with pay.
- 14.1.3.1 Personal days off cannot be carried forward into a new calendar year.
- 14.1.4 Part-time employees who work 20 or more hours per week are eligible to receive holidays with pay, provided that the holiday or the holiday's day of observance falls on the day that the employee was scheduled to work.

- 14.1.5 Temporary and on-call employees are not entitled to paid holidays. Contracted employees may be provided with paid holidays in accordance with the terms of their contract.
- 14.1.6 An employee that is on a leave of absence without pay, or that is under suspension, shall not be entitled to holiday pay for any holiday that may occur during the employee's leave or suspension.
- 14.1.7 Holiday pay is to be considered a normal day's wages.
- 14.2 VACATION: Full-time employees and part-time employees who work 20 or more hours per week shall earn annual vacation time with pay in accordance with the provisions of this section. Temporary and on-call employees are not entitled to vacation time with pay. Contracted employees may be provided with vacation time with pay in accordance with the terms of their contract.
- 14.2.1 Full-time and part-time employees shall earn a maximum amount of vacation days per calendar year based on their year of employment as follows:
- Year 1 through year 4: 2 weeks (80 hours)
 - Year 5 through year 9: 3 weeks (120 hours)
 - Year 10 through year 14: 4 weeks (160 hours)
 - Year 15 through year 19: 5 weeks (200 hours)
 - Year 20 and over: 6 weeks (240 hours)
- 14.2.2 Earned annual vacation days will be credited monthly to an employee's payroll records, and expressed as hours. The amount of hours credited shall be determined with the following formula: $[D \text{ times } H \text{ divided by } 12 = V]$ where D = the number of vacation days an employee is entitled to per year, H = the regular hours in a workday for the employee, 12 = the number of months per year, and V = the number of vacation hours earned per month.
- 14.2.2.1 If an employee's regular workday hours vary during the work week, the value H for the formula shall be the average of the total work week hours for the employee.
- 14.2.3 Earned annual vacation time may not accrue to more than 240 Hours. After the maximum vacation time has been accrued, the employee may not accrue any additional vacation time until a part of the maximum accrued time has been used. It will be the responsibility of every employee to be aware of their accumulated vacation time.
- 14.2.4 Requests for vacation must be made on properly executed vacation request forms and approved by the immediate supervisor and in accordance with operational needs. It is the responsibility of the supervisor to insure that the employee has adequate earned_vacation hours available to cover the vacation period requested. To maintain high levels of job performance, employees are encouraged to take vacation every year.
- 14.2.4.1 Once per fiscal year, on July 1st or December 1st, any employee with at least 40 hours of accumulated vacation time may elect to be compensated for 40 hours of vacation time in lieu of taking the vacation.

- 14.2.5 Vacation hours shall be deducted from an employee's payroll records after the vacation time is used. A vacation day deduction shall be equivalent to the regular hours in a work day for the employee, or the average of work hours as addressed in Section 14.2.2.1. A deduction of vacation time taken of less than one work day shall be the actual hours taken by the employee.
- 14.2.6 Vacation hours will not accrue under any of the following circumstances:
- a. An employee is on leave of absence without pay pursuant to Section 14.5.
 - b. An employee is under suspension without pay.
- 14.2.7 As a general rule, vacation may not be taken by any employee for more than 2 consecutive weeks. Vacation requests in excess of 2 weeks must be requested well in advance of the desired time and may be denied if such time off constitutes a hardship to the Town. The supervisor's determination as to scheduling of annual leave shall be final.
- 14.2.8 Accrued vacation time shall be paid to an employee upon separation after one year's employment or upon death with no minimum employment, to the employee's beneficiary. The payment will be made in one lump sum.
- 14.2.9 Any employee who separates from town service, and is subsequently rehired, shall be considered a new employee for the purposes of accruing and using vacation time.
- 14.2.10 No employee is eligible to take vacation leave with pay until completion of their first 6 months of employment. No employee may take any vacation leave that has not been earned or while the employee is under suspension or on leave of absence without pay.
- 14.3 SICK LEAVE: Full-time employees and part-time employees working at least 20 hours per week shall earn paid sick leave in accordance with the provisions of this section. No other employee is entitled to paid sick leave, except a contracted employee may be provided with paid sick leave in accordance with the terms of their contract.
- 14.3.1 Paid sick leave shall accrue at a rate of $1 \frac{1}{4}$ days per month. The sick leave will be credited to an employee's payroll records, and expressed as hours. The amount of hours credited shall be determined with the following formula: $[1.25 \text{ times } H = L]$ where 1.25 = the number of sick leave days an employee earns per month, H = the regular hours in a workday for the employee, and L = the number of sick leave hours earned per month.
- 14.3.1.1 If an employee's regular workday hours vary during the work week, the value H for the formula shall be the average of the total work week hours for the employee.
- 14.3.2 Paid sick leave may not accrue to more than 90 work days. After the maximum annual leave has been accrued, the employee may not accrue any additional leave until a part of the maximum accrued leave has been used. It will be the responsibility of every employee to be aware of their accumulated leave.
- 14.3.3 No employees shall be eligible for paid sick leave that has not been earned. Paid sick leave may not be used until an employee has completed their first 6 months of employment.

