



# Human Resources Policies & Procedures

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## **Town of York Human Resources Policies and Procedures**

### **PREAMBLE**

#### **Welcome**

Welcome to public service with the Town of York. You have been selected to work with the Town as a result of your knowledge, experience and training in your chosen field. You are joining other dedicated employees who are providing consistently high levels of service to York residents and taxpayers. It is critical to remember that with our mission of service to the public, we must continually strive for the highest levels of effort, performance and conduct.

Town employees form the core of the organization and are its most important resources. Accordingly, the Personnel Rules and Regulations have been prepared and provided to guide you and your fellow employees in your daily activities, including your responsibilities, rights and benefits as a Town of York employee. Your careful attention to this document will help to provide you with a rewarding and satisfying career in Town service.

#### **Purpose**

The purpose of the Rules and Regulations is to establish and set forth a uniform and equitable system of personnel administration governing employment with the Town of York. These Rules and Regulations apply to all non-bargaining employment positions not covered by collective bargaining agreements. This policy will supersede any previously existing personnel policy and will be reviewed every three (3) years.

#### **Disclaimer**

This policy sets forth some of the general procedures and policies currently in effect at the Town of York. Personnel policies and benefits by their nature are constantly under review as they are affected by changes in applicable law, regulations, economic conditions, and the way the Town does business. The Town therefore reserves the right to change provisions of this manual without notice when it deems the change to be in the best interest of the Town and its personnel. Neither this policy nor any of its provisions are intended to be part of a contract between the Town and any employee. If there is a question about a policy or procedure, please check with the Human Resources Director to confirm the Town policy in a particular situation.

### **GENERAL PROVISIONS**

#### **APPLICATION OF RULES AND REGULATIONS**

The Town's workforce consists of both non-union employees and employees organized into collective bargaining units under Maine State Law. The General Provisions Rules govern the relationship between the Town and its employees. The Conditions of Employment outlines the benefits and policies between the Town and non-union employees. Standardized forms, definition of terms and procedures, as well as certain legal mandates such as equal employment opportunity, Workers' Compensation, Unemployment Compensation, and safety requirements, among other provisions contained herein, are intended to apply to all employees, unless inconsistent with a collective bargaining agreement.

## **GOAL OF PERSONNEL MANAGEMENT**

The goal of personnel management in the Town of York is to:

- A. Provide effectiveness, economy, and productivity in delivering services to the Citizens of York;
- B. Encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills;
- C. Provide reasonable assurances that the duties and responsibilities of employees and the Town alike are respected;
- D. Afford fair and lawful treatment to all individuals desiring to enter Town service and to provide opportunity for advancement in Town service on the basis of skill, effort and performance, as determined through competitive process;
- E. Provide that employees receive nondiscriminatory treatment in all personnel processes;
- F. Expect that employees shall use their best efforts to fulfill their obligations to the Town and its citizens.

## **NON-DISCRIMINATION**

The Town shall administer and implement these Rules and Regulations in a manner that shall not discriminate unlawfully against any person because of race, color, sex, marital status, physical or mental disability, religion, age, ancestry, national origin, sexual orientation, genetic history and information, or any other basis protected by statute.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

The Town of York is committed to compliance with the ADA and any other applicable Federal, State or local laws, which prohibit disability discrimination. An employee entitled to the protections of the ADA may request a reasonable accommodation of the Town of York to enable the employee to perform the essential functions of thier job. Requests for reasonable accommodations should be addressed to the Human Resources Director or the Town Manager. All medical information and records concerning an employee's disability are considered confidential.

## **EMPLOYEE RECOMMENDATIONS**

Suggestions for procedural modifications are encouraged. Employees are encouraged to submit written recommendations to the Employee Representative Group who will review and offer comments to the Town Manager for further evaluation and action as appropriate.

## **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

The Town of York does comply with the Equal Employment Opportunity Act and the Affirmative Action plan as voluntarily adopted by the Town of York.

## **RESIDENCY REQUIREMENT**

The Town Manager may require that new employees reside within the Town of York, if the Town Manager makes a written finding that requiring such residency promotes the public health and safety, or improves the administration of Town government. Such findings must be included in the job posting for the specific position.

## **RECRUITMENT AND PROMOTION**

Prior to advertising any vacancy, the Town Manager, Department Head and Human Resources Director, will complete a review of current work load demands and determine whether the vacancy needs to be filled, modified, left vacant or eliminated.

All permanent positions (full-time and part-time) will be advertised internally and externally for a period of not less than fourteen (14) calendar days. The posting shall include: position available, position description, salary range, minimum qualifications and shift assignments. Current employees are encouraged to apply for any position for which they may be qualified. When qualified, current employees shall be given equal consideration for an available position with external applications.

#### **DEFERRED RETIREMENT OPTION PLAN**

An employee who reaches full retirement eligibility defined by MainePERS, or full retirement age of Social Security if not a member of MainePERS, may be eligible to enter into a retire in place plan, the Deferred Retirement Option Plan. Early retirements will not be considered.

Employee must tender their retirement notice with an official retirement date and the request to be re-hired under this program to their direct department head who will then notify the Town Manager of the employee's request.

A retired applicants past work performance, personnel record, and the needs of the department and Town will be considered in the re-hiring process.

Upon entry into the plan, eligible members in good standing and who meet the requirements of the plan can enter into a one- year agreement with the Town that may be renewed annually at the Town's discretion. Employees who participate in this plan will be reviewed annually by the Department Head, Human Resources, and final approval from the Town Manager.

Upon initial separation, employee must complete a bona fide termination and must cash out all allowed accrued time, per contract of policy, as they would in the normal course of retirement. Upon rehire, the employee will be retain their original anniversary date for the purpose of future step increases and vacation accruals. Vacation and sick time accruals will begin at zero and will accrue and cap at the normal rate. Employees under this plan will be subject to a use or lose policy and will not be paid out for any unused time at the time of final separation. Contract or personnel policy buy-out language will not be applicable upon re-hire through this plan.

Employees enrolled in this plan will continue to be eligible for all health benefits provided by the Town. The Town will not contribute to a retirement plan on behalf of the applicant other than social security.

For those enrolled in this plan and are MainePERS members are subject to a retire/rehire fee. The Town will pay this fee for the employee up to a maximum of 5%.

All other provisions of the employee's labor agreement either through a union contract or the non-union personnel, with exception of what has been addressed in this policy, will continue to be applicable

#### **CLASSIFICATION DESCRIPTION**

A description will be prepared for each position. The description will outline the duties, responsibilities, education, and skill level requirements of the position. Each employee will receive a copy of his or her position description when hired.

## **ANNIVERSARY DATE/EMPLOYMENT DATE**

The full-time employee's anniversary date is defined as the date of initial appointment to a full-time position. For the purpose of calculating total service and future step increases, the employee's anniversary date as defined in this policy shall be utilized. When an employee is promoted or moved to a new position, that employee will keep their initial anniversary date for use in calculating any future step increases.

## **RECORD KEEPING**

Accurately recording time worked is the responsibility of every hourly employee. Federal and State laws require the Town of York to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

Hourly employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, or tampering with time records, or recording time improperly may result in disciplinary action, up to and including termination of employment.

The supervisor will review and approve all time records before submitting them for payroll processing.

## **PERSONNEL FILES/RECORDS**

The Human Resources Office is responsible for creating and maintaining centralized personnel files for all employees. That office will also retain files concerning applicants of Town positions and personnel files of former employees. Personnel files should include such records and information to document the employee's personnel actions during their employment with the Town.

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. Any employee has the right to inspect their personnel file or to receive copies of their own file. Requests to view or inspect centralized personnel files should be made in advance to the Human Resources Director

## **EMPLOYEE CLASSIFICATIONS**

### **Full-time Employees**

Full-time employees are defined as those employees who have successfully completed a probationary period and are regularly scheduled to work at least 30 hours each week on a year round basis. Full-time employees are eligible for all benefits offered by the Town of York.

### **Part-Time Employees**

Regular part-time employees are defined as those who are employed on a regularly scheduled basis of an average of less than 30 hours per workweek but equals or exceeds 20 hours per week. Part-time employees are entitled to sick, vacation and holiday time at an appropriate percentage rate of a full-time schedule.

### **Contract/Subcontract Employees**

Contract/Subcontract employment is employment under a personal services contract between the Town and an individual. No benefits are offered.

### **Temporary Employees**

Temporary employment is an appointment to work a standard work week or less on a regular basis but for a defined limited period of time, usually not to exceed six (6) months. Extensions of temporary employment may be granted by the Town Manager for up to three (3) months. Temporary employees are paid for hours worked and receive no other benefits.

### **Seasonal Employment**

Seasonal employment is appointment to a position that generally has a duration coinciding with the one or more of the four (4) seasons and the position terminates with the end of one or more of the applicable season(s). Such employees are paid for hours actually worked and receive no other benefits.

