

**Agenda**  
**Topsham Board of Selectmen Workshop**  
**100 Main Street, Topsham**  
**Meeting Room**  
**September 7, 2017**

**Immediately following the Regular Meeting  
Board of Selectmen will review changes to the  
Personnel Policy**

## MEMORANDUM

To: Board of Selectmen  
From: Richard Roedner, Town Manager  
Date: August 18, 2017  
Re: Personnel Policy Draft

Attached is the current draft of the revised Personnel Policy. Linda McGill has gone over it, made numerous editorial changes, as well as more appropriate language in places. I have incorporated those changes into the base document.

As you review this draft, there are several areas highlighted in yellow. These are areas that your guidance is required to define what our policy should be.

Page 2

### Marital Status

Linda McGill has noted that marriage status is not a protected status under any State or Federal law. However, many communities have added language along these lines over the last several years, as some states have approved same sex marriages, while others haven't. Now that same sex marriages are legal nationwide, the impulse would be to not include this language. Linda has noted that there is no real risk from leaving it in place, or taking it out. The Board just has to decide if it wants to assure employees that their marital status (single, same sex, heterosexual) won't affect their treatment by the town.

Page 4

Under our definition for Temporary Employees, we included call and volunteer firefighters (same thing under the law). To avoid confusion, Linda has suggested making these two definitions, since technically, they are not employees.

Page 7

F, General. I have changed the language a bit regarding physicals based on Linda's comments. I have made physicals "if applicable" since we don't require them for all employees, and the applicable is based on the job position, not the employee. We can't require one employee to have a physical because they smoke or are overweight, and left a thin, non-smoker be hired without a physical.

Page 8

Paragraph #4 talks about probationary periods and interim evaluations. Linda suggested that the language be loosened up a bit, to have the evaluations 'if feasible' and to include a statement that

failure to conduct an evaluation doesn't convey any rights to the position, and the Town's ability to demote or discharge is still intact.

Page 10

The language on earning Comp Time instead of being paid for overtime, has required pre-approval by the Town Manager, in writing. This seldom happens. In most cases, the comp time is earned by the same employees, generally for things such as attending meetings. When an employee who generally doesn't work overtime has to work additional hours, it is approved by the Town Manager in advance.

Page 12

Payment to Call members of the Fire Department are tricky items, as by law, they are considered volunteers. So, for training and things of that nature, they are paid some form of stipend. But when they respond to a call, they are paid hourly. I am working with Deb and Mike to understand how that process works (Brian recently changed the process from what I was familiar with).

Our policy is also for quarterly pay, but that is only for volunteer work. When called, they get paid in the next payroll.

Page 17

Paragraph 2 use to grant Supervisors discretion in allowing up to one day of sick time to be used for a sick family member (child, parent, spouse living in the same household). However, the Maine Family Sick Leave Act allows for up to 40 hours to be used in these circumstances. The language has been changed to be in compliance with State law.

The second part of this paragraph give the employer the authority to require a 'return to work' letter from an employee's doctor, if he employee has been out three days or more. Under Maine law, the Town is responsible for the cost incurred by the employee in seeking this approval. Linda has suggested eliminating the requirement. Or we can leave it in and plan to pay for the cost (usually it will only be co-pay).

Page 22

Paragraph 4 includes language that employees are entitled to no benefits while on suspension. Linda has asked whether that includes health benefits. Linda suggested that we change the language to "...job site and will not receive pay or any earned time benefits or seniority." We may also want to add language that health coverage be maintained during suspension, with the employee required to continue their share of the premium. Failure to pay their share shall result in suspension of health coverage.

Page 26

Section J, allows the Town to test any driver of a municipal vehicle for the presence of legal or illegal drugs, if impairment is suspected. Linda has indicated that this is not allowed. Her suggestion is that we change the reference to only include those required to have drug tests based on federal requirements.

On a broader point, we only require drug testing for those who require it by federal law (plow drivers with a commercial license). At some point, we may want to include all of our drivers in the random drug testing program. There would be a higher cost, and it would no doubt have to be negotiated, but it may be worthwhile, particularly with marijuana becoming legal.

Page 31

Tuition reimbursement is treated as an advance against earnings under tax law. As such, the Town has no right to reclaim the advance when an employee leaves within a year after reimbursement, unless there is a signed agreement whereby the employee consents to the clawback. In any case, final checks (after any reimbursements to the Town) must be at least to minimum wage earnings for the pay period. We should discuss how we want to handle this.

Page 33

Whistleblower Act. We can either say we comply with the required law, or indicate that our language is a brief, paraphrase of the law. I kind of like this latter language, as it gives supervisors a reminder of the rights of employees. "This is a brief summary of the State Statute, please refer to 26 MRSA Chapter 7, Subsection V-B for the full details of the law".

PERSONNEL RULES AND REGULATIONS FOR TOWN OF TOPSHAM

Approved December 4, 2003

Amended January 19, 2017

ARTICLE I  
STATEMENT OF POLICY

A. PURPOSE

The Topsham Board of Selectmen hereby adopts the following Personnel Rules and Regulations to establish a system of personnel administration that meets the social, economic and program needs of the people of Topsham. Further, its purpose is to serve to increase the general efficiency of Town operations by promoting and assuring equal rights, well-being and security of all of its employees. The Town may delete, amend, modify or change any or all of the provisions contained in these rules and regulations without prior notice. The provisions set forth in these rules and regulations are not contractual, but rather are for the general guidance of the Town in its relationship with its employees and for Town employees in their employment relationship with the Town.

B. COVERAGE

Employees whose positions are covered by collective bargaining agreements shall adhere to the sections of these rules that are not a part of or in conflict with their agreements. All employees not covered by a collective bargaining agreement shall adhere to all provisions set out in these rules.

C. ADMINISTRATION

The Town Manager, or his designee, shall be the Personnel Administrator. The Town Manager will: (1) encourage and exercise leadership in the development of the Town personnel practices among departments of the Town; (2) advise the Board of Selectmen on staff and personnel utilization; (3) foster and develop programs for the improvement of employee effectiveness including training, safety, health, counseling, proper courtesy when dealing with the public and respect for municipal property; (4) establish and maintain records of all employees in which there is set forth as to each employee the job title, pay or status, sick leave, vacation time, and other relevant data; (5) apply and carry out these rules and perform any act which may be necessary or desirable to carry out for the purposes and provision of these Personnel Rules.

Except as explicitly limited by a specific provision of these rules, the Town Manager shall have the exclusive right to take any action deemed appropriate in the operation of Town departments, in the implementation of Town policies, and in the direction of the work of Town employees in accordance with the Manager's best judgment. The Town Manager may delegate management authority to Department Heads as desired.

Management rights shall include, but shall not be limited to: the operation of the Town government and the direction of employees covered by these rules, including but not limited to the right to impose discipline including discharge, to change assignments, to promote, to suspend, to reduce or expand the number of employees, to transfer, to maintain discipline, to establish schedules, to introduce new or improved methods

or facilities and to employ any and all personnel.

ARTICLE II  
GENERAL PROVISIONS

A. MANAGEMENT GOALS

The goals of personnel management in the Town of Topsham are to:

1. Promote effectiveness, economy, and productivity in delivering services to the citizens of Topsham;
2. Encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills;
3. Provide reasonable assurance that all rights and benefits of employees are protected and respected; and
4. Afford fair and equal treatment of all employees to advance in Town service on the basis of merit.

B. EQUAL EMPLOYMENT OPPORTUNITY

1. Non-Discrimination and Equal Opportunity

The Town provides equal employment opportunity to all applicants and employees. This policy applies to all employment-related decisions, including recruiting, hiring, assigning, supervising, training, upgrading, transfer, compensation, benefits, discipline, discharge, promotion, and education. The Town will not discriminate in employment opportunities or practices against any individual with regard to race, color, ancestry, national origin, religion, political affiliation, sex, marital status, age, sexual orientation or gender identity, physical or mental disability, or any other status protected by law.

*[Comment: Marital status is not a legally protected status in employment in Maine, although if this has been listed in the Town EEO policy in past rules you may not want to omit it.]*

2. Reasonable Accommodation

The Town will make reasonable accommodations for all qualified individuals with a disability consistent with the requirements of state and federal law.

3. Non-Retaliation

The Town will not retaliate against any employee in violation of the Maine Whistleblower Protection Act or any state or federal law. Employees may express complaints or concerns regarding the Town's compliance with state or federal law or regulation, the Town's adherence to non-discrimination and equal opportunity laws, the Town's actions with regard to the health or safety of its employees or any other similar concern without fear of retaliation in employment.

4. Complaint procedure

Any employees with questions or concerns about any type of discrimination in the workplace or the Town's compliance with law, regulation, safety principles or health practices are encouraged to bring these issues to the attention of their immediate supervisor, Department Head or the Town Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

C. PERSONNEL FILES

Unless otherwise conditioned, the Town Manager shall have direct control of all personnel files. Upon reasonable notice, an employee, or an employee's authorized designee, designated in writing, shall have the right to inspect their official personnel file. Inspection shall be during normal business hours and shall be conducted under the supervision of the Manager's Office. An employee or authorized designee shall have the right to make duplicate copies for their use.

D. EMPLOYEE ORIENTATION

Each new employee will be given an orientation to the Town by the Town Manager, including a review of the employee's job description, a copy of the Personnel Rules and Regulations, a copy of the collective bargaining agreement if applicable, a review of benefits and submission of completed application forms, a copy of the Safety Policies, a review of general Town Policies, and all required training, including sexual harassment training, VDT and Biohazard training. Additional orientation will be provided by the individual departments.