- 14.3.4 Sick leave will not accrue under any of the following circumstances:
- a. An employee is on leave of absence without pay pursuant to Section 14.5.
 - b. An employee is under suspension without pay.
- 14.3.5 Paid sick leave may only be used for the following purposes:
- a. Personal illness or physical incapacity that renders the employee unable to perform the work assigned to their position or other work in the department. Sick leave shall include only those instances when an employee is confined by illness or physical incapacity to their home, they are hospitalized, or there are other justifiable situations. Accrued sick leave may also be used during recovery from the birth of a child.
 - b. Attending to members of the employee's immediate family (spouse, children, step children) who are ill and require care by the employee. The Town Manager must approve the leave, the leave must meet the requirements of the Family Medical Leave, and a doctor's certificate must be provided. Sick leave for this purpose is not to exceed 40 hours per fiscal year.
 - c. Attending routine appointments that can only be scheduled during work times relating to an employee's personnel health care or preventive care such as doctors, dentists or other professional health providers, including travel time to and from appointments and any additional time off on the day of the appointment an employee may take.
- 14.3.5.1 An employee may use up to 3 days of accumulated sick leave for any personal reason, provided the following conditions are met:
- a. The employee used less than 6 days of sick leave in the prior fiscal year for any purpose identified in Section 14.3.5 (1-3).
 - b. The leave is used before the end of the current fiscal year.
 - c. The leave is used when it is convenient for the smooth operation of the department.
- 14.3.5.2 The actual time allowed to be used in accordance with this section shall be calculated as follows:

<u>Sick days used in the prior fiscal year</u>	<u>Personal days earned pursuant to this section</u>
0	3
1	2.5
2	2
3	1.5
4	1
5	.5
6	0

- 14.3.5.3 Sick leave used in accordance with Section 14.3.5.1 shall not be counted when determining sick days used in accordance with Section 14.3.5.2
- 14.3.5.4 The personal use of sick leave allowed in accordance with Section 14.3.5.1 may not be carried forward into the next fiscal year. Any unused time remaining at the end of the year shall be credited to the employee's accrued sick leave, provided that the maximum amount of accrued sick leave allowed is not exceeded. Any unused time that cannot be credited to an employee's accrued sick leave shall be forfeited.

- 14.3.6 The employee shall have the responsibility of notifying their immediate supervisor or Department Head promptly of any illness, disability, or medical appointment and shall keep their supervisor advised of the status of the illness, disability or medical appointment. Proof of illness or disability may be required at any time by the supervisor or Town Manager at the employee's cost. Falsification of such proof of sick leave may be justifiable cause for dismissal.
- 14.3.7 Sick leave granted shall be recorded biweekly on the payroll records of the Town. The supervisor shall review such leave records periodically and investigate any cases when questions of eligibility or abuse arise.
- 14.3.8 After any extended sick leave, it may be required by the supervisor that the absent employee obtain a physician's statement at the employee's own cost, stating that they are physically capable to return to normal duty. It shall be the responsibility of the Department Head to insure that this requirement is appropriately followed before the employee is allowed to return to their regular duties.
- 14.3.9 At the time of separation by the employee, accumulated sick leave shall be paid to the employee as follows:
- a. Year 1 through year 10: 10% of accumulated sick leave
 - b. Year 11 through year 20: 25% of accumulated sick leave
 - c. Year 21 and over: 40% of accumulated sick leave
- 14.3.9.1 No employee separating from their employment without good standing may be paid any accumulated sick leave.
- 14.4 FAMILY MEDICAL LEAVE: An employee who has been employed by the Town of Bucksport for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave, is entitled to a family medical leave of up to 12 weeks per fiscal year for the birth, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent. Serious illness means an accident or disease or condition that:
- a. Poses imminent danger of death;
 - b. Requires hospitalization involving an organ transplant, limb amputation, or other procedure of similar severity; or
 - c. Requires constant in-home care due to a mental or physical condition.
- 14.4.1 To be eligible for a family medical leave, the employee must give at least 30 days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Town Manager's office.
- 14.4.2 The Town may require certification from a physician to verify the amount of leave requested by the employee.

- 14.4.3 Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Bucksport will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave; said period not to exceed 12 weeks. The employee's share of medical insurance, life insurance, income protection, and retirement benefits will continue during the period of unpaid leave at the cost of the employee.
- 14.4.4 The employee may use accrued vacation and sick leave in accordance with the policies concerning such leaves, to cover their absences related to family medical leave; however, the total amount of family medical leave may not exceed 12 weeks per fiscal year of which no more than 40 hours per fiscal year may be used for a qualifying family member.
- 14.4.5 Vacation and sick leave shall accrue during a family medical leave period in accordance with the accrual limits established in this chapter.
- 14.4.6 Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave, or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, unless conditions unrelated to the employee's taking of a family medical leave prevent the restoration to the same or equivalent position.
- 14.4.7 An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, their termination date will be the last day they were entitled to group coverage.
- 14.4.8 An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Town Manager.
- 14.5 LEAVE OF ABSENCE: An employee of regular standing may be granted a leave of absence without pay by the Town Manager on recommendation of the Department Head, with such leave not to exceed one year in length. The granting of the leave shall protect the employee's existing continuous service for the leave period, but shall not count as service time for Maine State Retirement, nor shall vacation or sick leave accrue during the absence, nor will the employee receive pay for municipal holidays.
- 14.6 MILITARY LEAVE OF ABSENCE: A full-time employee or a part-time employee who work 20 or more hours per week that is called to duty by any branch of the United States Military, shall be granted a military leave of absence upon presentation of a copy of official orders. Such leave may be with pay up to 2 workweeks in any calendar year. Leave granted under this section shall not be charged against the employee's accumulated annual leave.
- 14.6.1 To be eligible for 2 weeks paid leave, the employee shall reimburse the Town in an amount up to the total amount of compensation received by the employee from the military during such paid leave up to the amount of pay received from the Town. Any additional leave shall be without pay.
- 14.6.2 All employees who take leave in accordance with this section shall notify their Department Head or supervisor within 48 hours after being notified by the appropriate authority as to the dates they will be absent from their employment.