### **Per Diem Employees**

Per Diem employment is an appointment to work a shift or an event on an as needed basis. Per Diem employees are paid for hours worked and receive no other benefits

### **Probationary Employment**

Any person employed on a regular full or regular part-time basis by the Town shall be employed on a probationary status for a period of six (6) months. The conduct and work performance of employees on probation will be subject to review and evaluation during the six (6) months, and they may be removed or demoted at any time during the probationary period. Such removals or demotions will not be subject to review or appeal.

## **TERMINATION OF EMPLOYMENT**

An employee shall provide at least two (2) weeks' written notice to the Department Head and/or Town Manager, of their effective date of resignation. The Town Manager at thier sole discretion may waive all or any portion of this notification period. Employees are encouraged to give as much advance notice as possible to assist in a smooth replacement procedure.

Prior to termination, the employee shall meet with the Human Resources Director to execute an exit interview.

Should an employee anticipate retiring from the Town of York, it is in thier best interest to contact the Human Resources Director within six (6) months of the scheduled retirement date to provide an easy transition.

## **FREEDOM FROM HARASSMENT POLICY**

Every employee of the Town of York has the right to work in an environment free from harassment, discrimination, and other inappropriate and unwelcome behavior. Harassment of any employee on the basis of his or her race, religion, color, national origin, age, gender, sexual orientation, marital status, veteran's status, physical, mental, or sensory disability, genetic history and information, or any other category protected under state or local laws is a serious violation of the Freedom from Harassment policy and will not be tolerated. In an effort to protect all employees from any form of harassment in the workplace and provide employees with a pleasant working environment, the Town considers this a zero tolerance policy. It is the policy of the Town that all employees be treated with respect and dignity.

If you feel you or other employees have been subjected to unwelcome harassment of any kind, you are encouraged to immediately identify the offensive behavior to the harasser and request that it stop. If you

are uncomfortable in addressing the matter directly with the harasser, or if you do so and the behavior does not stop, then discuss the matter immediately with the Human Resources Director, Department Head, or any supervisor with whom you feel comfortable. Supervisors who receive a harassment complaint must immediately notify their Department Head. Department Heads and supervisors who receive a harassment complaint are to immediately contact the Human Resources Director.

All complaints will be investigated promptly, impartially and discreetly. Upon completion of the investigation, the appropriate parties will be notified of the non-confidential results of the investigation. Any supervisor, agent, or other employee who has been found to have harassed an employee will be subject to appropriate corrective action, ranging from a disciplinary warning to termination. No employee will suffer retaliation in any form for reporting instances of harassment or participating in a harassment investigation.

We trust that employees of the Town of York will act responsibly to maintain a pleasant working environment, free of discrimination and harassment, allowing each employee to perform to his or her maximum potential. The Town encourages any employee to bring questions he or she may have regarding this policy to the employee's Department Head, Human Resources or the Town Manager's Office.

### **Definitions**

The definitions below are from the regulations adopted by the U.S. Equal Employment Opportunity Commission.

- **Sexual Harassment**: A type of harassment which occurs when verbal and physical conduct is sexual in nature or is gender-based, that is, directed at a person because of their gender. Unwelcome sexual conduct is sexual harassment when:
  - Submission to such conduct is expressly or implicitly made a term or condition of employment or,
  - Submission or rejection of such conduct is made either a term or condition of employment or,
  - Such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes: unwelcome verbal behavior such as comments, suggestions, jokes or derogatory remarks based on sex or physical behavior such as pats, squeezes, sexual gestures, and repeatedly brushing against someone's body, or impeding or blocking normal work or movement.

**Other Categories Protected from Harassment**: Under Maine and federal law, other categories (such as race, religion, color, national origin, age, gender, sexual orientation, marital status, veteran's status, physical, mental, or sensory disability, genetic history and information, etc.) are also protected from unwelcome harassment and hostile work environments. Conduct relating to an employee's membership in any such category constitutes harassment when this conduct:

Has the purpose or effect of creating an intimidating, hostile, or offensive working environment or,  
Has the purpose or effect of interfering with an employee's work performance or,  
Adversely affects an employee's employment opportunities.

**Retaliation**: Retaliation happens when an employee who has raised a complaint about harassment experiences a negative workplace consequence as a result of that complaint. Retaliation can include: poor performance reviews; longer work hours; "cold shoulder" or social isolation from the work group; threats from the accused harasser; transfer to a less desirable work location; or assignment of excessive work. If

you feel you are a victim of retaliation, report the situation to your Department Head, Human Resources, or the Town Manager's Office.

An employee's intentions and motives are not the decisive factors in considering alleged harassment behavior. The effect of one employee's behavior upon another employee is the decisive factor. If an employee's behavior is considered to be offensive by another employee or if it has an intimidating effect upon another employee, then racial, sexual, ethnic, or religious harassment may be present. The welcomeness, frequency, and severity of the behavior determine whether or not harassment has occurred.

**Inappropriate Behavior:** It is the responsibility of each employee to engage in and promote workplace behavior that creates and maintains an environment of respect and promotes effective teamwork. It is likewise the responsibility of each employee to report behavior that damages this environment.

Horseplay, pranks and any other inappropriate, non-work related behaviors that impact a fellow employee's work performance will not be tolerated. Jokes (verbal, electronic, printed or in any other medium) that demean people (individuals) in any way or have sexual, racial, ethnic, or religious themes are inappropriate in the workplace and are strictly prohibited.

This policy prohibits behaviors that may not reach the level of illegal harassment as defined by the EEOC, but that nonetheless are inappropriate in the workplace. Such behavior includes bringing sexually explicit pictures, photographs, cartoons or objects to the workplace; repeated requests for dates, sexual bantering, jokes or teasing; sexual innuendoes, gestures or leers, obscene or abusive language; unwelcome terms of endearment such as "doll", "honey", "sweetheart" or "babe"; sending sexual, racial, ethnic, or religious jokes, cartoons, etc. on e-mail, faxes, etc.; and, using racial, ethnic or religious slurs or demeaning comments. Appropriate disciplinary action will be taken when violations of this policy occur.

Inappropriate behavior as defined by this policy shall be reported to the Department Head or the Human Resources Department immediately. The Department Head, in conjunction with Human Resources, will determine how the incident/allegation/complaint will be investigated. After completing an investigation, it will be determined whether or not this policy has been violated. The welcomeness, frequency, and severity of the inappropriate behavior will determine whether or not a violation of the policy has occurred.

**Implementation:** The Town of York is committed to preventing harassment and discrimination through education and dissemination of information, as well as employee accountability.

It is the responsibility of each employee of the Town of York to engage in and promote workplace behaviors that create and maintain an environment of respect and promote effective teamwork. It is likewise the responsibility of each employee to report those behaviors that damage this environment, especially those of a harassing nature.

Supervisors have a greater responsibility, not only to model respectful, professional conduct at the workplace, but also to maintain an environment of respect and effective teamwork in their work areas. As part of their supervisory responsibilities, supervisors are required to monitor the workplace for inappropriate behavior and actively prevent or stop inappropriate or unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment. If a supervisor becomes aware of any such conduct, he/she must take immediate and appropriate corrective action, including reporting and possible imposition of discipline, to end the conduct. Corrective action is required whether or not a complaint is made or the conduct appears to be welcome.

Human Resources or the Town Manager's Office may be consulted for advice and direction and must be contacted if a complaint is received, even if the complainant requests that no action be taken. Department Heads or supervisors who fail to fulfill their obligations under this policy may be subject to disciplinary action up to and including termination.

### **Complaint Process**

An employee who believes he/she is the victim of harassment may file an internal complaint by contacting any of following individuals:

- Immediate supervisor or any supervisor in the chain of command; or
- Town Clerk at (207) 363-1003 x 272
- Human Resources Director at (207) 363-1000 x 232
- Town Manager (207) 363-1000 x 221

Every effort will be made to resolve complaints at the earliest possible level. If an investigation is warranted, it will be conducted promptly and with as much confidentiality as possible, respecting the rights of all parties involved. Confidentiality cannot, however, be promised or assured. All employees are required to cooperate fully in any investigation of harassment.

In addition to initiating an internal complaint, employees represented by a union may exercise any rights they may have under their union contracts. A discrimination complaint may also be submitted to the Maine Human Rights Commission.

It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before another is issued.

For more information, please contact:

Human Resources Director at (207) 363-1000 x 232  
Town Manager at (207) 363-1000 x 221  
Maine Human Rights Commission (207) 624-6290

### **INFORMATION AND COMMUNICATIONS RESOURCES ACCEPTABLE USE POLICY**

The Town of York provides access to computer systems, networks, telecommunications systems, electronic mail (e-mail), and Internet connections to its employees, officials, volunteers, and other parties for its benefit and for the conduct of official business. With the availability of communications and information resources comes an obligation to ensure their use in the public interest and for the valid business needs of the Town, and a responsibility on the part of users to regard these resources as belonging to the public and to treat them accordingly.