All new or promoted employees shall be given a letter from the hiring authority which formalizes the hiring and recites appropriate conditions and decisions relevant to the appointment including, but not limited to, work commencement date and time, amount of compensation, probationary period, identification of immediate supervisor, and type of employment.

E. PROCESSING OF EMPLOYEE STATUS CHANGES

All permanent changes in the status of all employees shall be processed on a Personnel Action Status Form by Department Heads with the Town Manager approval. With the exception of disciplinary actions, these changes shall be processed within five (5) working days prior to the effective date of any change in an employee's status.

F. EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT

Salaried employees having the following job titles are considered to be exempt from overtime and certain other provisions of the federal Fair Labor Standards Act because their positions meet the tests for executive, administrative, or professional exemption:

Town Manager	Finance Director-Treasurer
Town Manager's Office Admin. Sec.	Public Works Director
Tax Collector	Police Chief
Fire Chief	Police Lieutenant
Director of Economic Development	

The Town may designate other exempt positions in compliance with the provisions of applicable federal law.

### ARTICLE III DEFINITIONS OF TERMS

#### DAY

When calculating sick, vacation or personal time, the term “day” refers to a work day, either 7.5 hours for an employee whose regularly scheduled work week is 37.5 hours, or 8 hours for an employee whose regularly scheduled work week is at least 40 hours per week. For employees who work less than 37.5 hours per week, a “day” shall be prorated to the appropriate number of hours based on the total worked during a week.

#### NON-REGULAR PART TIME EMPLOYEES

A non-regular part time employee is one who is appointed to a position to work less than twenty hours per week on an indefinite basis. No benefits are available for non-regular part time employees, except those required by law.

#### REGULAR FULL TIME EMPLOYEES

A regular full time employee is one who has successfully completed his/her probationary period and has been appointed to a budgeted position to work a standard workweek of at least 37.5 hours per week on a continuing and indefinite basis. Regular full time employees are entitled to all benefits provided by these Personnel Rules and Regulations.

#### REGULAR PART TIME EMPLOYEES

A regular part time employee is one who has successfully completed his/her probationary period and has been appointed to a budgeted position to work less than 37.5 hours per week on a continuing and indefinite basis. Regular part time employees who are regularly scheduled for a workweek of at least 30 hours shall be entitled to all benefits provided by these Personnel Rules and Regulations on a pro-rated basis.

#### SEASONAL EMPLOYEES

A seasonal position is one that is less than year round and is appointed for a period of time for which the project or task is known. No benefits are available for a seasonal employee, except those required by law.

#### TEMPORARY EMPLOYEES

A temporary employee is anyone other than a regular full time or part time employee appointed for period of time. The Town Manager must approve all temporary positions. No "regular" status is possible within this designation. No benefits are available for a temporary employee, except those required by law.

Temporary employees also include on-call public safety and emergency service volunteers for benefit purposes.

#### ON-CALL AND EMS VOLUNTEERS

Public safety and emergency service volunteers are not entitled to benefits under these Rules.

#### TOWN MANAGER

Town Manager means the appointed Town Manager, who shall have the authority to administer these

Personnel Rules, or to delegate such authority to other Town employees.

ARTICLE IV  
APPLICATION, PROMOTION, RECRUITMENT, SELECTION, GENERAL INFORMATION,  
PROBATION AND RESIGNATION

A. POLICY

It is incumbent on management to find the best-qualified candidates to fill vacancies that would best serve the Town. Within the limits of time in which a position must be filled, and within the budgeted financial capabilities of the Town, there shall be as comprehensive a search as is practical for qualified candidates.

When an existing position is vacated or a new position is created, the following will be the means by which they will be filled.

B. APPLICATION

Employment applications for positions must be made on forms prescribed by the Town or as advertised. Such forms may require whatever information is deemed necessary and appropriate by law, and the applicant person must sign all applications. Falsification or misrepresentation of information may be sufficient cause to disqualify an applicant or to terminate an employee subsequent to hiring.

The Town Manager reserves the right to re-advertise a position if it is deemed to be in the best interest of the Town. The preferred policy of the Town is for open recruitment to fill all vacancies. Temporary (extra help) employees need not be subject to open recruitment, since qualifications are the primary determinant; however, all other factors being equal, every attempt should be made to utilize qualified Topsham residents.

C. PROMOTION

All Departments other than the Police Department and the Fire Department:

Vacancies in positions above entry level may be filled by promotion when in the judgement of the Town Manager it is in the best interest of the Town to do so. In making promotions, the appointing authority shall give appropriate consideration to an employee's qualifications, record of performance, and seniority (if more than one employee in a Department qualifies). Ultimately the appointing authority retains the discretion to appoint the person he/she believes is best qualified for the position.

Police Department

The Chief of Police shall make all promotions within the Police Department from a promotion eligibility list. This list shall be based upon personal evaluations that the Chief shall develop based on seniority or upon competitive promotional examination or on both. The ranking of a participant on a promotion eligibility list shall be made available to the participant in the examination upon request.

Fire Department

The Fire Chief shall make all promotions within the Fire Department from a promotion eligibility list. This list shall be based upon personal evaluations that the Chief shall develop based on seniority or upon competitive promotional examination or on both. The ranking of a participant on a promotion eligibility list

shall be made available to the participant in the examination upon request.

D. POSTING /ADVERTISING

The Town Manager may fill vacancies internally by posting, or externally through advertising. Postings will be displayed in-house for a minimum of three days. Advertising will be done at a minimum with three days of advertisement in local newspapers. In addition to the newspaper external advertising may also be done on Web sites designed for recruiting and the Town web site.

At the discretion of the Town Manager jobs may be posted and advertised as opened until filled rather than having a cutoff date, but if a cutoff date is given it will be, at a minimum, eight (8) days from the date of posting/advertising.

In-house postings and external advertising may occur at the same time.

E. SELECTION

Upon receipt of applications for a vacant position, the Town Manager and/or Department Head will appoint a review team, to include the Department Head of the hiring department, other town employees and related professionals, as deemed appropriate, to conduct interviews of qualified applicants. Appropriate ranking criteria shall be used based on the position being filled.

The Department Head shall review the recommendations of the review team, may conduct second interviews with individual applicants, and may require specific job-related testing (as appropriate) before making a decision to offer a position to an individual candidate.

Post-offer job-related testing may be required by individual departments, and may include psychological or psychiatric testing, polygraph testing (when permitted by law) or pre-employment medical screening., prior to the offer being made final.

All candidates for regular positions within the Police Department must be at least eighteen (18) years of age. Candidates for the Fire Department must be at least twenty (20) years of age. Candidates for both departments must be of good moral character, high school graduate(s) or the equivalent, and able to perform the essential duties of the position with or without reasonable accommodation. The Town may consider an applicant's history, criminal record, past employment record and any other job-related criteria. There is no residency requirement, but all regular employees should live in close enough proximity to the Town to be readily available for any duty including emergency duty and able to travel to the work site during inclement weather. Where necessary for the position, applicants must have a valid motor vehicle license.

In any instance where the posting and advertising of an open position does not result in the hiring of a qualified candidate, the Town Manager shall have the discretion to extend the search or to invite applicants for other posted and advertised town job openings, without being required to re-post or re-advertise the open position, to apply for said open position.

1. DEPARTMENT HEADS

All applications will be turned into the Town Manager. The Town Manager shall select an interview group. The Interview Group will review and rank all applications. The top ranked

applicants will be interviewed. A second interview may occur.

In any instance where the posting and advertising of an open position does not result in the hiring of a qualified candidate, the Town Manager, without being required to re-post or re-advertise the open position, shall have the discretion to extend the search or to invite applicants for other posted and advertised Town job openings, to apply for said open position.

## 2. SUPPORT STAFF

All applications will be turned into the Town Manager. The Town Manager will create an interview group. The interview group will consist of, at a minimum, the Town Manager and the Department Head for the Position. This Group will review and rank all applications. The top ranked applicants will be interviewed. A second interview may occur.

In any instance where the posting and advertising of an open position does not result in the hiring of a qualified candidate, the Town Manager, without being required to re-post or re-advertise the open position, shall have the discretion to extend the search or to invite applicants for other posted and advertised town job openings, to apply for said open position.

## 3. SEASONAL EMPLOYEES

Department Heads will make the Town Manager aware of seasonal postings. They will also keep the Town Manager up to date on current seasonal employees with maintained lists.

## F. GENERAL

All selected applicants for all regular positions must pass a background check, credit check (if applicable) and pre-employment physical, if applicable to the position, prior to a final offer of employment.

The Town does not have a residence requirement.

All hiring processes may be amended at the discretion of the Town Manager.

If the Town Manager determines that the advertised salary/wages for any unfilled position does not reflect the actual marketplace salary/wages for such a position, the Town Manager, after consulting with the Board of Selectmen, has the discretion to increase or decrease the salary/wages for the open position without being required to re-advertise the position. When the salary offered is being increased, the Town is not required to re-advertise or re-post the position. This applies to those unique circumstances when, after advertising, the Town is unable to fill a vacancy in a position due to existing marketplace conditions.

Similarly, the Town Manager shall have the discretion to hire a new employee with up to three (3) weeks of vacation leave should an individual bring specific skills or experience to the position.

Town employees shall be given first consideration in filling advancement opportunities but will not necessarily be given preferential consideration. It is recognized that from time to time the public interest will be best served by hiring outside the present municipal work force. Such a decision shall only be made following a careful review of job requirements and the qualifications of all Town employees who have formally applied for the position.