- 14.6.3 Military leave and rights of re-employment after such leave are available to employees in accordance with applicable Federal and State law. Any person eligible for re-employment under such law shall be restored with no loss of seniority.
- 14.7 JURY DUTY: A leave of absence with pay shall be granted to regular employees required to perform jury duty. Such leave of absence shall not be charged against the employee's accumulated annual leave.
- 14.7.1 The Town shall pay the difference between the total compensation received from the Court for the jury duty and the employee's regular rate of pay.
- 14.7.2 Employees required to report for jury duty shall inform their supervisor as soon as possible of any notice to report or subsequent obligations. Further, if not required by the Court for jury duty, the employee shall immediately return to their place of work with the town.
- 14.8 BEREAVEMENT: Special leave with pay shall be granted to regular employees for up to 3 days for absence caused by the death of a member of the immediate family. "Immediate family" means parents, spouse, brother, sister, child, stepchild, grandmother, grandfather, mother-in-law, grandchild, and father-in-law. Special exceptions to this rule may be made by the Town Manager.
- 14.9 CONSUMPTION OF LEAVE: When all leave, including sick and vacation leave, has been utilized by an employee, salary payments to the employee shall cease immediately, unless the employee has returned to work. The Town will no longer pay any amount toward life and medical insurance. The employee will then have the opportunity to continue the benefits by paying the cost themselves.
- 14.9.1 No employee may be paid for more than one type of paid leave on any day.
- 14.10 HEALTH INSURANCE: The Town offers group hospital, surgical, and medical benefits to full-time employees, their spouses and their eligible dependents. Employees should consult their health insurance booklets for details on their chosen plan. The town and the employees share in the cost of the premium with the employee's share being contributed through payroll deduction. The cost-sharing levels for plans offered by the Town shall be determined on an annual basis by the Town Council.
- 14.10.1 Town participation in the cost of coverage begins the first full month following the employee's date of hire. Coverage by the health insurance plan is not automatic and employees must initiate a request for benefits according to their eligibility in order to obtain coverage.
- 14.10.2 A spouse who is provided with health insurance coverage from their employer that is comparable with health insurance offered by the Town may not be enrolled in a health insurance plan from the Town, unless the premium for the spouse's insurance is 30% higher than the premium for comparable coverage by the Town.
- 14.10.2.1 The Town shall not pay any portion of the premium for health insurance provided to the spouse by their employer.

- 14.10.2.2 A spouse who is enrolled in a Town health insurance plan shall be allowed to remain enrolled regardless of enrollment opportunities that may become available to the spouse from health insurance plans offered by their employer.
- 14.10.3 Beginning July 1, 2022, employees will pay 50% of the % increase in insurance rates as a % added to current health care deductions.
- 14.11 LIFE INSURANCE: The Town will provide full-time employees with Basic, Supplemental and/or Dependent Life Insurance through Maine State Retirement System.
- 14.11.1 The Town of Bucksport will provide a premium conversion cafeteria plan for eligible full-time employees. Only employee benefit account dollars are provided for under this plan. Employees must elect to participate on an annual basis.
- 14.12 WORKERS' COMPENSATION: Workers' Compensation benefits are governed by State Law as supplemented herein. Such benefits may be provided when an employee has sustained a job-related injury or illness.
- 14.12.1 All job-related injuries and illnesses shall be immediately reported to the employee's supervisor who, with the employee's assistance, shall submit the first report of injury.
- 14.12.2 Supervisors are responsible for reporting an injury within 24 hours of its occurrence, or their knowledge of the occurrence, regardless of the timing of the employee's first written report.
- 14.12.3 Full-time employees are eligible to receive an amount equal to but not more than their regular net pay and benefits for a period not to exceed 8 weeks of normal work time. If Workers' Compensation coverage continues after this period, then the employee shall receive pay in accordance with State Law and may receive benefits as may be otherwise described in this chapter.
- 14.12.4 After one year of absence from the date of initial work related injury, the employee shall be examined by a physician mutually acceptable to the Town and to the employee for the purpose of determining if the employee will regain the ability to perform the normal duties of the position for which he/she was hired. If the physician determines that the employee will not be able to return to their normal duties, the Town shall have the right to evaluate or determine the employee's employment status.
- 14.13 UNEMPLOYMENT COMPENSATION: Unemployment compensation benefits are governed by State Law. The Town contributes these benefits to employees in accordance with the Unemployment Compensation Insurance laws.
- 14.14 RETIREMENT: The following retirement plans are available as follows:
- a. The Town is a participating member of the Social Security Retirement System. Any person who becomes an employee of the Town must participate as a condition of employment.
 - b. The Town is a participating member of the Consolidated Maine State Retirement Program. Only full-time and part-time employees may participate in the plan. Employees who elect to participate will be required to contribute the employee share as set by the system.

- c. The Town is a participating member of the International City Management Association-Retirement Corporation (ICMA-RC a Section 457 deferred compensation plan). Participation in this plan is voluntary and may allow qualifying employees the option of deferring a portion of their salary to be invested by the plan administrators, which will be paid back to the employee at a future date.