### **Purpose**

The purpose of this policy is to define the terms and conditions for the use of computer systems, networks, telecommunications systems, e-mail, and Internet connections provided by the Town of York for the conduct of official business, pursuant to and in implementation of the general terms of the Town of York Personnel Policy. Because of the rapid rate of technological change, the technologies and situations in this policy shall be considered illustrative of the principles guiding the use of these and similar technologies, and shall not be considered an exclusive list of tools, systems, technologies, methods, or behaviors associated with the transmission, reception, storage, processing or use of information.

### **Scope**

1. All computer systems, networks, telecommunications systems, e-mail, and Internet connections, including all hardware and software, licenses, data or other products arising from their use are the property of the Town of York.
2. Only authorized employees, officials, volunteers, and other authorized parties shall use or be provided access to these resources. All employees agree to use the Town's systems only during times the employee is authorized to be working. Any employee who takes Town equipment home with them, as part of their expected duties, shall keep personal use of those devices to a reasonable level. No person shall use them for personal gain, or to support or advocate for activities, purposes, or causes which are not related to the official business of the Town of York.
3. The Town may provide access to resources to FLSA non-exempt hourly employees (i.e. those required to be paid overtime pursuant to the federal Fair Labor Standards Act and/or applicable policy or collective bargaining agreement) for its own purposes, however - employees shall restrict their use of information and communications resources such as, but not limited to, electronic mail, computer system remote access, and the use of handheld devices, to authorized work hours only.

### **Security**

1. Each authorized user shall be provided with a unique user name consisting of his or her first initial and last name, or some similarly unique and clearly identifiable means of authenticating users to each of the information systems operated by the Town.
2. Each authorized user shall be assigned an initial password which, when used in combination with the user's user name, shall be used to authenticate them to the information systems operated by the Town. Subsequent passwords will be assigned or chosen by the user according to the system policies in effect at the time.
3. All users shall be required to read and sign a statement acknowledging their receipt of a copy of this policy upon account activation and prior to use of any system governed by this policy. Users shall be responsible for familiarizing themselves with this policy and complying with its terms and conditions.

### **Electronic Mail**

1. The Town's electronic mail system (e-mail), both internal and through the Internet, is designed to facilitate town business communication among users and associates.  
E-mail should not be used to transmit sensitive materials or discuss matters that are more appropriately communicated by written memorandum or personal conversation, such as personnel or legal issues.
2. All e-mail messages, accessed by town equipment, have been found to be public records and may be subject to the right-to-know laws, depending on their content, and should be used in the same manner as other forms of official communication.
3. The Town, through its managers and supervisors, reserves the right to review the contents of users' e-mail communications when necessary for town business purposes. Users may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

### **Social Media**

Social media for the purposes of this policy is defined as online platforms that allow for direct interaction and participation among people. This includes, but is not limited to, social networking websites (i.e. Facebook, Myspace, LinkedIn, YouTube, Digg); blogs or microblogs (i.e. Twitter); personal websites or web pages; listservs or mailing lists; audio, photo or video sharing websites (i.e. YouTube, Google Video, Flickr, and Picasa); virtual worlds (i.e. Second Life); or other user-generated electronic media, whether now in existence or invented in the future. The absence of or lack of explicit reference to a specific site does not limit the application of this policy.

The use of social media at work is forbidden unless approved by the employee's department head.

### **User Code of Conduct**

1. The following examples of user conduct, which shall be considered illustrative and not exclusive, of the Town's information systems shall be encouraged and required:

- a. Respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of, or modify files or data, belonging to other users, unless explicit permission to do so has been obtained.
- b. Respect the legal protection provided to programs and data by copyright and license.
- c. Protect data from unauthorized use or disclosure as required by state and federal laws and agency regulations.
- d. Respect the integrity of computing systems: for example, users shall not use or develop programs that harass other users or infiltrate a computer or computing system and/ or damage or alter the software components of a computer or computing system.
- e. Safeguard accounts and passwords. Any user changes of password must follow published guidelines for good passwords. Accounts and passwords are normally assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations

2. The following examples of user conduct, which shall be considered illustrative and not exclusive, of the Town's information systems shall be prohibited:

- a. Private or personal, for-profit activities (e.g., consulting for pay, sale of goods such as Avon and Amway products, etc.);
- b. Use for private or personal business and/or gain;
- c. Use for any illegal purpose, including communications that violate any laws or regulations;
- d. Transmitting threatening, obscene, or harassing messages;
- e. Intentionally seeking information about, obtaining copies of, or modifying files, other data, or passwords belonging to other users, unless explicitly authorized to do so by those users;
- f. Interfering with or disrupting network users, services, or equipment. Such disruptions could include, but are not limited to, (i) distribution of unsolicited advertising or messages, (ii) propagation of computer worms or viruses, (iii) loading, downloading, and/or installing unauthorized software from the Internet or any other source, and (iv) using the network to gain unauthorized entry to another machine on the network; and
- g. Seeking/ exchanging information, software, etc. that is not directly related to one's duties and responsibilities.

3. Users who violate the User Code of Conduct may have their system privileges suspended, their accounts revoked, and may be subject to disciplinary action up to and including dismissal, and civil or criminal penalties.

## **INVESTOR INQUIRY POLICY**

This policy shall take effect on April 19, 2017.

### **Purpose**

This Policy is established to ensure all Town employees are aware of their responsibilities for compliance with the Selectboard's Disclosure Policy, Section 9 (Investor Inquiries) and more specifically Section 9.2 (Processing of Investor Inquiries).

### **Requirement**

In the event an employee is contacted by a someone seeking information with regard to information relating to investing in municipal bonds, that person must be directed to the Town Manager to the obtain information. The reason for this is to ensure people or businesses seeking investment-related information are receiving the correct information and that none are given preferential treatment (think "insider trading" here). It may not always be possible to know why someone is requesting information, but to the extent the employee becomes aware of this connection to investment inquiries, contact must cease and the person must be re-directed to the Town Manager.

### **Penalties**

Employees found to have violated this Policy shall be subject to disciplinary action up to and including termination depending upon the severity of the matter. However, employees will be given the benefit of a doubt if investors do not identify themselves as such.

### **Related Information**

See also: Selectboard's Disclosure Policy (1/23/2017)

## **PUBLIC INFORMATION POLICY FOR TOWN AND SCHOOLS**

This policy shall take effect on February 17, 2017.

### **Purpose**

This Policy is established to ensure uniform managerial control of communications, and more specifically to ensure compliance with the Selectboard's Disclosure Policy, Section 5.1.6 (Web Postings) and Section 10 (Public Statements by the Public Information Officer). These are responsibilities of the Town Manager.

### **Applicability**

This policy applies to all TOWN OFFICIALS and all TOWN ENTITIES, each as defined in Section 4 (Definitions). To be clear here, this means TOWN and SCHOOL.

### **Definitions**

MATERIAL: as defined in Section 1.1 of the Selectboard's Disclosure Policy. As a practical matter, this means any document or statement asserting or alluding to the economic, financial or budgetary standing or status of the TOWN, or that otherwise might reasonably be thought to play a significant role in such matters. (If in doubt, ask the Town Manager!)

SCHOOL: of or relating to the York School Department and/or the York School Committee, and any organizational subdivisions thereof.

**SOCIAL MEDIA:** on-line platforms that allow for direct interaction and participation among people. This includes, but is not limited to, social networking sites (i.e. Facebook, Myspace, LinkedIn, YouTube, Digg); blogs or microblogs (i.e. Twitter); listserv or mailing lists; audio, photo or video sharing websites (i.e. YouTube, Google Video, Flickr, Picasa); virtual worlds (i.e. Second Life); or other user-generated electronic media, whether no in existence or invented in the future.

**TOWN:** the local government of the Town of York, Maine, and any organizational subdivisions thereof, including the SCHOOL. (Note: TOWN, in this context, is meant to be all inclusive because this is how the federal government view us, and where policies are not intended to apply to the SCHOOLS this is expressly called out.)

**TOWN ENTITY:** any board, commission, committee, subcommittee, working group or other entity created by and serving the TOWN, including the SCHOOLS.

**TOWN OFFICIAL:** any person employed by or contracted to the TOWN, or elected or volunteering to serve on a TOWN ENTITY.

**TOWN WEB OR SOCIAL MEDIA:** information provided via the WEB and/or SOCIAL MEDIA that is posted, created, uploaded, maintained or otherwise managed utilizing TOWN funds, TOWN ENTITIES and/or TOWN OFFICIALS in the course of their official duties.

**WEB:** web sites, pages, social media posts or anything else that may be viewed publicly via the Internet.

**Web**

A. Each Department shall identify a list of TOWN WEB sites for which it is responsible and shall provide this list to the Town Manager no later than February 28, 2017. This shall utilize the attached form (see p.5) and be provided by e-mail. Each Department shall annually update its TOWN WEB list and shall provide this to the Town Manager in the same manner no later than February 28<sup>th</sup> each year.