G. PROBATION (Resulting from appointment or promotion)

1. Upon appointment or promotion, all employees shall be placed on probationary status. For employees in administrative, professional or executive positions (See Art. II, F.), this period of probation shall be for one (1) year; for non-exempt positions the probationary period shall be for six (6) months. Fire & Rescue employees (excluding the Fire Chief and Deputy Chief/EMS Director) shall be placed on probation for a period of one (1) year. Police Department employees will be subject to the probationary period provided by law.
2. The probationary period is a period of evaluation of performance during which time a promoted employee may be demoted or dismissed, or a new hire may be dismissed, based on the determination by the supervisor, Department Head, and/or Town Manager. However, should demotion occur, the employee may be reinstated in the range designation which he or she previously held, and the employee then occupying the position may be laid off. Any employee subject to being displaced by a returning employee shall be considered as advised of that possibility by virtue of having received a copy of the Town's personnel rules and regulations.
3. Probationary employees have no rights of appeal and no rights to the grievance procedure regarding promotion to or demotion from the promoted position.
4. During the probationary period, the Department Head shall, if feasible, conduct interim performance evaluations with the employee ninety (90) days after the appointment or promotion date and again fifteen (15) days before the expiration of the probationary period. Employees with a one- (1) year probationary period shall have the performance evaluations done at the end of six (6) months and again fifteen (15) days before the expiration of the probationary period. The Department Head will complete a second written probationary performance evaluation and the Town Manager (in consultation with the Department Head, if applicable) shall determine if it is in the best interest of the Town to have that employee continue in that position. During the probationary period the supervisor shall observe the employee's work habits, skills, attitude and other pertinent characteristics for successful job performance. Unsatisfactory performance at any time during the probationary period may result in dismissal without appeal rights. An employee's supervisor may at other times during the employee's probationary period conduct additional performance evaluations.

Failure to conduct these evaluations does not affect the Town's ability return and employee to a former position or level, or to terminate an employee prior to the completion of the probationary period.

5. Probationary employees shall earn sick time and vacation while on probation, but may not utilize it until after six (6) months of employment. Probationary employees shall not receive holiday pay until they have completed ninety (90) days of employment. New employees will be eligible for the award of personal time upon completion of their probationary period.

H. RESIGNATION

A regular employee planning to resign must give written notification to the Town Manager at least two (2) work weeks prior to the effective date of resignation. A month's prior notice is usually preferred from resigning Department Heads. An employee who fails to give prior notice consistent with this provision,

except by mutual agreement, may be regarded as not leaving in good standing.

## ARTICLE V HOURS

### A. STANDARD HOURS

Each Town Office shall establish its own weekly work schedule, subject to the approval of the Town Manager and the Board of Selectmen.

1. Normal operating hours of the Town Hall Building will be from 8:30 a.m. to 4:30 p.m., Monday through Wednesday, 8:30 a.m. to 6 p.m. on Thursday, and 8:30 a.m. to 3:00 p.m. on Friday, during which time the Town Offices will be open to serve the public. The standard full time workweek for Municipal Building employees is considered to be thirty-seven and one half (37.5) hours, and forty (40) hours for department heads.
2. The standard work week for the Topsham Fire Department will be 42 hours, but may change at the Town's discretion.
3. If deemed necessary there may be changes in the hourly or weekly schedule for certain departments, offices, and facilities. All variations from standard hours of work shall be reviewed and approved by the Town Manager and the Board of Selectmen. Notice of permanent changes will be published in a local newspaper of general circulation.
4. From time to time, certain Town Hall Offices are expected to experiment with variable open hours to accommodate those citizens who cannot conveniently fit their schedules to the Town's regular open hours. This will possibly necessitate that some employees will work flexible hours, as determined by the Department Head.

### B. ATTENDANCE AT WORK

Employees shall be at their respective places of work in accordance with the general or departmental regulations pertaining to the established hours of work. All Department Heads shall ensure that each employee is aware of regular work hours for their respective groups and shall keep daily attendance records and furnish them to the Finance Director by 9:00 a.m. each Monday. Employees arriving before the designated start time for work may be allowed on premises but may not engage in work activities and may be subject to discipline for doing so, unless such extra work has previously and specifically been authorized.

1. Under normal conditions and prior to the start of the workday, it is the employee's responsibility to notify their Department Head or immediate supervisor of the reason for any absence. Such notification shall be no more than one (1) hour before the start of the regularly scheduled day. Department Heads who are absent shall contact the Town Manager's Office no more than one half (1/2) hour after the start of the regularly scheduled day.
2. Unless otherwise specified by the Department Head, employees are expected to call in on each day of absence or, if unable to call, have someone call for them. When the nature of the absence indicates an extended period of time away from work, special procedures for reporting may be

established by the Department Head. At the reasonable discretion of a Department Head, repeated, recurring or excessive absences may require a physician's statement providing the justification for absence from work.

3. Failure to comply with these requirements may result in discipline, up to and including discharge.
4. All employees except emergency (e.g. Police Chief, Fire Chief, Director of Emergency Services and Public Works Director) are required to account for their work time on weekly payroll time cards. Work time shall be approved by their immediate superior and the Town Manager. The Town Manager shall determine the form used for the payroll time cards.

C. OVERTIME

1. EXEMPT EMPLOYEES (Salaried, eligible for Time Off)

Exempt employees who are not subject to overtime pay and who work beyond the normal workweek may be compensated with compensatory time. There shall be no payment for unused compensatory time at the termination of employment for exempt employees. Employees will be expected to manage the time worked and the time used in a professional manner, keeping in mind that the positions they hold anticipate work schedules that are irregular and that the compensation reflects this. Time off to use compensatory time must be approved by the Town Manager.

Department Heads shall be responsible for filing monthly reports for the accumulation and use of compensatory time with the Town Manager for their Departments on pre-authorized forms.

2. NON EXEMPT HOURLY COMPENSATED EMPLOYEES

Any time actually worked by non-exempt employees in excess of 40 hours in a week shall be compensated for by either overtime pay at time and one-half or by compensatory time at time and one-half the rate, at the option of the employee. Hours worked between 37.5 and 40 shall be compensated for by payment at the employee's regular straight-time rate. Vacation and other forms of paid leave shall not be counted as time worked. Holidays and paid sick leave shall be considered workdays. All overtime or time accumulated as compensatory time must be pre-authorized by the Town Manager in writing. Requests for use of compensatory time shall be approved by the Town Manager, or Supervisor, in writing.

Non-exempt employees called back to work shall receive a minimum of two hours pay at the rate of one and one-half times their base hourly rate.

3. FIRE & RESCUE (Excluding the Fire Chief & Deputy Chief/EMS Director)

Any time actually worked by non-exempt employees in excess of the identified standard scheduled work week and up to fifty-two (52) hours in a week shall be compensated by either straight time pay or by compensatory time at the straight time rate, at the option of the employee.

Any time worked beyond fifty-two (52) hours shall be compensated by either overtime pay at one and one half (1 ½) times the hourly rate or by compensatory time at one and one half (1 ½) hours, at the option of the employee.

A Fire & Rescue employee called back to service shall receive a minimum of two (2) hours pay at the rate of one and one half (1 ½) times their base hourly rate.

No more than 84 hours of compensatory time shall be accrued.

A full-time Fire & Rescue Department employee (excluding the Fire Chief & Deputy/EMS Director) is not eligible to cover vacant per diem or call department scheduled shifts unless assigned by the Fire Chief.

D. MEAL BREAKS

A thirty- (30) minute lunch period, unpaid, shall be offered during each work shift unless flextime arrangements have been approved for specified positions. Meal periods will be scheduled in such a way as to ensure building coverage whenever possible. A failure to take work breaks cannot automatically be offset by taking a longer meal break.

Fire & Rescue Department: (Excluding the Fire Chief & Deputy/EMS Director)

A thirty (30) minute work break, unpaid, and a one (1) hour lunch break, paid, will be provided. In circumstances where calls or normal duties as prescribed conflict with a lunch or meal break, there will be other time allowed for the meal break.

E. WORK BREAKS

Each employee may be allowed an optional fifteen (15) minute work break in the morning and afternoon, provided it is appropriate and timely and does not interfere with the working progress of the department. The fifteen (15) minute period is actual work stoppage and includes travel time, to and from the work place. Abuse of this privilege may result in disciplinary action.

F. TEMPORARY OFFICE CLOSURES

The Town Manager may approve the temporary closure of office(s) for brief periods of time, not to exceed one (1) working day, for special functions or reasons (e.g. storm conditions) related to the availability of staffing. A notice shall be placed on the closed door(s) of those office(s) indicating an apology to visitors, the time the office is expected to reopen, and, if possible, a referral to any other open office which may be covering for the closed office(s). All regular employees (except those assigned to work during those times when closure occurs) shall be compensated for any temporary closures of town offices or facilities at the same rate of compensation as if they had worked. Such time shall not be used to compute overtime compensation. If a temporary closure occurs when an employee is on a compensated leave (e.g. vacation), except sick leave, the employee will be credited with additional time.

G. PAY PERIODS

1. The pay period for the Town of Topsham is Sunday through Saturday, on a weekly basis, and payday is that following Thursday, by 11:30 am, unless unavoidable delays are caused by unforeseen or uncontrollable circumstances.
2. When a payday falls on a holiday, employees will be paid on the last workday prior to the holiday, unless

unavoidable delays are caused by unforeseen or uncontrollable circumstances.

3. On call Fire Department personnel will be paid on a quarterly basis.

H. ON-CALL EMERGENCY RESPONSES

If a Town employee is given permission by their immediate superior to respond to emergency fire alarm calls or rescue calls, they will be compensated at their normal pay rate or their compensation rate for performing on-call service, whichever is higher, for that time and forego additional compensation normally paid to responding on-call emergency personnel.