14.15 DISABILITY INSURANCE: The Town offers disability insurance coverage to full-time employees. The cost of this insurance shall be borne by the employer. Employees whose premiums are paid by the employer cannot exceed the regular week's pay for any combination of sick leave pay and/or income protection.

14.16 LONGEVITY PAY INCREASES: Longevity pay is a salary increase for years of service as an employee of the town. Longevity pay increases are separate from and in addition to cost of living increases and or merit increases. Non-Union employees who maintain a satisfactory job performance, shall be entitled to an increase in pay at the following service dates:

- 6 Months
- 1 Year
- 2 Years
- 4 Years
- 6 Years
- 8 Years
- 10 Years
- 15 Years
- 20 Years

Percentage rate of increases shall be based on the average of union contract longevity increases for Police, Fire/EMS, and Public Works. The increased pay rate shall take effect immediately following the employee's anniversary date.

15 **Employee Disciplinary Procedures**

15.1 Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct at any time fails to meet the minimum requirements of the job, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action.

15.2 Disciplinary action shall consist of the following steps:
Step 1. Verbal warning
Step 2. Written warning
Step 3. Suspension up to 10 days or delaying or denying a pay increase
Step 4. Termination of employment

15.3 Suspension or termination shall only be done with the prior knowledge of the Town Manager. Notice of such action shall be given in writing to the employee, with a copy to the Town Manager. The notice shall specify the action taken, the reason therefore, and the extent and duration of the penalty. This notice shall be given to the employee at the time of the disciplinary action.

15.4 Notwithstanding the disciplinary procedures identified in this section, any employee that has been charged with a criminal act may be immediately suspended by the Town.

16 **Employee Grievance Procedures (Non-ADA)**

- 16.1 Any employee may initiate a grievance in accordance with the procedures outlined in this section.
- 16.2 For the purposes of this section, the term "grievance" means any dispute between an employee and management concerning the effect, interpretation, application, or claim of breach of violation of this chapter.
- 16.3 Excluded from consideration of grievance are those matters pertaining to hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal a performance evaluation.
- 16.4 Every attempt shall be made to resolve any dispute as soon as possible to the satisfaction of all parties.
- 16.5 Steps in the grievance procedure shall be as follows:
- a. An attempt should be made for an oral agreement between the individual and their supervisor or Department Head.
 - b. If an oral agreement is not reached, the aggrieved may within 5 working days after knowledge of the grievance file a written complaint to the supervisor or Department Head. The Department Head or supervisor is required to make a determination of the merits of the complaints and give a written reply within 3 working days after receiving the grievance.
 - c. If the individual is dissatisfied with the Department Head or supervisor's written decision, the aggrieved may within 10 working days after the decision was rendered, make a formal written appeal to the Town Manager.
- 16.6 In the case that the Town Manager has rendered the decision as outlined by item b of Section 16.5, the Town Council shall, upon receipt of the written appeal, return a formal written decision within 5 working days. In all cases the decision of the Town Manager, or when applicable, the Town Council will be final and binding.

17 **Employee Grievance Procedures (ADA)**

- 17.1 The following grievance procedures are established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, and benefits by the Town of Bucksport.
- 17.2 The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- 17.3 The complaint must be submitted by the grievant and/or their designee to the Bucksport Town Manager, who serves as the Town's ADA Coordinator. The complaint must be submitted as soon as possible, but no later than 60 calendar days after the alleged violation.

- 17.4 Within 15 calendar days after receipt of the complaint, the Town Manager will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Manager will respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Bucksport and offer options for substantive resolution of the complaint.
- 17.5 If the response by the Town Manager does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision of the ADA Coordinator to the Town Council or their designee within 15 calendar days after receipt of the response.
- 17.6 Within 15 calendar days after receipt of the appeal, the Town Council or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, such as audio tape, with a final resolution of the complaint.
- 17.7 All complaints received by the Town Manager, appeals to the Town Council or their designee, and responses from the ADA Coordinator and Town Council or their designee will be kept by the Town of Bucksport for at least 3 years.

18 **Harassment Policy**

- 18.1 It is the policy of the Town of Bucksport that all our employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. This policy refers not only to supervisor-subordinate actions, but also to actions between co-workers. Any complaints of harassment will be investigated promptly.
- 18.2 Sexual harassment is the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors. Sexual harassment can also be conducted which creates a hostile or offensive work environment, or unreasonably interferes with a person's ability to perform their job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person, and in any form.
- 18.3 Specific conduct which is prohibited includes, but is not limited to:
- a. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties, or any other condition of employment;
 - b. Unwelcome sexual flirtations, advances or propositions;
 - c. Verbal or written abuse of a sexual nature;
 - d. Graphic verbal comments about an individual's body;
 - e. Sexually degrading words used to describe an individual; or
 - f. The display in the workplace of sexually suggestive objects or pictures.