B. No new TOWN WEB site may be created without approval in writing in advance by the Town Manager (see attached authorization form, page 6). The intent here is to ensure the Manager is aware of the entire WEB presence of the TOWN, including SCHOOLS.

C. MATERIAL information that is to be posted to or published on the WEB shall comply with the following standards:

1. **Approval Required.** MATERIAL information shall be approved by the Town Manager in writing prior to posting on the WEB, and approval shall be granted only upon a determination of compliance with the **Disclosure Policy**. The only exception to this requirement is that the Finance Director may make postings of a MATERIAL nature to the WEB where appropriate or specifically required by law or by the **Disclosure Policy** (for example, to the EMMA web site).

2. **Information to Aid In Understanding.** Any MATERIAL information posted to the TOWN WEB shall be:

- a. dated;
- b. indicate the status of the document or information (draft, preliminary, final, approved, etc.); and
- c. removed from the WEB or moved to an archive when no longer current.

3. **Posting Locations.** Any MATERIAL information on the TOWN WEB shall be posted only on the Finance Department's section of the yorkmaine.org site, or on a designated portion of the yorkschools.org site. No later than March 31, 2017, every TOWN WEB site shall include a notice to direct potential investors to these locations.

4. **Prohibitions.** No projections, forecasts or other forward-looking MATERIAL information shall be posted to or published on the TOWN WEB.

D. Regarding SOCIAL MEDIA aspects of the WEB, see Section 6.

E. Regarding TOWN WEB use generally, utilization of the TOWN WEB to post or publish any information shall occur only through by staff designated in writing by the Town Manager (see attached authorization form, page 7). The SCHOOLS may establish their own standards and procedures through a policy adopted by the School Committee, provided compliance with all standards of Section 5 (WEB), subsections A through D, is assured.

### **Social Media**

A. Each Department shall identify a list of TOWN SOCIAL MEDIA accounts for which it is responsible and shall provide this list to the Town Manager no later than February 28, 2017. This shall utilize the attached form (see p.5) and be provided by e-mail. Each Department shall annually update its TOWN SOCIAL MEDIA account list and shall provide this to the Town Manager in the same manner no later than February 28<sup>th</sup> each year.

B. No new TOWN SOCIAL MEDIA account may be created without approval in writing in advance by the Town Manager (see attached authorization form, page 6). The intent here is to ensure the Manager is aware of the entire WEB presence of the TOWN, including SCHOOLS.

C. No MATERIAL information shall be posted to or provided via TOWN SOCIAL MEDIA.

D. Use of TOWN SOCIAL MEDIA shall be utilized only by staff designated in writing by the Town Manager (see attached authorization form, page 7). SCHOOL staff may utilize TOWN SOCIAL MEDIA in compliance with a policy adopted by the School Committee, provided this ensures compliance with Sections 6A through 6C.

### **Press Releases**

Except for the Emergency Management Director during a declared state of emergency, no press releases or similar formal statements shall be made or released without the prior written approval of the Town Manager. The purpose of this is to identify anything of a MATERIAL nature, if any, and to have any such MATERIAL information reviewed by all proper authorities to ensure accuracy before release in accordance with the Disclosure Policy.

### **Penalties**

Employees found to have violated this Policy shall be subject to disciplinary action up to and including termination depending upon the severity of the matter.

### **Related Information**

See also: Selectboard's Disclosure Policy (1/23/2017), Town of York Information and Communication Resources Acceptable Use Policy (7/7/2016), Selectboard's Municipal Web Site Acceptable Use Policy (date unknown).

## **SECONDARY EMPLOYMENT**

Any full-time employee who engages in secondary employment that may present a conflict shall notify thier Department Head. The Town Manager may determine whether an employee's secondary employment presents a conflict.

## **HIRING OF RELATIVES**

The employment of relatives in the same department 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 can be carried into day-to-day working relationships.

Relatives of persons currently employed by the Town of York 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's relationship is established after employment, the Town Manager or his designee 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, child, parent, or sibling. Situations pertaining to this section which exist at the time of adoption of these policies shall be considered "grandfathered".

### **WORKPLACE THREATS AND VIOLENCE**

The safety and security of the Town of York as well as the public who conducts business in the various municipal buildings is of paramount importance to the Town. Therefore, threats, threatening behavior, or acts of violence against an employee, visitor, guests, or other individuals by anyone on Town property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on Town property shall be removed from the premises as quickly as safety permits, and shall remain off Town premises pending the outcome of an investigation. The Town will initiate an appropriate response which may include, but is not limited to, suspension and/or termination of employment, and/or criminal prosecution of the person or persons involved.

All Town personnel are responsible for notifying their Department Head, Human Resources Director or the Town Manager of any threats which he/she has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on a Town-owned site or is connected to Town employment.

### **MILITARY LEAVE**

Military leave of absence, without pay, shall be granted to any employee called to active duty with the State or Federal forces for a temporary tour of duty, other than the routine annual training period. Military leave for annual training periods, not to exceed 15 days in any calendar year, shall be granted with pay. Earned vacation shall not be charged for such training period. Employees must submit their orders to be eligible for this benefit. Any employee serving their annual active duty training time in the National Guard or Reserves or when called to active duty as required by the State of Maine or the Federal Government, shall receive the difference between his gross weekly Town salary for the period of active duty and the amount of his gross weekly service pay for the same period. Nothing in this policy precludes the right of an employee to utilize accumulated vacation time during the period of required active service and receive both active duty pay and Town salary for the same period.

### **JURY DUTY**

Upon verification of service, employees selected for jury duty by any court shall be paid straight time earnings less jury pay. Earned vacation shall not be charged for such service. If an employee is dismissed from jury duty he/she must report for work immediately (if during their regular work day) in order to be eligible for pay benefits herein.

### **DRUG FREE WORKPLACE**

To insure the safety and wellbeing of all employees and the public, it is the Town's policy to maintain a drug- and alcohol- free workplace and prohibits all employees from working under the influence of any illegal drug, alcohol or controlled substance. The Town further prohibits the unlawful manufacture, distribution, dispensing, possession or use on a property or place owned or under the control of the Town of York

### **TOWN PROPERTY**

Employees must not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities except with a supervisor's permission. Town telephones may be used for personal business only with a supervisor's permission. Any other personal long distance telephone calls must be charged to your home telephone number.

### **MUNICIPAL VEHICLE OPERATION**

It is the intention of this policy to ensure that proper safety practices in regard to operating town vehicles are being followed for the protection of employees and the public. This policy addresses safety practices and does not supersede, amend, or replace a regulation required any state and federal agencies or any regulation required by other agencies for insurance or other purposes. Individual Town department policies shall comply with the general provisions of this policy, but may deviate from the specific requirements depending on the department's mission-specific operation and type of equipment operated.

To maintain safe and secure conditions for all employees and the public, the Town of York holds the right to review employee use of company assets including vehicles. The Town may use GPS devices to monitor staff driving behavior and/or techniques, including speed above posted limits, idling times, sudden acceleration, hard breaking, stop time and vehicle location. Town owned vehicles shall be operated in compliance with all applicable state and local laws and ordinances. Any tampering, attempts to remove or disable any GPS equipment is prohibited. Any violation with the provisions of this may result in disciplinary action up to and including termination.

The Town Manager, their designee, or Department Director reserves the right to ensure that any town employees who operates a town owned vehicle as part of their job description maintain proper licensing through periodic driving record checks. It is the responsibility of the employee to maintain a clean driving record and to notify their Department Director and/or the Town Manager, of any violation, revocation, or suspension of any proper licenses.

The Town of York has a vital interest in maintaining a safe, healthy and efficient working environment for its employees. This includes a safe and appropriate environment while traveling on town business. Distracted driving is a serious safety risk and in order to reduce the risks associated with distracted driving, certain conduct is prohibited while driving a town-owned motor vehicle or while driving a personal vehicle while on town business. Such conduct includes:

- Using cell phones (including hands-free)
- Operating laptops, tablets, portable media devices, and GPS devices

- Reading maps or any type of document, printed or electronic

Drivers must pull over safely to the side of the road or another safe location before checking messages, returning calls, text messaging, emailing, reading maps for directions, or programming/resetting GPS devices. Employees who fail to demonstrate appropriate and safe operation of a motor vehicle and/or who incur a violation which results in him/her being unable to perform the driving function of their position, may be disciplined up to and including termination. Final authority in this matter shall rest with the Town Manager or thier designee.

### **SMOKING POLICY**

Employees may not smoke in Town vehicles or in Town buildings.

### **SAFETY POLICY**

Personal injury places the Town of York at a disadvantage in its ability to provide the necessary services and functions to its citizens. Property losses place an undue burden on limited funds for services and general operations.