*[Comment: Let's discuss the pay practices re "volunteers".]*

I. DIRECT DEPOSIT

All payroll checks shall be provided via Direct Deposit.

J. TRACKING OF VACATION AND SICK TIME

The Town will track all vacation and sick time usage on the employee payroll stub.

K. FAILURE TO NOTIFY OF NEED NOT TO REPORT

In the event an employee reports to work on their regular shift or scheduled overtime without having been previously notified not to report, they shall receive four (4) hours pay including all premiums. An employee shall be considered to have been requested to report at their regular shift unless notified by an authorized employer representative to the contrary at the close of the previous day's work, except in the case of office closure due to weather conditions

ARTICLE VI  
COMPENSATION

A. INTENTION

It is the intent of the Town that employees will be paid on a basis that is commensurate with salaries and wages for comparable public sector work in similar-sized municipalities and the local private workforce sector that will attract and retain well-qualified employees. For this purpose, a Job Classification Plan has been adopted as part of negotiated labor contracts. The Town Manager shall monitor wages of non-union employees determine compliance with this intent.

1. New employees normally will be hired at the first step of the applicable salary grade minimum rate for that position; however, under exceptional circumstances the Town Manager may authorize appointment at a higher step if it is necessary in order to secure a qualified employee or recognize exceptional ability or experience. The Board of Selectmen reserves the right to pre-approve any recruitment of new employees at the Department Head or mid-management levels before any advertising for applications. Department Heads are requested to make before the fact courtesy notes to the Board of Selectmen, through the Town Manager, of any positions for which they might be recruiting. The Town Manager shall report to the Board of Selectmen any appointments above Step

F in the Pay Range. Upon satisfactory completion of the probationary period an employee may be eligible for salary adjustments.

2. Permanent part-time employees (at least 30 hours per week) shall be afforded the same benefits as full time employees but the benefits shall be pro-rated upon the ratio of average weekly hours scheduled and a 37.5-hour work week.
3. The Town may grant increases in compensation to employees in July of each year for cost-of-living adjustments for employees covered by these personnel rules and regulations. If a general cost-of-living adjustment is granted it shall be given to all employees covered by these personnel rules and regulations
4. Employees not covered by a negotiated labor contract shall be compensated at a level commensurate with salaries and wages for comparable public sector work in similar-sized municipalities. Non-wage benefits shall be comparable to those provided to employees covered by negotiated labor contracts.

**B. JOB DESCRIPTIONS**

The Town Manager shall ensure that job descriptions are kept current and accurately reflect the actual job being done. Job descriptions for employees who are members of collective bargaining agreements will be provided to their union for review and comment.

**C. PAY PLAN (Salary Grade and Ranges)**

Jobs included in collective bargaining agreements shall have salary grades and ranges as determined through negotiations, notwithstanding Article V.

The Town Manager shall monitor the wages of non-union employees to determine whether they are consistent with wages of similar employees from similar communities and within the local labor market, and shall make recommendations to the Board of Selectmen via the annual budget process of any changes that are warranted for any or all non-union positions.

**D. WORK OUTSIDE OF CLASSIFICATION**

Any regular employee assigned to work in a higher job classification for more than two (2) weeks shall be entitled to a temporary pay increase of between one (1) and four (4) dollars per hour, to be determined by the Town Manager.

**E. PERFORMANCE EVALUATION**

The Town reserves the right to implement a performance evaluation system that is designed to reinforce good work habits and identify both areas where an employee demonstrates competencies and areas where improvement is needed to meet the goals of the job description, the Department and the Town.

## ARTICLE VII

### INSURANCE, RETIREMENT AND OTHER RELATED EMPLOYEE BENEFITS

#### A. SOCIAL SECURITY

All employees of the Town of Topsham shall participate in Social Security in accordance with Federal Law. The rate of contribution for both the Town and the employee will be as determined by federal regulations.

#### B. INSURANCE: HOSPITAL, SURGICAL, MAJOR MEDICAL, DENTAL, LIFE and DISABILITY COVERAGE

The Town is committed to providing comprehensive employee and dependent health care insurance and supplemental insurance coverage for all regular employees that elect to avail themselves of this benefit. The selection of health insurance and supplemental insurance carriers and the portion of premium costs to be assumed by the employee shall be determined by the Town.

The Town shall administer a Section 125 Plan to enable the employee's share of insurance premiums to be paid pre-tax.

#### C. RETIREMENT

The Town of Topsham affords retirement benefits to employees in two areas:

1. Maine Public Employees Retirement System (MePERS) The Town of Topsham is a participating local district in the MePERS. The regulations of MePERS state that any regular full time or part time employee must be offered the opportunity to participate in the System. However, it is not required that an employee participates.

(a) For any employee who chooses to participate, the Town will deduct a percentage of the employee's paycheck in the form of a payroll deduction. The Town will make an employer contribution on behalf of the employee at a rate to be determined by MePERS.

(b) An employee who is a member of the MePERS shall be subject to rules adopted by MePERS with respect to withdrawal, Buy Back privileges, or life insurance.

(c) Information concerning MePERS benefits may be obtained by calling their office at 1-800-451-9800.

2. ICMA - Money Purchase Plan (Optional): Regular full time and regular part time employees may choose to participate in this tax-deferred retirement plan. Employees are eligible as of the date of hire. Employees may enroll during the course of the year as permitted by the plan. Contributions of the employees are matched by a Town contribution at maximum rates determined by the Town. Unless otherwise provided by contractual employment agreement or prior approved practice for a specific employee, the maximum employer contribution shall not exceed six (6) percent of the employee's gross salary, providing no other limitations are imposed by the plan or the Internal

Revenue Service regulations.

(NOTE: If an employee elects to enroll in both MePERS and ICMA retirement plans, the Town will only contribute the employer portion of the MePERS contribution and the eligible employee shall pay the ICMA Plan.)

D. WORKERS' COMPENSATION

Employees who are injured in the performance of their work may be entitled to Workers' Compensation benefits in an amount prescribed by and administered in accordance with state law. Employees may use accrued unused sick or vacation leave to supplement Workers' Compensation. The Town may initially send an injured employee to a physician of the Town's choice and at the Town's expense. The Town may also require a return-to-work medical evaluation.

The Town will pay the employer's share of health insurance premiums for up to six (6) months while an employee is receiving Workers Compensation benefits. The employee's share of health insurance premiums is due to the Town at least one (1) month prior to the due date for the Town's payment of premium to the Health Insurance carrier. Failure of the employee to make this payment to the Town in a timely fashion may result in the termination of coverage for non-payment.

All accidents or injuries, no matter how minor, must be reported immediately to the Department Head or immediate Supervisor. A written report, on forms provided by the Town, shall be made to the Town Manager's Office within twenty-four (24) hours, or on the first work day following the injury.

All other employee benefits are discontinued at the time of inability to perform job responsibilities and are not resumed until the employee returns to performance of their job duties.

ARTICLE VIII  
HOLIDAYS

A. HOLIDAYS OBSERVED

The Town follows the lead of the State and Federal governments when recognizing paid holidays. The following days shall be observed as paid holidays for regular employees when the holiday falls on normal working days. When the holiday falls on Saturday or Sunday, the holiday will be observed on the previous Saturday or the following Monday. The Town also celebrates Christmas Eve, with a half day holiday when Christmas falls on a Tuesday, Wednesday or Friday. When Christmas falls on a Thursday, employees will be given the Friday off as well. When Christmas falls on a Monday, employees will only have Monday off.

- |                           |                               |
|---------------------------|-------------------------------|
| 1. New Year's Day         | 7. Labor Day                  |
| 2. Martin Luther King Day | 8. Columbus Day               |
| 3. Washington's Birthday  | 9. Veteran's Day              |
| 4. Patriot's Day          | 10. Thanksgiving Day          |
| 5. Memorial Day           | 11. Friday after Thanksgiving |
| 6. Independence Day       | 12. Christmas                 |

- B. Each non-salaried, full time employee covered by these Personnel Rules and Regulations who is required to work on a holiday listed above shall receive one (1) day's pay in addition to regular wages. Part time employees shall receive a proration of this benefit to be calculated in accordance with the employee's regularly-scheduled work week hours and a 37.5 work week; however they must work a minimum of twenty (20) hours per week to be eligible for holiday pay.
- C. An employee shall be eligible for holiday pay, if employee is on authorized leave of absence with pay other than a general-purpose leave of absence, as provided in these Rules.
- D. An employee will become eligible for holiday pay once the employee has completed ninety (90) calendar days.
- C. Exempt employees who are required to work on a holiday shall be credited with compensatory time.
- F. When a Holiday falls on a day when the Solid Waste Facility is closed, Solid Waste Facility employees shall receive their holiday allocation to be taken as time off during that pay period or the previous pay period at the discretion of the Solid Waste Manager.

**ARTICLE IX**  
**LEAVES**

**A. REQUESTS**

It shall be the responsibility of the respective Department Heads whether to grant an employee's request for leave. All requests for leave shall be submitted on the Personnel Action form. The Office of the Town Manager shall be responsible for maintaining all leave records. Department Heads shall request their leave from the Town Manager.