- 18.4 Verbal Harassment is derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic materials having such an effect. Verbal harassment is an extremely serious matter. It is prohibited in the workplace by any person, and in any form. Any employee who believes they have been the subject of such harassment should report the alleged conduct to their Department Head or the Town Manager. Any Department Head or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.
- 18.5 The employer will provide, annually, a copy of the Town's policy regarding harassment to all employees, provide training to all new employees on harassment before their first anniversary of employment, and provide training to all supervisors on their responsibility to take immediate and corrective action in addressing sexual harassment complaints.
- 18.6 Under the law, an employee may not be punished or penalized in any way for reporting, complaining about, or filing a claim concerning unlawful harassment, regardless of the nature or category, or for cooperating with or testifying in any proceeding brought by anyone else. An employee who believes they have been retaliated against for opposing or reporting what they reasonably believe to be unlawful harassment, or for cooperating in any harassment investigation, may follow the same Internal Complaint Procedure set forth below. The Town will not tolerate any act of unlawful retaliation against employees who have reported, complained about, or filed a complaint of unlawful harassment.
- 18.7 Any employee who believes they have been the subject of harassment should report all alleged acts to their Department Head or the Town Manager. Any Department Head or employee who is found after appropriate investigation to have engaged in harassment will be subject to discipline, up to and including discharge. An employee may also file a complaint with the Maine Human Rights Commission. The commission may be contacted at 51 State House Station, Augusta, Maine 04333-0051. The contact phone number and website address for the Commission may be referenced from notices that are posted on the employee bulletin boards located at the Bucksport Public Safety Building, Bucksport Town Office, Bucksport Town Garage, Bucksport Wastewater Facility, and Bucksport Transfer Station.

19 **Workplace Smoking Policy**

- 19.1 To protect non-smoking employees from exposure in the workplace to tobacco smoke and other types of smoke or vapors intended to be inhaled, employees that smoke shall be subject to the following restrictions:
- a. Smoking is prohibited in any municipal building.
 - b. Smoking is prohibited in any municipal vehicle.
 - c. Smoking is prohibited during an employee's work day, except when the employee is on an approved work break.
 - d. Smoking is prohibited on any municipal property, except inside an employee's personal vehicle that is parked no closer than 20 feet from an entryway, door, window or vent of a municipal building.
- 19.2 All cigarettes, tobacco, matches and other materials used for smoking must be extinguished and properly disposed of.
- 19.3 The Town Council may also prohibit smoking by the public on any municipal property. Signage shall be posted in those areas where smoking is prohibited.

19.4 For the purposes of this section, the terms “smoke” and “smoking” shall mean the possession of any ignited tobacco, marijuana or herb, an activated electronic cigarette, or any other product producing vapor or smoke intended to be inhaled.

19.5 For the purposes of this section, the term “municipal property” does not include any town street or road.

20 **Alcohol and Drug Abuse Policy**

20.1 In the interest of maximizing employee performance, productivity, utilization, and retention, it is the policy of the Town to recognize alcohol and drug abuse as a treatable disease. Alcohol or drug abuse is defined as the consumption of alcohol or drugs in a manner that interferes with an employee’s ability to perform their job. The Town will therefore maintain a continuing effort to identify and facilitate treatment of drug and alcohol abuse in dealing with employee performance problems. It is not the intent of the Town to accept below standard performance nor to restrict supervisors in dealing with performance problems, but rather to increase available alternatives.

20.2 Supervisors shall receive instructional materials on the identification of alcohol and drug abuse problems. If a supervisor has cause to believe that employee performance is deteriorating due to alcohol and drug abuse, the supervisor will suggest professional diagnosis and treatment as part of any disciplinary action that may be required. If the suggestion is accepted, then the supervisor will attempt to accommodate such diagnosis and any subsequent treatment. This may involve providing a list of treatment resources, informing the employee of benefits available through the Town’s Health Plan, and making reasonable accommodation to the employee’s work duties and schedule, which may include the use of sick leave or personal leave of absence. An employee who has undergone or is undergoing treatment may return to work after providing professional certification of his ability to do so. All relevant personnel records and discussions will be kept in the strictest confidence. If the employee chooses not to accept professional diagnosis or assistance, the supervisor shall take any appropriate action in accordance with the provisions of this chapter.

20.3 This policy shall be superseded by any applicable Federal law, State statute, Municipal ordinance, and any collective bargaining agreements that may exist. The Bucksport Town Council does pledge to work toward incorporating provisions of this policy into the 3 latter categories.

20.4 At no time shall the safety of fellow workers or citizens or the efficiency of municipal operations be compromised by the policy.

21 **Video Display Terminal Operator Policy**

21.1 In accordance with State law, the Town will inform all employees whose primary task is to operate a terminal for more than 4 consecutive hours, exclusive of breaks, on a daily basis, of health and safety aspects of using a video display terminal (VDT). A notice will be posted in a prominent location in the workplace which informs the employee of the rights and duties for a qualified employee.

- 21.2 A training and education program will be established by the Town for qualified employees. The program will be provided annually both orally and in writing, except in locations where there are fewer than 5 terminals the information will be given to qualified employees in writing. New qualified employees will receive the training within the first month of employment.
- 21.3 The training at minimum will include:
- a. An explanation or description of the proper use of terminals and the protective measures that the operator may take to avoid or minimize symptoms or conditions that may result from extended or improper use of terminals; and
 - b. Instruction related to the importance of maintaining proper posture during terminal operation and a description of methods to achieve and maintain this posture, including the use of any adjustable work station equipment used by the operator.
- 22 Electronic Communication Policy**
- 22.1 The Town of Bucksport (“the Town”), in an age of growing technology and electronic communication, is implementing a policy to clearly define expectations and responsibilities that apply to all employees, contractors, part-time employees, volunteers and other individuals who are provided access to the e-mail system. Third parties will only be provided access to the e-mail system as necessary for their business purpose with the Town, and only if they abide by all applicable rules.
- 22.2 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.
- 22.3 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.
- 22.4 Under certain circumstances, e-mail messages have been found to be public record and may be subject to right-to-know laws, depending on their content.
- 22.5 While users 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 e-mail is the property right of the user.
- 22.6 The use of the e-mail system is for Town business. Passwords should be periodically changed to ensure security of the System. Users should not share passwords with anyone else, other than his or her supervisor or as applicable state and federal laws may require. A computer user who has been authorized to use a password-protected account may be subject to civil and criminal liability if the user discloses their password or otherwise makes the account available to others without express permission of the Town Manager.
- 22.7 Users may not utilize 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.
- 22.8 All users are prohibited from utilizing any part of the System to harass others, or to download, obtain, display, store, receive or transmit any information that:
- a. Is sexually explicit, obscene, or of a sexual nature;