As an employer, the Town of York is legally responsible to ensure that mandated safety regulations are enforced. It is the Town's policy that mandated safety regulations will be complied with by all Town employees at whatever level. This is in the interest of both the Town and the employees.

The Town shall work on a Safety Policy for the Town.

### **RECEIPT OF GIFTS**

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person outside Town employment, whose interests may be affected by the employee's performance or nonperformance of thier official duties.

Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

### **BUSINESS ACTIVITIES AND SOLICITATIONS**

No employee shall engage in any business other than thier regular duties during work hours.

### **CONFIDENTIALITY**

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "right to know" law, MRSA Title I Sections 401-410.

### **FAMILY & MEDICAL LEAVE**

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

#### **Covered Family and Medical Reasons**

An eligible employee shall be entitled to twelve (12) weeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:

- the birth or placement of a child for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition;
- 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 in 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 thier position.

#### **Employee Eligibility**

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

- The employee has worked for at least twelve (12) months for the Town. The twelve (12) months need not have been consecutive. *(If the employee was on the payroll for part of a week, the Town will count the entire week. The Town considers 52 weeks to be equal to twelve months.)*
- The employee must have worked for the employer for at least 1,250 hours over the twelve (12) months before the leave would begin.
- The employee must work in an office or worksite which employs 50 or more employees, or there must be 50 employees within 75 miles of the office or worksite. In this Town, all employees work within a 75-mile radius of Town Hall.
- When both spouses are employed by the Town, they are each entitled to twelve (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.

#### **Calculation of Leave**

Eligible employees can use up to twelve (12) weeks of leave during any twelve (12) month period. The Town will use a rolling twelve (12) month period, measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the Town computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (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 five (5) weeks of leave in the past twelve (12) months, he or she could take an additional seven (7) weeks under this policy.

#### **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 Town. To maintain uninterrupted coverage, the employee will be required to continue paying thier share of insurance premium payments. This payment shall be made either in person or by mail at the Town Hall by the 21<sup>st</sup> day of each month. If the employee's payment is more than thirty (30) days overdue, the Town will drop the coverage.

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

work for reasons other than a continued serious health condition, the Town will require the employee to reimburse the Town the amount the Town contributed towards the employee's health insurance during the leave period.

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

Vacation, sick leave and holidays will continue to accrue during an approved FMLA leave period. 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.

If an employee requires and is approved for additional leave beyond the 12 weeks of FMLA leave, vacation, sick, and holidays will be cease until the employee resumes working.

### **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.

### **Use of Paid and Unpaid Leave**

If an employee has any accrued paid leave (e.g., sick leave, vacation) remaining after the conclusion of the Family Medical Leave the employee may use such leave at the rate of full-time weekly scheduled hours (37.5 or 40) until all time is exhausted. Vacation and sick time will not continue to accrue, however, insurance, and retirement benefits will continue during that time.

## **PROCEDURES**

### **Procedure for Requesting Leave**

All employees requesting leave under this policy must complete the Family/Medical Leave Form available from the Human Resources Director or the Town Manager.

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

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

### **Procedure for Notice and Certification of Serious Health Condition**

On occasion, the Town may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee should try to respond to such a request within ten (10) 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 (Form WH-381) contains the following:

Date when the condition began; expected duration; diagnosis; and a brief statement of treatment. If an employee is seeking medical leave for thier own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.

For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

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

## **CONDITIONS OF EMPLOYMENT**

### **PERFORMANCE EVALUATIONS**

Each Department Head, with the immediate supervisor, shall annually evaluate each regular full- and regular part-time employee within thier department to determine if the employee is performing thier job satisfactorily. The employee shall be given a copy of each evaluation and to be reviewed by the Department Head and immediate supervisor with the employee to discuss the evaluation, after which a copy shall be placed in the employee's personnel file.

#### **Town Manager's Responsibility**

It will be the responsibility of the Town Manager or thier designee to design the personnel evaluation forms and distribute the forms to the Department Heads. It will also be the Town Manager's or thier designee's responsibility to complete annual evaluations of employees under the Town Manager's direct supervision. Employees may be requested to do a self-evaluation with annual goals.

#### **Purpose of Evaluation**

The personnel evaluation forms will be considered by the Town Manager or thier designee when salary increases, promotions, disciplinary actions, rewards, training programs, merit pay, or any other related personnel action is proposed.

In cases where the evaluations are the basis for wage/salary increases, the evaluation should be completed and submitted to the Town Manager at least fourteen (14) days prior to the effective date of said increase, which date shall coincide with the individual's anniversary date.

Step increases are not automatic, but are based on job performance. Should an employee receive an evaluation that results in no scheduled increase in pay due to an unsatisfactory job evaluation, the employee may request in writing a review of thier performance in six (6) months to determine if there has been sufficient improvement to warrant an increase. If so, the maximum increase shall be one step on the pay scale and the increase shall not be retroactive.

### **ANNUAL ADJUSTMENT OF PAY SCALES**

The Selectboard will grant a cost of living increase in compensation to employees in the pay scale plan, effective July 1 of each year, in order to maintain the wage scales at a competitive level. The consumer price index in December of the previous year (CPI-W All items index, U.S. City Average) will be the indicator for the annual adjustment. Beginning July 1, 2017, the cost of living will be equal to the CPI-W for the 12-month period ending December of 2016 at a rate not less than 1% and not more than 5%. Beginning July 1, 2018, the cost of living will be equal to the CPI-W for the 12-month period ending December of 2017 at a rate not less than 0% and not more than 5%. The COLA will be reviewed if sufficient funds are not appropriated.

### **EMPLOYEE REPRESENTATIVES**

The non-union employees of the Town of York shall be allowed representation by a group of at least five (5) employees of their choice to act on their behalf, in all bargaining, negotiations, grievances and/or any policy affecting employees, directly with the Town Manager. The Town Manager will conduct a meeting in January each year to discuss the CPI-W with the elected representatives. Either the Town Manager or the elected representatives may request a meeting at any time. This will enable lines of communication to be established to benefit the overall operation of the Town. Periodic meetings may be held with the Selectboard as necessary. Representatives have the authorization to meet during

workday schedules. The employee representatives shall be elected on a two-, three- and four- year terms to ensure continuity in the representation process.

### **WAGE/SALARY PLAN**

The wage and salary schedule together with a detailed history of benefits will be compiled into a compensation plan by the Town Manager and distributed upon request. Addendums “B” and “C” represent the hourly and salary pay schedules. Progression through steps is in accordance with current adopted pay scales. All non-union employees will receive their wages through electronic funds transfer (“Direct Deposit”).

### **RECLASSIFICATION**

Department Heads may recommend to the Town Manager that an employee be reclassified to another salary grade within the salary schedule. A written recommendation for reclassification will clearly state the reasons for the recommendation with particular emphasis on how the employee’s duties and responsibilities will change, or have changed, to warrant reclassification. Reclassification will generally be submitted as part of the respective department’s annual budget request. The Town Manager will have sixty (60) days to make a decision in writing.

Furthermore, it is the responsibility of the Employee/Department Head to document participation or certification of courses, classes or special training in the employee’s personnel file.

### **PLUS RATES**

In cases where an employee is required to temporarily perform duties and responsibilities of a higher classification, the employee may be paid at a rate within the salary range of the higher classification which provides an increase of at least five (5) percent above the employee’s regular base rate of pay. In order to be considered for plus rate payment, the assignment must be in excess of thirty (30) consecutive calendar days. Plus rates will be effective at the start of additional responsibilities. The recommendation to implement plus rate payment shall be made in writing by the Department Head or employee and must be reviewed and approved by the Town Manager.

### **DEMOTION**

Employees may be demoted to a lower classification upon the recommendation of the Department Head and approval of the Town Manager. Reason for demotion shall include, but not be limited to the following: request of the employee; departmental staffing needs; poor performance of the employee; or as the result of disciplinary action.

### **LAY-OFF AND RE-CALL**

If it is deemed necessary to reduce the number of employees, lay-off shall be made within each department by classification on the basis of anniversary date, except that the Town Manager may lay-off a more senior employee only when a less senior employee possesses a skill or certification necessary for the function of the department. Employees who are laid off will be the first to be considered for re-employment within twelve (12) months of a lay-off, and total time in service shall be fully restored. Any benefits paid at the time of lay-off shall not be restored to the employee.

### **CALL-IN**

Full-time hourly employees called into work on a scheduled day off shall be paid for a three (3) hour minimum at time and one half their regular rate of pay and/or compensable time, to be worked out with their immediate supervisor or Department Head. This provision does not apply to scheduled overtime or holdover periods.