**B. VACATIONS**

1. Full time employees shall earn vacation time at normal pay in accordance with the following schedule, to be awarded on July 1 of each year:

<u>Continuous Service</u>	<u>Vacation Time Off</u>
Date of hire – 4 <sup>th</sup> Anniversary	Ten (10) days
4 <sup>th</sup> Anniversary – 9 <sup>th</sup> Anniversary	Fifteen (15) days
9 <sup>th</sup> Anniversary – 14 <sup>th</sup> Anniversary	Twenty (20) days
14 <sup>th</sup> Anniversary and beyond	Twenty-Five (25) days

2. Regular part time employees shall receive a proration of this benefit to be calculated in accordance with the employee's regularly-scheduled work week hour; however, they must work a minimum of twenty (20) hours per week to be eligible for vacation leave. Employees that work a non-standard day (more than eight (8) hours per day) shall receive a corresponding day of sick time each month.
3. All vacation requests shall be submitted to the Town Manager's Office via the respective Department Head. Requests for more than one (1) day shall be submitted at least five (5) days prior

to the start of said vacation. Requests for vacation of less than one (1) day shall be submitted the day before the requested day off. Vacation requests submitted outside of these limits shall be subject to approval at the sole discretion of the Department Head or Town Manager. Department Heads shall recommend vacation schedules consistent with operating requirements and, insofar as possible, with employees' requests. Vacation time shall be charged in no less than three and one half hours (3.5), including requests for emergency vacation. Vacation leave cannot be scheduled until successful completion of a six-month probationary period; however, vacation time shall accrue beginning with the first full week of service. When a day of an employee's vacation falls on a paid holiday, the employee shall receive a supplemental paid vacation day.

4. After a regular employee has completed the probationary period, they will be credited with the first year's allocation of vacation time. As of June 30 of each year, employees can carry up to eighty (80) hours of vacation time into the following fiscal year. Upon approval of the Town Manager, an employee may carry forward an additional forty (40) hours of vacation time, subject to requirements by the Town Manager for using the extra forty (40) hours within a pre-determined time frame.
5. Any employee who leaves the Town's employ for any reason before the end of the fiscal year shall reimburse the Town a prorated share of vacation time used, if the employee has used more vacation time than the portion of the year worked, except that no employee shall be asked to reimburse less than one week's vacation time.

C. SICK LEAVE

1. Full time employees covered by these Personnel Rules and Regulations earn sick leave at the rate of one (1) day for each month of service not to exceed one hundred and twenty (120) days. Regular part time employees shall receive a proration of this benefit to be calculated in accordance with the employee's regularly-scheduled work week hour; however, they must work a minimum of twenty (20) hours per week to be eligible.
2. The Town shall comply with the Maine Family Sick Leave Law, 26 M.R.S.A. Sec. 636, with respect to the use of sick time for family members of the employee.

*[Comment: Let's discuss. Under the Maine Family Sick Leave Law, 26 M.R.S.A. Sec. 636, the Town has to allow up to 40 hours of earned sick leave to be used by an employee for illness of a child, parent or spouse. This is not extra time: it's the employee's use of his or her "own" sick leave. The Town may be complying, but it's not clear from the way this section is drafted.]*

After three (3) consecutive sick leave days, written confirmation from a qualified physician (certifying the illness of an employee to be such as to justify absence from employment) may be required. The cost of the physician's service will be borne by the employee. The Town Manager, after reviewing the circumstances and recommendation of the Department Head, may waive the necessity of physician certification.

*[Comment: Under 26 M.R.S.A. Sec. 592, a Maine employer may not require an employee to pay for a medical exam ordered by the employer. An office visit is likely covered by insurance, but the employee can't be required to pay the co-pay if there is one. There's a good argument that the "medical exam" would cover getting a doctor's note, if there is a charge, whether or not the*

*employee is actually examined.]*

3. Probationary employees may not take sick leave until they complete their probationary period.
4. Employees may submit at the end of May of each fiscal year a written request to be paid for 1/2 of unused sick time for that fiscal year in recognition of the employee's incentive to minimize their absenteeism. If an employee does not request this benefit in writing by the last working day of May, it will be automatically presumed that the employee has elected to accumulate any unused time within the limits allowed.

D. BEREAVEMENT LEAVE

In the event of a death occurring in the family of a permanent employee, that person shall be eligible to take up to five (5) working days off, without the loss of pay, for death of a member of the immediate family, and three (3) consecutive working days off with pay for any other members of the family defined below:

Immediate Family: Spouse, mother, father, son or daughter, or other person permanently residing in the employee's household.

Family Member: Sister, Brother, Mother/Father-in-law, Maternal/Paternal Grandparents of employee, Maternal/Paternal grandparents of spouse, grandchildren, and stepchildren.

The Town Manager, at his/her discretion, may grant additional leave time under unusual circumstances.

E. GENERAL PURPOSE LEAVE OF ABSENCE (Unrelated to a disability condition)

1. A regular full time or regular part time employee is eligible to apply to their Department Head in writing for any unpaid leave of absences that shall not exceed ninety (90) calendar days. It is the responsibility of the employee to request non-emergency leave at least twenty (20) calendar days prior to the time such leave is sought.
2. The Town Manager may grant leaves of absence. Authorization should be granted only when it appears the best interest of the Town shall be served.
3. No employee benefits shall be earned during the general-purpose leave of absence.

F. FAMILY MEDICAL LEAVE

The Town shall comply with all provisions of the federal and state Family Medical Leave Acts.

G. COURT DUTY LEAVE

1. The Town of Topsham supports the concept of citizen judicial assignments and will grant jury duty leave for any regular full time or regular part time employee so selected.
2. Town employees selected for jury duty shall not lose regular employment pay or benefits while serving in this capacity. In instances where the amount received for jury duty is less than normally earned by the employee, the Town Manager shall grant compensation to equal the employee's

regular salary. In such instances, the employee shall furnish the Town Manager with an official document showing the amount received for jury duty.

3. An employee excused by the Court for any reason shall return to work at the earliest possible time.
4. Within reasonable limits, as determined by the Town Manager, if an employee is subpoenaed to court as a witness through no fault of their own, they shall be compensated in the same manner as if they were working on town time.

H. RESERVE SERVICE LEAVE

1. Regular employees who are members of the Military Reserve and who are required to perform active duty for training will be granted Active Duty Training Leave (ACDUTRA). It is the responsibility of the employee to request non-emergency leave at least twenty (20) calendar days prior to the time such leave is sought.
2. When, in instances of any said military duty, the total pay received for said duty shall equal or exceed that which would be earned by the employee in service to the Town, such military duty leave shall be without pay. When, in instances of any such military duty, the total monies received for such duty shall be less than that which would be earned by the employee in service to the Town, the Town shall pay the difference between the military pay and the employee's regular Town earnings. In such instances, the employee shall furnish the Town Manager with a statement by the employee's Military C.O., specifying rank, pay and housing allowance, including bonuses or other monies if any.
3. This article is also applicable to TEAC (Temporary Active Duty) orders or to Active Duty orders, to Recall or any other activating type orders issued to Military Reservists or Guard Personnel, however, the Town shall not extend the rights and benefits of military leave for more than six (6) months or compensation to the employee totaling in excess of twenty-five hundred (\$2,500.00) dollars without the approval of the Board of Selectmen.
4. Mileage (travel), clothing, and other per diem allowances consumed in the execution of military orders will not be considered "income." Special duty pay, bonuses, or any other forms of extra compensation shall be considered "income."
5. Upon the end of the military leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave, or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a military leave which prevent the restoration to the same or equivalent position.

I. MATERNITY LEAVE See "Family Medical Leave"

J. PERSONAL DAYS OFF

Each non-probationary employee who is otherwise eligible for benefits is entitled to take a maximum of one (1) paid day per year for personal reasons. This time shall not be charged to vacation or sick leave. So that impact of absence is minimized, employees should give as much notice as practicable when using personal

time. If an emergency arises which prevents prior notification, the employee shall notify the supervisor as soon after the start of the work shift as possible. A half-day is the minimum increment for use of personal time.

K. DISABILITY LEAVE

Short-term disability benefits begin on the first day of a disability due to injury, and the eighth day of a disability due to illness. Employees may use their sick leave until the disability insurance elimination period is met. Employer-paid health insurance coverage shall continue only for as long as the provisions of the health plan provide. Employees eligible for Workers' Compensation Benefits are subject to different provisions (See section on Workers' Compensation). Employees may be covered by a separate income disability insurance plan (depending on whatever benefits are currently approved by the Town in its employee benefits package) and those benefits are in addition to leaves to which the employee is entitled.

ARTICLE X  
SENIORITY, LAYOFF, and RECALL

A. SENIORITY

1. Seniority shall be based upon the length of continuous permanent employment. Seniority commences with wages paid in regular permanent employee status regardless of time of the job offer or acceptance of employment. Seniority shall be forfeited when the Town of Topsham separates an employee, either voluntarily or involuntarily, from employment. Seniority will continue if any of the following occur:
  - (a) Layoff due to reduction in force, if an individual is recalled within two (2) years to date of layoff.
  - (b) Any authorized paid or unpaid leave of absence.

B. LAYOFF

1. Upon discontinuation or reduction of a Town program or service; or when a reduction in salary and wage costs is necessary to meet budgeting restrictions; or whenever a reorganization of a department or operating unit of the Town is required, reduction of the affected work force shall be made in the job class or classes designated by the Department Head upon approval of the Town Manager. The appointing authority shall lay off regular employees after considering both the length and quality of service rendered.
2. Layoffs shall in no way discredit the employee. Temporary help may be laid off at any time without consideration of seniority. Seasonal help shall be the first in line for layoffs.
3. Layoffs can be either temporary or permanent:
  - (a) Temporary Layoff refers to a situation where, due to temporary discontinuation of a service or a falling off in the volume of workload it becomes necessary to reduce personnel, but where it is expected that within ninety (90) days the work will be resumed. A temporary layoff shall not

exceed ninety (90) days.