- b. Contains libelous or defamatory material;
- c. Would not be permitted on any bulletin located on Town property;
- d. Contains ethnic, racial or religious slurs, or 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
- e. Is derogatory of fellow users (except as may be required as part of the Town's business activities).

- 22.9 The System may not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations.
- 22.10 Except as otherwise provided below, the System may not be used for any purpose that is not related to Town business.
- 22.11 E-mail is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional use of e-mail with permissible content for personal matters is not prohibited, but is discouraged.
- 22.11.1 Emails in the possession of employees and appointed or elected officials that concern the transaction of town business are public records and must be retained according to state retention schedules in either electronic form or a printed copy.
- 22.11.2 E-mails that are deleted from an employee's computer remain in the town's back-up system until removed in accordance with a routine schedule. E-mails stored in an employee's E-mail in-box or other folder on their computer remains there until removed at the appropriate time.
- 22.12 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.
- 22.13 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 the Town Manager is prohibited.
- 22.14 The workplace activities of System users reflect upon, and may create liability for, the Town. The Town may take disciplinary action, up to and including termination of employment, against a user who violates the terms of this policy as those terms may be changed and/or supplemented from time to time by the Town.
- 22.15 The Town Manager will be responsible for overseeing the implementation of this policy and the accompanying rules, and for advising the Town Council of the need for any future amendments or revisions to the policy. The Town Manager may develop procedures governing the day-to-day management and operations of the Town's System as long as they are consistent with the Council's policy. The Town Manager may delegate specific responsibilities to others as deemed appropriate.

- 22.16 For the purposes of this section, the following definitions are provided:
- a. 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.
 - b. Electronic Communication means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon, and part of the System, including, but not limited to e-mail, voicemail, and internet usage.

23 **Emergency Response Plan**

- 23.1 The purpose of this plan is to outline the procedures employees must follow should an emergency occur within any facility owned by the Town.
- 23.2 If any emergency should occur at any town owned facilities, such emergencies including fire, explosion, gas leak, and smoke, employees are required to leave the building immediately and organize in a designated parking lot that serves that building. Employees will exit the building using the closest exit within the building. No employee will stay behind to perform any shut down before evacuation.
- 23.3 The supervisor in charge within the facility at the time of the emergency, will account for all employees after the emergency evacuation has been completed. The supervisor will then assign one of the employees to contact emergency personnel at 911 from the nearest phone outside the facility. The Town Manager will be notified as soon as all employees have been evacuated and emergency personnel have been contacted.
- 23.4 All employees will receive a copy of the Emergency Response Plan once adopted. New employees will receive a copy of the plan during their first day of employment. Department Heads or facility supervisors will be responsible to review the plan with all employees on an annual basis or upon any change with the plan.
- 23.5 Floor plans will be posted in a visible location next to each exit in each building where employee are required to work. The plans will identify the exits and the area where employees will be required to assemble in case of an emergency. Buildings where floor plans will be posted include the Town Office, Transfer Station, Public Safety Building, Town Garage, Swimming Pool Bath House, and Treatment Plant.

24 **Workplace Safety Programs, Plans and Policies**

- 24.1 The Town Manager is responsible for the development, organization, coordination and implementation of the Town's safety program. Responsibilities also include work site inspections, hazard reduction and/or elimination, and accident/injury investigation, reporting and management. The Town Manager will advise Department Heads of unsafe conditions, problems related to accident prevention and recommendations for loss control.
- 24.2 Department Heads are responsible for the health and welfare of each employee in the department. In the adopted safety program, the highest priority is placed on employee safety. It is normal practice for Assistants or Foremen to be delegated the authority to carry out safety policies in their departments, but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.

Department Heads or Assistants or Foremen will assume responsibility of thoroughly instructing their personnel in the safe practice to be observed in their work situation. They will consistently enforce safety standards and will act positively to eliminate potential hazards within the activities under their jurisdiction and they will set the example of good safety practice in all shares of their endeavors.