## **STAND-BY**

Stand-by is defined as a situation where any full time employee is not confined to any particular place, but is required only to leave word where he/she can be reached readily. When a full time hourly employee is required to stand-by for emergency maintenance as determined by the Department Head he/she will be paid at the rate of \$16.00 per day for Saturdays, Sundays and holidays as long as the employee response time is within forty-five (45) minutes of being called in to work. Effective July 1, 2017 the stand by paid will increase to \$16.50 per day. Effective July 1, 2018 the stand by pay will increase to \$17.00 per day. Effective December 1<sup>st</sup>, 2019 the Stand-By pay will increase to \$24.00 per day for Saturday, Sundays and holidays as long as the employee response time is within forty-five (45) minutes of being called in to work. Should an employee not respond within the required time he/she will forfeit the stand-by pay for that day.

Effective December 1st, 2022 the Stand-By pay will increase to \$28.50 per day for Saturday, Sundays and holidays as long as the employee response time is within forty-five (45) minutes of being called in to work. Should an employee not respond within the required time he/she will forfeit the stand-by pay for that day.

Stand by will normally commence on December 1<sup>st</sup> and run through March 31<sup>st</sup>. The Town reserves the right to start the stand by pay earlier or be extended at the discretion of the Department Head.

## **SCHEDULING**

The Department Heads, with the approval of the Town Manager, will establish the regular work week. The regular work week for departments operating in the Town Hall is defined as not less than 37.5 hours, not more than 40 hours, as determined necessary for efficient departmental operations by the Town Manager. The pay period consists of seven (7) days commencing at 12:01am on Monday with payment for hours worked during such period being made on the Thursday following the pay period. In the event that the workweek is permanently altered, the employee will be notified at least two (2) weeks prior to the effective date of change whenever possible. Flex-time scheduling, requested by the Department Head, may be made available to employees with the approval of the Town Manager.

## **OVERTIME**

In an emergency or extenuating circumstances as defined by the Town Manager, Department Head, or appropriate designee, overtime work may be assigned in order to meet operational requirements. Employees paid on an hourly rate shall be paid at one and one half (1 ½) times their straight time hourly rate for hours worked beyond 40, when authorized as above. Sick days shall not be included in the calculation of hours worked for the purpose of determining overtime unless it is a call-in situation. In the event of a call-in, sick days will be used to calculate the hours beyond 40. Employees receiving paid compensatory time off shall earn such time at the rate of one and one half (1 ½) hours off for each hour worked.

With supervisor's permission, hourly employees can earn compensatory time at the rate of one and one half (1 ½) hours off for each hour worked in excess of 40 hours of earned time. (Earned time includes vacation and holiday time only and does not include other kinds of leave.) The maximum compensatory time accumulated at the end of any month may not exceed forty (40) hours, with a one-time exemption per fiscal year for extenuating circumstances with the permission of their supervisor.

Executive and Administrative salary employees do not earn compensatory time. Employees on salary work based on their job, not the number of hours they put in. Many times they have to work nights, weekends or whatever the job entails over 40 hours a week without getting paid extra for this.

At the discretion of the Town Manager or his designee, additional earned time may be granted for special circumstances on an individual basis. This time must be authorized in writing prior to use.

**HOLIDAYS** - Eligible employees shall be receive the following paid (12) holidays:

New Year's Day	Labor Day
Presidents' Day	Columbus Day
Patriots' Day	Veterans' Day
Memorial Day	Thanksgiving Day (2)
Independence Day	Christmas Day
Martin Luther King Day	

Employees shall be entitled to paid holidays as they occur immediately after appointment. Holiday pay shall not be given to any employee if he/she is on a leave of absence without pay, suspension, or any other non-pay status on the date the holiday falls. Part-time employees, as defined in Section II, shall be entitled to holiday pay at the appropriate pro-rated percentage of a full-time employee.

Employees who are required to work a holiday shall be paid at time and one half thier base hourly rate for the all hours worked plus holiday pay at thier hourly rate. Employees who are required to work on Thanksgiving Day, after 5:00 PM on Christmas Eve, Christmas Day, and after 5:00 PM on New Year's Eve will be paid 2x their hourly rate in addition to holiday pay at thier hourly rate.

#### **VACATION LEAVE**

Employees assigned to a 37.5 (40) hour work week shall accrue vacation leave in accordance with the following schedule:

Date of employment to completion of year 1	75 (80) hour/year (10 work days)
Start of year 2 to completion of year 3	90 (96) hours/year (12 work days)
Start of year 4 to completion of year 5	112.50 (120) hours/year (15 work days)
Start of year 6 to completion of year 10	135 (144 hours/year (18 work days)
Start of year 10+ years of service	180 (192) hours/year (24 work days)

Rights to vacation leave shall not be earned by an employee during the following:

- Leave of absence without pay
- Suspension without pay
- After the first ten (10) weeks of receiving Workers' Compensation benefits when on any non-pay status
- When all earned time is exhausted

**Advance Leave:** No employee shall be allowed to take vacation leave which has not been earned.

**Employment:** No employee shall be eligible to take vacation leave with pay until he/she has completed at least **120 Days** of continuous service with the Town. The Town Manager may make an exception should there be extenuating circumstances.

**Use of Leave:** Use of leave pursuant to this article is intended to comply with Maine's Earned Paid leave law (MRSA Title 26, Chapter 7, Section 637) which takes effect on January 1, 2021. The Town will not unreasonably deny the use of any request for time off. The first forty (40) hours of leave taken annually will be considered leave pursuant to Maine's Earned Paid Leave law.

**Accrual for Full Time Employees:** All employees will forfeit accumulated vacation time in excess of 30 days on December 31st of each year.

**Accrual for Part Time Employees:** Part-time employees, as defined in Section II, shall accrue vacation at the appropriate percentage rate of the 40-hour work week vacation accrual schedule for each completed month of service. Total accrual of vacation leave shall not exceed 72 hours.

**Conditions of Accrual and Use:** The Town will not unreasonably deny the use of any request for time off and will generally be approved at the convenience of the employee, however, the needs of the employer must be considered as paramount. Department Heads shall grant vacations with consideration for the seniority of the employee. All requests for vacation shall be made in writing on a form approved by the Town Manager and submitted to the Human Resources Director for posting on a leave calendar to assure staff coverage.

**Outstanding Vacation Leave:** All outstanding vacation leave shall be paid to the employee upon separation from service. Payment shall be made at the employee's regular rate of pay as of the date of separation.

## **EARNED PAID LEAVE**

**Eligible Employees:** Employees of the Town who are not already eligible under the Town's Personnel Policy or a Collective Bargaining Agreement to accrue earned leave, with certain exceptions as allowed by law, are entitled to earned paid leave (EPL) per MRSA Title 26, Chapter 7, Section 637, Maine's Earned Paid Leave law. Exceptions include but are not limited, to employees who are classified as Seasonal employees, certain Election workers, and elected officials.

**Accrual of Earned Paid Leave:** Eligible employees are entitled to earn one hour of paid leave for every 40 hours worked, with a cap of 40 hours in one year of employment. Accrual of this leave begins at start of employment and accrued throughout the year. Unused leave may carry over year to year (the maximum accrual remains 40 hours).

**Use of Earned Paid Leave:** Once eligible employees have been employed for 120 calendar days, they may use EPL for any reason and can use EPL in increments of 1 hour. EPL will be paid at the employee's regular rate of pay as established in the week immediately prior to taking Earned Paid Leave.

**Notice Requirements:** Eligible employees must provide to their supervisor at least 1 week's prior notice of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

**Leave Accrual upon Separation:** No unused accrued leave will be paid to the employee at time of separation.

### **SICK LEAVE**

Regular full-time and part-time employees shall accumulate one day of sick leave per month accumulative to 90 days. After 90 days are accumulated an employee will be paid at the end of each calendar year for 50% of unused sick days over the 90 days (not to exceed 6 in any one year).

Any remaining time over 90 days will be credited for one (1) hour personal time off for each day returned (up to a max of 6 hours) to be used for personal leave only, not for reimbursement purposes. Personal hours will be used at a time mutually agreeable between the employee and their supervisor. Any unused personal hours will be sacrificed upon termination or retirement, there is no cash value for personal hours.

The Town will give employees the opportunity to participate in a Retirement Health Savings Plan (RHSP). Sick leave pay for time over 90 days can be directly submitted to the plan adopted by the Town of York through the ICMA Corporation. A one-time option will be made available to convert sick hours into the RHSP. Employees will be able to convert one half of their sick time over 50 days with this option. Thereafter, a maximum of 20 days of an employee's sick time over 50 days can be converted in any one year. After such a conversion, fifty days would then become the maximum and employees would be eligible to be paid for sick days over fifty rather than the ninety in the manner prescribed above. Employees will also have the option to make a one-time election to contribute through payroll deduction to this plan subject to the rules or conditions of the RHSP as adopted by the Town.

Sick days are for sick time only. Sick days may be used for illness, necessary medical or dental cases or other disability of the employee or immediate family. Absences which are not medically related cannot be charged as sick time. Once an employee has exhausted all available sick time, pay will terminate, as negative balances will not be allowed.