(b) Permanent Layoff refers to a situation where a service is to be discontinued indefinitely, or where, due to reduced volume of workload or revenue, the appointing authority is obliged to layoff an employee or employees indefinitely, and it is expected that the service will not be resumed within ninety (90) days.

4. Any employee laid off shall not be entitled to any continuing employee benefits unless resumed by their recall to employment.

C. RECALL AFTER LAYOFF

1. Upon recall of employees laid off, considerations shall be given to these factors equally as follows:

- (a) The number of years of consecutive service in the Town;
- (b) The employee's effectiveness as determined by performance evaluations; and,
- (c) Ability to perform functions and duties of the available position.

The employee shall have preference for recall for a period of one (1) year from the effective date of termination to fill any vacancy at the employee's level from which they were laid off. If the employee refuses such recall, all rights to re-employment shall be forfeited.

2. All benefits, to which an employee was entitled at the time of layoff, including unused accumulated sick leave, will be restored upon return to active employment. The employee will be placed on the proper step of the wage schedule for their current position as approved by the Town Manager.

3. All employees affected by a layoff shall have a four- (4) week's advance notice tendered in writing.

D. POLICE DEPARTMENT

Layoff and Reinstatement. An applicant appointed from an eligible list who is laid off because of lack of work or insufficient appropriation must be placed at the top of the eligible list and must be offered reinstatement before any new appointments are made from the list, as long as qualified for the position available and unless inconsistent with any applicable collective bargaining agreement.

ARTICLE XI  
DISCIPLINARY ACTION

A. OVERVIEW

The Town of Topsham believes the best disciplinary system is one you never have to use. It is our goal that all employees know what to do and how to do it. The function of disciplinary action is to correct employee behavior resulting in more satisfactory performance, where it is in the best interests of the Town to do so. The employee's Department Head shall be responsible for initiating and recommending appropriate disciplinary action to the Town Manager.

B. DISCIPLINARY ALTERNATIVES

One or more of the following disciplinary actions may be taken, depending on the nature, severity and frequency of performance or conduct problems. These actions do not necessarily need to be followed in sequential order, but should be reasonably appropriate to the situation being confronted.

1. Oral reprimand. Oral reprimand is an oral communication from the Department Head to the employee indicating the cause for the reprimand, the fact that the communication constitutes an oral command and, if appropriate, corrective action that needs to be taken by the employee. A written confirmation of the oral reprimand shall be placed in the employee's personnel file and, if so, will clearly indicate that it does refer to an oral reprimand. A copy of such shall be provided to the employee who shall acknowledge, by their signature, the receipt of the reprimand.
2. Written reprimand. A written reprimand is a written communication from the Department Head to the employee indicating the cause for the reprimand, the fact that the communication constitutes a written reprimand and, if appropriate, corrective action to be taken by the employee. A copy of the written reprimand shall be placed in the employee's personnel file. The employee shall acknowledge, by their signature, the receipt of the reprimand.

Written reprimands involving alleged violations shall not be placed in a member's personnel file unless the member is first given a copy of the reprimand. Within ten (10) days of the receipt of the reprimand, the employee shall have the opportunity to respond to the reprimand in writing, and the response shall be placed in the personnel file. Any disciplinary actions placed in an employee's personnel file, which are the result of an infraction which warrants less than suspension shall be removed from the file if there is no disciplinary offense within the next eighteen (18) months subsequent to the initial action.

3. Decision Leave. At any time, the Town Manager may conclude that a sequence of unacceptable service, competence, or conduct on the part of an employee is sufficient to direct that employee to take a one-day leave of absence with pay in order to decide which of the following courses of action the employee wishes to voluntarily choose. Only one of these choices is available to the employee, and a failure to select on the following workday shall constitute an act of direct insubordination which shall be regarded as cause for discharge and result in the summary termination of the employee.
  - (a) The employee prepares and signs a written statement to their immediate supervisor indicating that they sincerely choose to redirect their efforts and attention to progressively and demonstratively improving their attitude and performance in willingly and cooperatively fulfilling all of the provisions of their job descriptions, abiding by all provisions of the Town's personnel policies/administrative directives, and correcting any deficiencies which have been made known to the employee.
  - (b) The employee shall submit a signed voluntary resignation of employment from the Town of Topsham to their immediate supervisor, effective immediately.
4. Suspension. A suspension is a period of time in which the employee will not be permitted at the job site and will not receive pay or benefits of any kind. Notice of suspension, indicating the cause, the duration of the suspension and its effective date, shall be placed in the employee's personnel file with a copy to the employee. The employee shall acknowledge, by their signature, the receipt of the notice of suspension.

*[Comment: Is the employee's health insurance contribution suspended during the disciplinary suspension?]*

5. Demotion. Demotion is the removal of an employee from their current job title to a lesser job title, and usually a reduction in pay, in recognition of a decision of the Department Head or Town Manager that the employee is presently incapable of adequately fulfilling the job requirements and performance of their current job. Notice of demotion indicating the cause and the effective date shall be placed in the employee's personnel file with a copy given to the employee. The employee shall acknowledge, by their signature, the receipt of the notice of demotion.
6. Discharge. Discharge is a unilateral termination of employment with the Town. Upon such termination, the employee will be entitled to the dollar equivalent of any earned accumulated benefits and wages for the time previously worked prior to the date of dismissal.

## ARTICLE XII GRIEVANCE PROCEDURE

Should an employee be aggrieved concerning the interpretation, meaning or application by the Town of any provision of the Personnel Rules and Regulations, the employee may present a grievance in accordance with the following steps, except that any employee covered by a formal agreement between a recognized employee organization and the Town shall follow the grievance procedure, if any, provided in that agreement. If the collective bargaining agreement is silent on any aspect of the grievance procedure, then the provisions of this grievance procedure shall be followed.

1. Immediate Supervisor. The employee, within three (3) working days of the occurrence of the incident, or within five (5) working days after the time such event becomes known or should have become known, shall present their grievance to their immediate supervisor. The supervisor shall attempt to resolve any problem promptly and fairly and shall respond orally to the employee within five (5) working days of the receipt of the grievance.
2. Department Head. If unresolved, the employee shall present the grievance to the Department Head in writing within seven (7) working days of the decision by the immediate supervisor. Within five (5) working days thereafter, the Department Head shall meet with the employee for the purpose of attempting to resolve the grievance. The Department Head shall have five (5) working days to respond to the employee in writing.
3. Town Manager's Office. If unresolved, the employee may present the grievance to the Town Manager in writing within seven (7) working days of the written decision by the Department Head. Within five (5) working days thereafter, the Town Manager shall meet with the employee for the purpose of attempting to resolve the grievance. The Town Manager shall render their decision in writing within five (5) working days after the conclusion of the meeting.
4. Board of Selectmen. In the event that the grievance is not satisfactorily resolved, in the steps listed above the employee may present the grievance to the Board of Selectmen within fifteen (15) working days of the Town Manager's decision. The Board of Selectmen shall meet with the employee within fifteen (15) working days to resolve the grievance. The Board of Selectmen shall render its decision in writing to the employee within ten (10) days after the conclusion of the

grievance hearing.

5. The number of days identified in this section may be extended by mutual agreement.
6. All aspects of the grievance process are expected to be conducted on the employee's personal time and at the employee's personal expense. Employees will not be allowed to research information, prepare grievances, and photocopy supporting documentation, or any other similar activities during working hours or use Town equipment and supplies in order to participate in the grievance process.
7. If a grievance is not officially received by the designated receiving authority as of the close of business on the last working day due, such grievance shall be considered waived and any request for further grievance steps or process will be denied.

### ARTICLE XIII VEHICLE USE POLICY

#### A. GUIDING CONSIDERATIONS

The Town has a responsibility to provide safe town owned vehicles to those individuals who are required by their job description to perform certain tasks/duties both during normal business hours and after hours as situations and circumstances dictate. These guidelines are meant to provide a workable and acceptable context wherein the employee's use of town-owned vehicles will accommodate the needs of the Town. The intention is to protect a reasonable public interest and not unduly subject the Town to liabilities.

#### B. TAKE HOME PRIVILEGES

Certain employees are considered "on-call" at all hours. Other employees are subject to an "on-call" status, but have specific job requirements that affect which vehicle they use. As such, the following positions are granted take-home privileges:

- Police Chief
- Police Lieutenant
- Police Animal Control Officer (ACO)
- Police K-9 Officer (K9)
- Detective
- Fire Chief
- Deputy Fire Chief/EMS Director
- Public Works Director

The ACO and K9 Officers are entitled to bring their police vehicles home each night to allow them to respond to emergency situations without having to return to the Police Station prior to response. "On-Call" pay for these positions only is paid when there is a call. Take home vehicles, except for commuting purposes, are specifically restricted to use within the course and scope of official duties. Any personal use of the vehicle, other than "de minimus" personal use, is prohibited.

The Chief of Police, Lieutenant, Fire Chief and Deputy Chief/EMS Director are authorized to take town vehicles home on a daily basis. As these positions are 'on-call' at all times, the transportation of civilians is allowed when in conjunction with official departmental responsibilities and duties

C. TEMPORARY ASSIGNMENT OF VEHICLES

A Department Head may temporarily assign in writing on-call emergency supervisors/officers/foremen/employees from these departments to keep an assigned town-owned vehicle at their residence during the time that they are temporarily on-call to be used for any town business-related purpose. Vehicles are not to be used while at home for personal use.