- 24.3 The principle duty of Department Heads and Assistants or Foremen is in discharging their responsibilities as follows:
- a. Enforcing all safety regulations in effect and make employees aware that violations of safety rules will not be tolerated.
 - b. Making sure all injuries are reported promptly and treated properly and all accidents are reported even if an injury is not apparent.
 - c. Conducting thorough investigations of all accidents and taking necessary steps to prevent reoccurrence through employee safety education, operating procedures or modification of equipment.
 - d. Providing employees with complete safety instructions regarding their duties prior to the employees actually starting to work.
 - e. Conducting regular safety checks, including a careful examination of all new and relocated equipment before it is placed in operation.
 - f. Properly maintaining equipment and issuing instructions for the elimination of fire and safety hazards.
 - g. Continuously inspecting for unsafe practices and conditions and promptly undertaking any necessary corrective action.
 - h. Developing and administering an effective program of good housekeeping and maintaining high standards of personal and operational cleanliness throughout all operations.
 - i. Providing safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendation of the Town Manager, Safety Committee or outside sources.
 - j. Conducting safety meetings and encouraging the use of employee safety suggestions.
 - k. Giving full support to all safety procedures, activities, and programs.
- 24.4 Employees are expected to place safe work practices and the identification of unsafe conditions as the highest priority while performing assigned daily tasks. Each employee's safety responsibilities must include but are not limited to the following:
- a. Following State, Federal and Municipal safety rules, regulations and laws.
 - b. Using the safety equipment which has been provided for use in performing daily work assignments.
 - c. Wearing the prescribed uniform and safety shoes as required.
 - d. Not operating equipment for which training or orientation has not been received.
 - e. Warning coworkers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
 - f. Reporting defective equipment immediately to Department Heads or Assigned Assistants or Foremen.
 - g. Reporting dangerous or unsafe conditions that exist in the workplace as well as throughout the Municipality. These would include defective sidewalks, broken curbs, hanging tree limbs, open manholes, sunken basins and sewers; missing or damaged traffic signs.
 - h. Reporting of all injuries and accidents regardless of severity.

- i. Protection of unsafe conditions resulting from work conducted by the Town that could present a hazard to the public.
- j. Taking care not to abuse tools and equipment so that those items will be in usable condition for as long as possible as well as to ensure that they are in the best possible condition while being used.

24.5 TRAINING: Each Department Head has the responsibility of providing on-the-job training to each employee on the topics that will enable the employee to do their job safely and efficiently. The training shall include but is not limited to:

- a. Orientation to departmental and overall municipal safety and health rules.
- b. Instruction in State and Federal safety regulations specific to particular tasks.
- c. Procedures for reporting on the job injuries and Worker's Compensation claims.
- d. Requirements for use of vehicles.
- e. Reporting of unsafe conditions.
- f. Reviewing Hazardous Chemical Ordinance and procedures.

24.6 ACCIDENT, INJURY AND INCIDENT REPORTING: In the event of accident or injury to a municipal employee, injury to a citizen by municipal operations, or damages to property related to municipal operations, the Town Manager and Department Head must be notified immediately. This includes any fatalities occurring on municipal property whether an employee or not. The Department Head is responsible for proper handling of the details of such cases. This requires those involved to remain calm and in control of the situation, to make the necessary request for emergency assistance and to collect vital information so that effective case management can take place. The home and work phone number of the Town Manager will be available for all Department Heads or Assistants. The home phone number of the Department Head will also be available to all employees of the Department. There should be no hesitation or reluctance in calling for information or to report an unusual or serious circumstance.

24.7 ON THE JOB INJURY REPORTING PROCEDURES: The following procedures apply to all employees, both full and part time. In addition to these procedures, department rules may apply. Whenever questions arise which are not covered by the outlined procedures, these questions should be referred to the Town Manager.

- a. The employee must report an injury to the Department Head or the Assistant or Foreman immediately. If the injury is serious or the extent of injury is unknown, medical attention should be sought immediately.
- b. Employees Report of Injury or Illness must be submitted within 24 hours after the occurrence to the Payroll Clerk.
- c. In addition to the first report of injury, an accident investigation report must be completed and signed by the Department Head. The Town Manager must receive a copy within 24 hours after the incident occurred. Investigation reports will be discussed by the Safety Committee.

24.8 PURCHASING PROCEDURES AND SAFETY: The Department Head must make sure that equipment commodities and services that are purchased for use by municipal employees conform to industry standards as well as Federal and State safety manufacturing requirements.

- 24.9 DRIVING RULES AND REGULATIONS: All drivers of municipal vehicles and those using their personal vehicles in pursuit of municipal business will comply with all applicable laws of the State as well as any additional regulations of the municipality. The Town Manager's office will be responsible for checking annually all driver records for employees who operate town owned vehicles or equipment or who use their personal vehicles for town business.
- a. Municipal vehicles are to be parked in accordance with all municipal parking regulations with the exception of emergencies.
 - b. No municipal vehicle is to be left unattended with ignition key left in the ignition.
 - c. All municipal vehicles should be locked when not in use.
 - d. Before initial use of any vehicle each day, the driver will inspect the vehicle for damage, inoperable lights, loose hardware, under-inflated tires, or any other condition which may create an unsafe situation.
 - e. Any deficiency encountered will be reported to the Department Head or designated supervisor immediately. It will be the Department Head's or assigned supervisor's responsibility to insure that appropriate action is taken to correct the problem.
 - f. Safety belts will be worn at all times by drivers and passengers, for all equipment and vehicles equipped with safety belts.
 - g. Vehicles with movable windshields are to have these windshields in the up position while in operation.
 - h. Protective or detachable doors may not be removed from a vehicle unless it is a necessity in order to perform the job and mirrors remain usable when the doors are off. Similarly, vehicle doors are not to be tied open.
 - i. Turn signals will be utilized by all drivers at all times in ample time to warn oncoming or following vehicles of the intent.
 - j. Drivers will insure that the windows, headlights, emergency lights, taillights and windshield wipers are clean and operational at all times.
 - k. If the vehicle does not have a tailgate but is loaded, the driver of the vehicle will insure that the load is secure on the truck, and that overhangs are properly marked in accordance with applicable State Laws.
 - l. Triangular orange-colored slow moving vehicle signs will be displayed on the rear of the vehicle.
 - m. No vehicle with an obstructed view to the rear will be backed unless an observer signals that it is safe to do so or the vehicle has a reverse signal and audible alarm which can be heard above the surrounding noise level. All trucks, and equipment will be equipped with audible backup alarms. Employees shall not switch off, remove or render inoperable any audible or visual safety devise. Drivers will visually inspect the area around a parked vehicle before moving the vehicle.
 - n. No private vehicle will be towed or pushed at any time by any town vehicle or equipment.
 - o. The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Passengers will not ride on a vehicle unless a seat is provided by the manufacturer. Under no circumstances shall passengers ride on fenders, running boards, tops of vehicles, or any place not designed for passengers.
 - p. Drivers will carry their valid State driver's license at all times when operating motor vehicles. All restrictions noted on the driver's license will be adhered to. No employee will be allowed to operate a vehicle which they are not licensed to operate.
 - q. Each employee who operates a vehicle regularly or occasionally is required to report any suspension or revocation of ~~his or her~~ their license to the Department Head.
 - r. Posted speed limits will be strictly adhered to.