After five (5) consecutive sick days, the employee must provide verification from a physician. The Town Manager or Department Head has the authority to approve sick time to be used if there is an illness with an immediate family member (immediate family member is described under bereavement leave).

Employees who have accumulated days in an established reserve as of 12/31/95, shall retain said days. No further accrual shall occur.

### **SICK LEAVE BANK**

The Town of York sponsors a Leave Bank program. The purpose of this program is to permit eligible employees to voluntarily donate a portion of their accrued but unused sick time balance to the Leave Bank to be used to assist another Town employee who has suffered a non-work-related Medical

Emergency, has exhausted their sick leave, vacation, and comp. time hours and would otherwise suffer a substantial loss of income as a result of taking unpaid leave.

For purposes of this Policy, a Medical Emergency is defined as a non-work related, unexpected medical condition of the employee or a family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee. For example, elective surgery does not qualify as a Medical Emergency, however complications arising from an elective surgery resulting in a serious medical condition may qualify as a Medical Emergency.

#### **EMPLOYEES ELIGIBLE TO DONATE SICK LEAVE**

All regular full-time and regular part-time employees will be considered eligible to participate in the Sick Leave Bank program after 6 months of employment.

In December each year, and at such other times as may be approved by the Town Manager, the Human Resources Director will ask all employees who are eligible to participate in the program if they would like to donate any accrued but unused sick leave to the Sick Leave Bank. Employees may contribute sick leave in single day increments, but in any case, may not donate more than 10 days in any calendar year and must retain at least two days of sick leave available for their personal use. Donations of sick leave are irrevocable, meaning that once time is donated it will not be returned to the donor-employee. Employees may not designate a particular employee to receive their donated leave.

If at any time during the year the Sick Leave Bank is depleted, the Human Resources Director may make a request to the Town Manager to permit employees with at least three accrued but unused sick days, donate a day of leave.

#### **EMPLOYEES ELIGIBLE TO RECEIVE DONATED SICK LEAVE**

Employees are eligible to receive donated Sick Leave if they are on an approved leave of absence related to a Medical Emergency as defined in this Policy and the employee has depleted all accumulated sick leave, vacation time, and comp. time. Although the employee is not eligible to use the donated Sick Leave until all other forms of paid time off are exhausted, the employee may request a donation of leave prior to exhausting paid time off.

Employees may apply for donated Sick Leave by submitting the request to the Human Resources Director by either email or on a paper form supplied by the Human Resources Department. Such request may be made when the employee anticipates that their sick days will be fully depleted. Failure to complete the request within 14 days of the medical leave, may result in a delay in payment, pending completion of the process. Sick Leave Bank awards will be paid at the recipient employee's normal rate of compensation.

Employees who are granted donated Sick Leave days shall be entitled to draw up to a maximum of thirty (30) workdays, upon approval of their request. The employee may re-apply to the Human Resources Director for additional Sick Leave Bank days, if necessary. The total sick leave granted from the Sick Leave Bank to any one member shall not exceed 90 days for any one illness, recurring illness, or injury.

Employees who are granted donated Sick Leave shall not be required to replenish the days withdrawn from the Sick Leave Bank. In the event an employee is approved for days that are not used, those days shall remain in the Sick Leave Bank and carry forward.

#### **ADMINISTRATION OF THE SICK LEAVE BANK**

Human Resources (HR), in conjunction with the applicable department head or their designee, is responsible for coordinating sick leave donations, reviewing applications for donated leave, reviewing employee eligibility and authorizing Leave Bank donations.

Employees may request donated leave by making a written (mailed, faxed or emailed) request to the Human Resources Director and Department Head. The employee must also provide the Human Resources Director with a physician's statement or FMLA Certification as evidence of a non-work-related Medical Emergency. The Human Resources Director will review the request and medical documentation and provide a recommendation to the Town Manager via e-mail along with the current days available in the Sick Leave Bank.

In making a recommendation regarding granting an employee donated leave, HR will (1) review all medical evidence submitted by the affected employee, including but not limited to physician statements; (2) will verify that existing paid leave has been or is likely to be exhausted; and (3) will work with applicable union representatives and prepare any necessary documentation.

By mutual consent of the parties, final decisions on eligibility and distribution of donated leave time rest with the HR Director and are not subject to union grievance procedures. HR will ensure that no decision will be made on an employee's race, religion, creed, color, sex, national origin, disability, age, marital status, sexual orientation, genetic information, public assistance status, veteran status or any other status protected by local, state or federal laws.

If the employee is enrolled in an Income Protection Plan, or other employer sponsored or administered disability policy, the utilization of donations may be coordinated with said policy and associated benefit to bring the employee up to 100% of their full-time base wages. Base wages will be defined as the employee's regular weekly work schedule and will not include overtime or differentials.

One half of accrued sick leave time shall be paid to an employee upon termination of employment (not to exceed 45 days). Upon the death of an employee, one half of accumulated sick leave will be paid to the widow or widower, if any, or if none, then to the guardian of the minor children, or to any other designated beneficiary.

## **WORKERS' COMPENSATION**

The Town shall select a carrier to provide Workers' Compensation coverage to all employees while in the service of the Town.

Employees who are covered by this Policy and who are injured on the job shall receive, in addition to compensation paid or payable under Workers' Compensation Act, an amount sufficient to bring them up to full net base wages while any incapacity exists and until they are either placed on disability retirement or return to work. Absence because of such injuries shall not be charged to accumulated sick leave.

## **BEREAVEMENT LEAVE**

In the case of death in the employee's immediate family, employees may be granted a leave of absence with pay for the work days falling within the period between the time of death and day after the funeral, not to exceed four (4) days. "Immediate family" is defined as spouse, child, brother/sister, brother/sister-in-law, parent/parent-in-law, daughter-in-law, son-in-law, grandparents, grandchildren, stepparent, stepchild, or other persons residing in the same household.

An employee may request bereavement leave for individuals not covered as "immediate family" in writing for approval at the discretion of the Town Manager. Should an employee need to attend services for individuals not covered under bereavement leave they may request time off without pay or charge the time to vacation or sick leave as authorized by the Department Head

## **LIFE INSURANCE**

The Selectboard shall select a carrier to provide life insurance coverage for eligible employees. The selection of the carrier shall follow discussion with the recommendation of the Employee Representatives. Life insurance shall be in the amount of 100% of the employee's annual base salary. The Town shall pay that percentage of the insurance premium cost in accordance with the employee's employment status as previously defined in this policy.

The Town will also offer any life insurance available through Maine Public Employees' Retirement System at the employee's expense of said insurance.

## **HEALTH INSURANCE**

The Selectboard, through a selected carrier will provide a Comprehensive Health Plan for all eligible employees. The Town Manager has the authority to include Domestic Partner Insurance.

The Town shall provide through the Maine Municipal Employees Health Trust (MMEHT) its comprehensive health care program. The Town will provide up to full family subscriber coverage. Employees may choose either the Point of Service (POS) C or POS 200 plan. For employees who elect the POS-C plan, the Town shall pay eighty (80%) percent of the subscriber cost and the employee shall pay twenty (20%) percent. For employees who elect the POS 200 plan, the Town shall pay three hundred dollars (\$300.00) greater than eighty-five (85%) percent of the subscriber cost and the employee shall pay fifteen (15%) percent, less three hundred dollars (\$300.00).

Effective January 1, 2018, the Town shall offer through the Maine Municipal Employees Health Trust (MMEHT) its comprehensive Point of Service (POS) - C, POS-200 and PPO-500 plans. The Town will contribute an amount equal to (87.5%) percent of the POS200 premium irrespective of plan selection with the member paying the applicable balance of said plan.

Effective November 4<sup>th</sup>, 2019 all employees will receive a \$.25 per hour health adjustment benefit that will be incorporated into the town compensation scales.

Should an employee be eligible and opt not to participate in the health benefit (to be known as the health benefit pay option) the Town will provide an annual reimbursement. Effective July 1, 2003 the rate will be \$1,200 per year, which will be reviewed on a yearly basis. This payment will be made in December and June of each calendar year and will be at a rate of \$100.00 per month for each month the employee does not take health benefits from the Town. Employees must show proof of comparable insurance to qualify. Effective January 1, 2018, employees declining coverage under the Town's medical insurance plan will be provided 25% of the employer savings for the coverage they are otherwise eligible for. For employees who decline enrollment in the Town's insurance plan due to coverage through a relative (spouse or parent) also employed by the Town and obtaining coverage through the Town, the Town will provide medical insurance at no cost to either employee however the Town reserves the right to dictate the manner in which the coverage will be provided.