D. RIDERS (NON-TOWN EMPLOYEES)

With the following exceptions, no Town owned vehicle shall have non-employees present in them at any time:

1. The Police Department, from time to time, will have observers interested in the police line of work ride along with them. Each rider must sign a waiver form prior to riding which holds the Town harmless of any event and that the rider acknowledges that they are strictly an observer and have no intent to participate and may not provide services or work of any kind. The On-Duty Supervisor must approve having the observer ride.
2. The Fire Department often sponsors raffles for Fire Truck Rides to school or to ride a fire truck in a parade. In order to participate in these events a waiver form must be signed by the individual and/or parent/guardian prior to riding. If for any reason an emergency arises, the individual must leave the vehicle and allow it to respond to the emergency. The driver of the vehicle must radio back to Communications for immediate arrangements to be made for picking up any riders.
3. The Emergency Medical Services Department from time to time will have observers interested in the EMS line of work ride along with them. Each Rider must sign a waiver form which holds the Town harmless of any event and that the rider acknowledges that they are strictly an observer and have no intent to participate prior to riding and may not provide services or work of any kind. The EMS Director must approve having the observer ride.
4. While attending out-of-town meetings, training or professional development events, attendees from other municipalities are allowed to ride with Topsham employees.

E. OUT-OF-TOWN TRAVEL

Town-owned vehicles may be used for town business when traveling is necessary to accomplish the Town's interests. Routine travel for approved and budgeted training to professional development is expected, but any other use must be approved in advance by the Town Manager. Travel expenses incurred while on out-of-town trips shall be assumed by the employee with the understanding that the town will reimburse the

employee for all reasonable and appropriate operating expenses actually incurred.

Department Heads must notify the Town Manager of any out of town travel which includes family members or non-employees traveling in a Town owned vehicle.

F. CARE AND MAINTENANCE

Employee drivers of town-owned vehicles have a responsibility to keep their assigned vehicles clean and safely maintained. Dirty vehicles are unsightly and do not present a favorable town image. Malfunctioning vehicles should be repaired immediately and any needed preventive maintenance work is the responsibility of the Department Head. Any Department that does not assume responsibility for the appropriate care and maintenance of their vehicle will result in disciplinary action.

G. GOOD DRIVING HABITS

Needless to say, all town-owned vehicles should not only be operated in accordance with the motor vehicle laws but also any applicable local traffic ordinances. Violations of these laws are the personal obligation and responsibility of the driver and not the Town of Topsham. Employee drivers should always display an extraordinary respect for driving safety and courtesy. Any disregard for these important considerations will result in appropriate remedial action by the Town Manager.

Annually, the Town of Topsham in conjunction with its insurance provider will run checks on all employees who drive Town owned vehicles. If for any reason the insurance company feels that an employee should not be allowed to drive a Town owned vehicle, that employee will be asked to sign an agreement form that they will not drive a Town owned vehicle. Temporary arrangements may be made for accommodation.

H. ENFORCEMENT

It shall be the responsibility of the Town Manager and Department Heads to exercise the judgment necessary to responsibly enforce this policy.

I. DRIVING RECORDS

All employees who are entitled to drive town-owned vehicles are subject to an annual review of driving records.

J. DRUG USAGE AND TESTING

The Town reserves the right to test any driver of a municipal vehicle for the presence of legal or illegal drugs, if it is suspected that the driver's ability to drive is impaired, or in the case of an accident involving a town vehicle.

*[Comment: Let's discuss to make sure this provision and the practice comply with the Maine Substance*

*Abuse Testing Law.]*

K. USE OF PERSONAL VEHICLE FOR TOWN BUSINESS

When traveling for town business, it is suggested that employees utilize a town vehicle for such travel. When a town vehicle is not available, or when it is not practical, an employee may utilize their personal vehicle for such travel. Employees shall be reimbursed for distance traveled, less their normal commute distance, at the IRS mileage rate. Reimbursement shall also include tolls, parking and reasonable meal costs, with the provision of receipts for those purchases. The Town assumes no liability for the use of a private vehicle, and the employee is responsible for any traffic violations or accidents.

ARTICLE XIV  
MISCELLANEOUS PROVISIONS

A. NEPOTISM

The purpose of this policy is to eliminate the potential for preferential treatment of relatives of Town employees and to eliminate the potential for relationship conflicts. The following restrictions shall apply:

1. For the purposes of this policy, a relative shall include all members of the immediate family: spouse, parents, brothers, sisters, children, grandparents, In-laws, step relatives, and significant other partners living with the employee.
2. Relatives of persons currently employed by the Town may be hired only if they will not be working in the same department or be supervising or receiving supervision by a relative. No town employees may be transferred or promoted into such a working relationship.
3. In the event that marriage or other circumstances that arise after the commencement of employment create a conflict with this policy, the Town will decide within thirty (30) days how the conflict will be resolved. An attempt will be made to transfer one employee to a suitable vacancy. If there is no vacancy, one employee may be separated. In that event, the individual will be considered for re-employment when and if another vacancy for which the individual is qualified arises.
4. Temporary seasonal employees, on-call or per diem firefighters and on-call or per diem emergency medical service personnel, due to the nature of their work, shall be exempted from this requirement.

B. GENERAL

All employees are expected and required to treat the public with promptness, patience, courtesy, and respect. Many Town employees have access to confidential information pertaining to persons or property in Town. Employees shall not use this privileged information to their private advantage or to the advantage of anyone else. No employee may release any information that is not required to be released under the Right to Know Law. Employees are expected to conduct themselves at all times during their hours of employment in a manner that will bring no discredit to their Department or to the Town.

C. LOCAL POLITICAL ACTIVITY

While working for the Town of Topsham, all employees shall refrain from seeking or accepting nomination or election to the Board of Selectmen. Town employees shall not circulate petitions or campaign literature for candidates for elected Town offices, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the Town government during working hours. This rule is not to be construed to prevent Town employees from beginning, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any local, state or national election.

D. CONFLICT OF INTEREST

No Town employee who is authorized to make purchases shall have any interest either directly or indirectly in any purchase or any contract with the Town. No Town employee shall sell materials to the Town or in any way award any type of contract or proposal for purchases or services in which they have a direct or indirect interest other than through a sealed bid process.

E. RECEIPT OF GIFTS

Town employees are prohibited from soliciting or accepting any gift, gratuity, favor, installment loan, or any other item of monetary value from any person within or outside Topsham Town Government employment whose interest may be affected by the employee's performance or non-performance of official duties. This shall not preclude the town employees from receiving food, or other thank you items from the public for their faithful service to the town.

F. OUTSIDE EMPLOYMENT

A Town employee may engage in outside employment if, in the opinion of the Town, it does not interfere with job performance and so long as it does not conflict with the best interests of the Town. If there is any question about whether outside employment would interfere with job performance or be a conflict of interest, an employee is required to discuss the outside employment with the Town Manager and get a determination before accepting or continuing with the outside employment.

G. USE OF TOBACCO PRODUCTS

The Town of Topsham shall comply with the requirement of the Workplace Smoking Act of 1985. The use of any tobacco product, or the use of simulated tobacco products, is prohibited in all Town-owned buildings, vehicles and at all Town-owned facilities, including recreation areas, trails or properties. The Town may provide an area at each employment facility where employees may smoke or use tobacco or simulated tobacco products, as long as such designated area is at least fifty (50) feet from any window or door.

H. SEXUAL AND OTHER PROHIBITED HARASSMENT POLICY

It is the policy of the Town of Topsham that all employees should be able to work in an environment free from all forms of illegal harassment. Illegal harassment, as defined by this policy is prohibited. This policy refers not only to supervisor- subordinate actions but also to actions between co-workers. Any complaints of illegal harassment will be investigated and resolved promptly. There will be no intimidation, discrimination

or retaliation against any employee who makes a report of illegal harassment.

1. The Town of Topsham hereby adopts the definition of sexual harassment set forth in Section 3.06 (I) (1) of the Employment Regulation of the Maine Human Rights Commission. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
  - a. submission to such conduct is made either explicitly or implicitly a term of condition of an individual employment;
  - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
  - c. or such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Sexual harassment is an extremely serious matter and is prohibited in the work place by any person in any form, whether directed at a co-worker, supervisor, or any other employee.
3. Any employee who believes he or she has been the subject of sexual harassment or any other illegal harassment should report the alleged act to the Department Head or Town Manager immediately. No employee will be retaliated against for reporting sexual or other illegal harassment. If the complaint is against the Town Manager, the complaint shall be filed with the Chair of the Board of Selectmen.
4. Any supervisor or employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline, up to and including discharge.
5. This policy also prohibits unlawful harassment on the basis of any other protected category, such as race, color, gender, sexual orientation, gender identity, physical or mental disability, religion, age, ancestry or national origin.
6. Verbal Harassment - Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, sexual orientation, gender identification or the distribution of written pornographic material having such an effect, are prohibited. Any employee who believes he or she has been the subject of such harassment should report the alleged conduct to the Department Head or Town Manager.
7. All claims of unlawful sexual harassment should be reviewed and resolved in accordance with the following procedure:
  - a. The written or oral complaint should be presented to the complainant's Department Head or next highest authority who is not the alleged offender. A copy of the complaint will also be filed with the Town Manager within twenty-four (24) hours of the complaint receipt time. The complaint will be promptly reviewed, investigated and the complaining party will be advised of the recommended disposition of the complaint within five (5) working days by the Department Head or other appropriate authority.

*[Comment: The Courts and MHRC specifically hold that an oral complaint is sufficient notice to the employer; an employee may be encouraged but not required to make a written complaint.]*

If the complaining party is not satisfied with the disposition of the complaint in (a) above, the complainant may tender an immediate appeal by submitting a written appeal to the Town Manager (or Selectmen, if the Town Manager is the alleged offender) who will respond to the complaint in writing within seven (7) working days.