- s. During periods of limited visibility or any time windshield wipers are in use, vehicle headlights will be turned on.
- t. The consumption, use and/or possession of alcoholic beverages or illegal drugs on Town property or while on duty is strictly forbidden. Employees shall not report to work while under the influence of alcohol or drugs.
- u. Trailers are to be fastened securely to hitches. Safety chains will be crossed under the hitch and securely fastened before moving the vehicle.
- v. All items to be transported either in a truck or trailer which may move around during transport will be secured.
- w. No more than 3 persons will ride in the front seat of any vehicle. Where only 2 single seats exist there is to be only one rider per seat.
- x. An employee who uses a personal or town owned vehicle or equipment is prohibited from using a cellular phone, hands on, while driving or operating on duty unless the vehicle or equipment is stationary. A cellular phone is any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet or downloads and allows for the reading of and responding to email whether the device is town supplied or personally owned.

24.10 FIRE EXTINGUISHERS: All fire extinguishers located within town owned buildings, working equipment or vehicles shall be visually inspected each month by one or more employee that has been designated to conduct these inspections. In case of a working vehicle or equipment, the primary driver or operator will be responsible to complete the monthly visual inspection.

24.10.1 The monthly visual inspection will determine whether the fire extinguishers have been damaged or discharged. Such inspection will be noted on a tag attached to the extinguisher.

24.10.2 Yearly inspections of fire extinguishers will be completed by the Fire Chief or designee. Tags attached to each fire extinguisher will identify the name of the person from the Fire Department who conducted the test and the date of inspection.

24.10.3 Employees who might be expected to use a fire extinguisher include all permanent employees at the wastewater treatment facility, recreation department buildings, transfer station, highway department, police officers and firemen. Employees will be provided with an educational program to familiarize the employee with the general principles of fire extinguishers use and the hazards involved in incipient stage fire- fighting. The training will be provided annually thereafter. The Fire Chief or designee will be responsible for providing such training.

24.11 Department Heads shall ensure their departments are in compliance with the applicable requirements of Section 24 and all applicable State and Federal safety regulations, including but not limited to:

- a. Hazard Communication
- b. Control of Hazardous Energy Lockout/Tagout
- c. Confined Spaces
- d. Operations in a Public Way
- e. Personal Safety Protection
- f. Equipment Operation Procedures
- g. Facilities Maintenance
- h. Blood Borne Pathogen Exposure Control

- i. Alcohol and Drug Policy and Testing Procedures for the Omnibus Transportation Employee Testing Act of 1991
- j. Identity Theft Prevention

25 **Complaints from the Public**

- 25.1 Any complaints from the public involving an employee which may result in disciplinary action, shall be in writing and signed by the complainant, a copy of which the Town Manager shall make available to the employee involved within three (3) days of receipt. The Town Manager shall meet with the employee and the complainant separately, investigate the complaint, and render a written decision within ten (10) working days. A meeting may be held by the Town Manager, the Department Head, the employee and the complainant if, in the opinion of the Town Manager, such a meeting could assist with the resolution of the complaint,
- 25.2 Whenever an employee is called in by a supervisor for questioning as a result of a complaint under Section 25.1 under circumstances where discipline other than verbal reprimand appears to be a possible result, the employee shall be entitled to be accompanied by a representative at all stages of questioning.

Chapter 2 Personnel Rules & Regulations was first adopted on December 14, 1972.

August 31, 2017- Ordinance adopted for the purpose of changing the name of the chapter to clarify its purpose; reformatting the chapter, improving syntax; removing several outdated workplace safety regulations; clarifying employment classifications and benefits, updating the workplace smoking policy; and removing benefit conflicts with union contract provisions.

Amended as follows:

1-11-2018- Section 14.10 Health Insurance to clarify spouse and dependent coverage

10-11-2018 Section 11.11 to clarify the eligibility of full-time employees and their spouses to serve in a town elected office.

07-28-2022 Revised Section 14.1 Added Patriots day and Juneteenth as observed holidays.

Revised Section 14.1.2 Applies to employees working a five day work week.

Added Section 14.1.2.1 Holidays observed using a four day work week.

Revised Section 14.2.1 Earned vacation schedule.

Revised Section 14.2.3 Allowing 240 hours, vs the previous 200 hours.

Added Section 14.10.3 Percentage of cost increases funded by employees

Added Section 14.16 Longevity Pay Increases.

Added Section 25 Complaints from the public.

11-27-2023 Revised formatting for consistency throughout all chapters.