Effective July 1, 2014, the Town shall maintain a section 125 (cafeteria or flexible benefits plan) for the purpose of providing health insurance and related benefits described in this Article, and all such benefits shall be provided pursuant to that plan. For employees enrolled in the MMEHT POS C plan or declining the Town provided medical insurance, the Town will contribute \$400 annually to the section 125 plan for each employee. For employees enrolled in the MMEHT POS 200 plan, the Town will contribute \$500 annually to the section 125 plan for each employee. Effective January 1, 2018, the Town will contribute \$500 annually to the section 125 plan with the addition of a limited flex plan.

### **LONG TERM DISABILITY**

The Selectboard shall select a carrier to provide long-term disability coverage to eligible employees. The selection of the carrier shall follow discussion with the recommendation of the Employee Representatives. Long-term disability insurance is available at the employees' expense as a payroll deduction.

### **INCOME PROTECTION**

The Town will provide an income protection plan to all full time employees through Maine Municipal Employees Health Trust at the employees' expense as a payroll deduction.

### **RETIREMENT PROGRAM**

The Town of York will offer a choice of retirement programs to all full time employees. The Town will contribute on behalf of the employee in either the Maine Public Employees Retirement System as a Participating Local District or in an ICMA RC (457) Deferred Compensation Program.

#### **Maine Public Employees Retirement System**

The employer's contribution, as mandated by the Maine Public Employees Retirement System, will be paid by the Town for all eligible and participating full time employees.

#### **ICMA R.C. Deferred Compensation Program**

All full-time employees hired prior to July 1, 2016, not participating in the Maine Public Employees Retirement System, will receive a contribution equal to 7.5% of employee's salary in a ICMA 457 deferred compensation plan. For employees hired on, or after, July 1, 2016 the Town agrees to match employee contributions 2-to-1, up to a maximum employer contributions of 6%, to an ICMA defined contribution plan.

#### **Social Security**

All employees are mandated to participate in the Social Security System.

### **UNIFORMS/CLOTHING ALLOWANCE**

The Town will reimburse employees for a uniform/clothing allowance up to \$400.00 per person per budget year for clothing mutually agreed upon by the Department Head and the employees involved for those departments requiring uniforms or special clothing or, due to the nature of the job, requires replacement of clothing that is ruined on the job. Uniform allowance for the York Police command staff will be determined and approved by the York Police Chief, per budget year.

### **ACADEMIC REIMBURSEMENT**

Subject to budget restrictions, employees may request reimbursement for the cost of tuition, books and registration cost of job-related college course(s) or a professional certification taken on their own initiative to a maximum of \$1,000.00 per budget year. To ensure funds are available employees must make the request to Human Resources prior to registering for the course. Such requests shall be submitted in writing to Human Resources outlining the following: institution offering the course; content of the course; cost; and course duration. Human Resources will review the request and will submit a recommendation to the Town Manager for approval. Once approved the funds will be provided to the employee to pay for the course and its expenses. The employee must submit documentation showing a grade of "C" or better or documentation of passing a professional certification exam to Human Resources. Failure to pass the course will result in the employee being responsible for

reimbursing the Town the funds allotted. This benefit is available on a first come first serve basis and is subject to available funds.

## **REIMBURSEMENT OF TRAVEL EXPENSES**

**Expenses** Reimbursement for expenses incurred in the conduct of official Town business are subject to approval by the Town Manager.

**Travel-Personal Vehicles** When utilizing personal vehicles for approved business related travel, an eligible employee shall be reimbursed at a rate set by the General Services Administration standard mileage allowance on January 1<sup>st</sup> of each year. Employees requesting payment under this sub-section must submit the required information on the prescribed form. Normal home to work travel is not compensable. When traveling on approved business matters, conferences and meetings, employees may, upon approval of the Town Manager, receive actual reimbursement for reasonable costs incurred.

**Meal and Incidental Reimbursement:** Employees traveling for town business will be reimbursed for meals and incidentals subject to approval by the Town Manager using standards established by the US General Services Administration.

**Evening Meetings** Any full time employee with a residence outside a ten-mile radius of Town Hall, having worked at least four (4) hours prior to the end of the business day, who is required to attend an official meeting after 6:30P.M., or on a holiday or weekend day, will be reimbursed up to \$8.00 for a meal eaten in a local restaurant. Reimbursement will be made upon submission of a receipt including the date and the total cost of the meal.

## **LEAVE OF ABSENCE**

Employees may, with the written approval of the Town Manager, be granted a leave of absence without compensation. A leave of absence will not be granted for employment elsewhere, except for military purposes. During such a leave, the employee shall forfeit accrual of benefits; will be required to defray the entire cost of insurance premiums and will relinquish any claim to time in service that would have been earned during the length of the absence.

Employees may, with prior written approval of the Town Manager, be granted a leave of absence with pay and/or benefits for reasons deemed to be in the interest of the Town. Such leave shall not adversely affect the employees' fringe benefits or time-in-service status.

## **DISCIPLINE**

Discipline may be initiated for any infraction based on just cause. Among infractions which may be subject to disciplinary actions are the following:

- The employee has been convicted of a felony or of a misdemeanor involving moral turpitude.
- The employee has violated a Town and/or departmental policy and/or procedure, or failed to obey any proper direction made and given by a supervisor.
- The employee is intentionally offensive in conduct or language in public or towards fellow employees.
- The employee exhibits inability to perform the duties and responsibilities required and recognized in the job description.
- The employee is careless or negligent with the moneys or other properties of the Town.
- The employee exhibits recurring absenteeism and/or tardiness.

### Normal Steps

Discipline will normally be initiated in the following manner: verbal warning; written warning; suspension; and termination. Depending on the nature of the offense, discipline may be initiated at any of the levels listed above. The Town Manager shall be made aware of any action initiated as outlined in the disciplinary process sections of this policy.

### **GRIEVANCE PROCEDURE**

It is the policy of the Town of York to treat all employees equitably and fairly in matters affecting their employment. Each employee of the Town will be provided ample opportunity to understand and resolve matters affecting their employment which the employee believes are unjust. Grievance procedure instruction shall be made to each employee and the presentation of any grievance shall be considered the right of each employee without fear of reprisal.

### **Definitions**

**Arbitration:** The process by which the parties to a dispute submit their differences to the judgment of an impartial person or group selected by mutual consent or statutory provision.

**Arbitrator:** A member of the American Arbitration Association to be utilized in the process of arbitration.

**Grievance:** A complaint or dispute filed by an employee regarding working conditions, to include an injury, an injustice, or wrong by reason of discrimination, or oppression. Salary, working conditions and benefits are subject to the provisions of this article.

### **Informal Process**

Every effort shall be made to resolve a pending grievance through the informal process, with the Department Head prior to filing the formal written grievance.

Any employee having a problem regarding their employment shall first discuss the problem with their immediate supervisor. If the problem is not settled to the employee's satisfaction, the employee has the right to present the pending grievance in accordance with the procedure outlines below.

### **Formal Process**

Step 1: The employee shall, within five (5) working days of the date of the grievance, or within five (5) working days of the date he/she could reasonably be expected to have knowledge of the grievance, present the grievance in writing to their Department Head. The Department Head shall, within five (5) working days, meet and discuss the grievance with the employee and reply in writing within five (5) days.

Step 2: In the event that the decision of the Department Head is not satisfactory to the employee, the employee may, within five (5) working days, present their grievance in writing to the Town Manager. The Town Manager shall, within five (5) working days, meet and discuss the grievance with the employee and reply in writing within five (5) working days. In the event that the grievance is brought by a Department Head, the process shall start at Step 2.

Step 3: In the event that the decision of the Town Manager rendered pursuant to (2) above is not acceptable to the employee, he/she may, within five (5) working days thereafter, request the matter be submitted to the Selectboard by so notifying the Town Manager and Chairman of the Selectboard. Within ten (10) working days thereafter, the Selectmen shall meet with the employee and Town Manager in executive session for the purpose of resolving the grievance. The Selectmen shall render

their written decision within five (5) working days after said meeting. Any Selectman who has discussed the grievance with the employee or a representative of the employee must excuse himself/herself from taking part in the grievance meeting. The employee may waive this step in the grievance procedure by so notifying the Town Manager and Chairman of the Selectboard within five (5) working days of receiving the Manager's decision.

Step 4: In the event that the decision of the Town Manager or Selectboard, rendered pursuant to Step 3 above, is not acceptable the employee, he/she may within five (5) working days thereafter request the matter be submitted to arbitration by notifying the Town in writing. The arbitration proceedings shall be conducted by an arbitrator, to be selected by the Town and employee within five (5) working days after notice has been given. If the parties fail to select an arbitrator, either may request the American Arbitration Association to provide an arbitrator in accordance with the American Arbitration rules. The decision of the arbitrator shall be final and binding on the parties and the arbitrator shall be requested to issue thier decision within thirty (30) working days after the conclusion of the testimony and argument. Expenses for the arbitrator's services and the proceedings shall be borne equally by the Town and the employee. However, each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record and makes copies available without charge to the other party and to the arbitrator.

*Last Updated: January 23, 2023*