I. DRUG FREE WORK PLACE

To ensure the safety and well-being of the employees and public, it is the Town's policy to maintain a drug free workplace and to prohibit employees from working under the influence of any legal or illegal drug or controlled substance that can impair their performance, judgement or behavior. The Town further prohibits the unlawful manufacture, distribution, dispensation and possession, as well as the use, of illegal drugs or controlled substances on any property or place owned or under the control of the Town of Topsham or during working hours. Violation of this policy is cause for disciplinary action, up to and including discharge.

J. CONFIDENTIAL HEALTH INFORMATION.

1. Supervisors are to remember that an employee's health condition is personal and confidential information as a matter of privacy and a matter of law. Medical or health information about employees is a confidential personnel record, exempt from the Maine Freedom of Access Law. Special precautions should be taken to protect information regarding an employee's health condition to prevent instances of disclosure that may invade the personal privacy of employees. Medical and health information will not be shared or divulged except when there is a bona fide need to know such information, for example to monitor restrictions on work limitations or to facilitate reasonable accommodations.

K. TRAINING AND EDUCATION

1. In order to assist in the professional development of Town employees, the Town encourages its employees to avail themselves of educational opportunities, including professional development activities, courses provided via an educational facility, and degree programs offered at accredited institutions.
  - a. Professional Development – subject to available funding, the Town will fund the attendance at pertinent professional development workshops, seminars and conferences, including transportation and lodging when required.
  - b. Degree programs – subject to available funding, employees who are enrolled in accredited degree programs, are eligible for reimbursement of tuition costs only (up to \$1,000 per course) for any required course that the employee obtains a “C” or better grade.
  - c. College courses – subject to available funding, employees who enroll in individual courses are eligible for reimbursement for courses that pertain to their existing position, and for which they obtain a “C” grade or better.

2. Town reimbursement is limited to existing and available funding and will be made for costs incurred after prior notice and approval by the Town Manager.
3. Tuition will not be reimbursed if an employee is eligible for V.A. Funds.
4. Tuition reimbursement is regarded as an advance against earnings for a one (1) year period. Employees who receive notice and approval by the Town Manager will be asked to sign a written authorization for repayment through deduction from the final paycheck if an employee leaves Town employment. Employees must retain their full time employment status for a period of one (1) year after the receipt of tuition reimbursement. Should an employee voluntarily terminate their employment before the one-year period concludes, An employee leaving before the one (1) year period they must repay the advance given for tuition reimbursement payments made during the preceding one (1) year period as an automatic deduction from their final last paycheck.

*[Comment: Maine wage law makes it illegal to require an employee to repay money or benefits given through deduction from the final pay check without a signed, specific, advance authorization of such. In addition, the final paycheck for a non-exempt employee must be at least minimum wage for hours worked. Let's discuss further the Town's better options for recouping tuition payments for an employee who leaves within the one year period. ]*

#### K. POLITICAL ETIQUETTE AND DISCRETION

The Town recognizes that employees maintain the right to speak as citizens on matters of public concern, and that those matters may from time to time relate to Town business or policy. When a Town employee has an opinion or preference on matters relating to their official duties or employment that is contrary to the publicly espoused position of his or her superiors the employee is expected to clear their intended remarks with the Town Manager prior to publication, to avoid confusion and inefficiency in the operation of Town business. Any employee who wishes to make a public statement or express a "personal" opinion as a private citizen, outside the context of their employment with the Town, is free to do so on non-work time, out of uniform (if applicable), and with a clear statement that they are speaking or commenting as a citizen and not as a representative of the Town.

#### L. SECURITY

Any Town employee entrusted with keys or other access devices is required to be personally responsible for the security and control of those items. All key distributions shall be registered in accordance with those administrative procedures pertaining to same, and employees are required to return said keys or any other issued equipment or entrustment prior to receiving their last paycheck or when requested by their immediate superior to do so.

#### M. ETHICAL PRACTICES

All Town employees shall adhere to the following ethical standards, as approved by the International City Management Association:

1. Be dedicated to the concepts of effective and democratic local government
2. Affirm with dignity and worth of the services rendered by government

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships
4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people
5. Recognize that elected representatives of the people are entitled to the credit for establishing local policies
6. Refrain from all political activities, which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the Board of Selectmen
7. Keep the community informed on local government affairs, encourage communication between the residents and Town Hall, provide courteous service to all of the public
8. Seek no favor, believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest

All Town employees should at all times conduct themselves in such a manner as to inspire confidence in the integrity of Topsham's Town government. Laws, regulations, and rules can never cover all situations. It's possible for a person to be dishonest, break commitments, or to be unfair and unaccountable without technically breaking a rule or regulation. Laws cannot replace the need for a sensitive conscience or free one of the moral obligations to adhere to traditional principles. It's equally true that our actions may be justifiably acceptable, but yet give the "perception" of wrong-doing, impropriety, or misconduct. Consequently, public service demands a higher standard of conduct and a much greater sensitivity to the perceptions of those we serve, than from those working in the private sector. All Topsham Town employees are expected to willingly hold themselves to these higher standards.

N. WHISTLEBLOWER'S PROTECTION ACT (PER STATE OF MAINE)

The Town of Topsham complies with the provisions of Title 26 MRSA, Chapter 7, Subchapter V-B and recognizes that it is illegal for a supervisor to take adverse action against any employee because the employee:

1. Reported a violation of the law;
2. Reported something that risks someone's health or safety;
3. Refused to do something that will endanger the employee's life or someone else's life, and the employee has asked the employer to correct it; or
4. Has been involved in an investigation, hearing or other official process connected with a complaint or enforcement action.

These protections apply ONLY if the employee:

1. Gives a prior report, orally or in writing, to the Town Manager of what the employee has reasonable cause to believe is a violation of a law or rule, or has reasonable cause to believe is a condition or practice that would put at risk the health or safety of that employee or any other individual; and Allows reasonable time for correction of the condition or violation; and/or
2. If there is no correction of the condition or violation within a reasonable time after the report, or if the employee has specific reason to believe that no correction will be made and that a report to the Town Manager will be futile, reports the violation or condition or practice to a public body.

To report a violation, unsafe condition or practice or an illegal act in your workplace, contact the Town Manager's Office unless they are the violator in which case you should contact the Chairman of the Board of Selectmen.

To file a complaint under this law contact:  
The Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333  
(207) 624-6290

*[Comment: Let's discuss the possible risks of paraphrasing a complex law like the MWPA rather than simply stating that the Town complies with it, or alternatively incorporating the text of the MHRA poster on MWPA protections.]*

O. TERMINATION EXIT INTERVIEW

Except in the case of involuntary dismissal, all terminating employees will be required to participate in an exit interview conducted by their immediate supervisor and/or the Town Manager. Exit interviews should be a constructive effort to glean information that will be helpful for the Town in improving both its employee-employer relationships and the Town's service policies and procedures. Failure to participate in an exit interview may result in the employee being regarded as not leaving in good standing.

*[Comment: It would violate state wage law to hold up a final paycheck beyond the regular pay period.]*

P. DRESS CODE GUIDELINES

While it is not the intention of the Town to establish a dress code that restricts the basic freedoms of employees, it does seem appropriate that some recommended guidelines for usual and customary attire is helpful. Obviously, work site situations vary from department to department and some departments require uniforms, but as a general guiding rule employee dress should be that normally expected for the work being performed in a similar private working situation. General office employees should be professionally attired to show respect for those we serve. Employees are expected to use good judgment in avoiding revealing or overly casual clothing in the workplace.

Q. HUMAN RIGHTS

Nothing contained in these Personnel Rules shall be construed contrary to the Maine Human Rights Act, 5 M.R.S.A. section 4451, et seq.

R. REVISIONS TO PERSONNEL RULES

The Board of Selectmen may change these rules unilaterally at any time.

S. SEPARABILITY AND SAVINGS

If any provision of these rules shall be determined to be contrary to law, the validity of the remaining provisions shall not be affected.

**INDEX -**

**Statement of Policy - Article I**

Purpose	1
Coverage	1
Administration	1

**General Provisions - Article II**

Management Goals	2
Equal Employment Opportunity	2
Personnel Files	2
Employee Orientation	2
Processing of Employee Status Changes	2
Employees Exempt from FLSA	2

**Definitions of Terms - Article III**

Day	3
Non-Regular Full Time Employees	3
Regular Full Time Employees	3
Regular Part-time Employees	4
Seasonal Employees	4
Town Manager	4

**Application, Promotion, Recruitment, Selection,  
General Information, Probation and Resignation  
Article IV**

Policy	4
Application	4
Promotion	5
Posting/Advertising	5
Selection	5
General	7
Probation	7
Resignation	8

**Hours - Article V**

Standard Hours	8
Attendance at Work	9
Overtime	9
Meal Breaks	10
Work Breaks	10
Temporary Office Closure	11
Pay Periods	11
Volunteer Emergency Responses	11
Direct Deposit	11
Tracking of Vacation and Sick Time	11

Failure to Notify of Need Not to Report 11

**Compensation - Article VI**

Intention 12  
Job Descriptions 12  
Pay Plan 12  
Work Outside of Classification 13  
Performance Evaluation 13

**Insurance, Retirement & Other Benefits - Article VII**

Social Security 13  
Insurance 13  
Retirement 13  
Workers Compensation 14

**Holidays - Article VIII**

Holidays Observed 14

**Leaves - Article IX**

Requests 15  
Vacations 15  
Sick Leave 16  
Bereavement Leave 17  
General Purpose Leave of Absence 17  
Family Medical Leave 17  
Court Duty Leave 17  
Reserve Service Leave 18  
Maternity Leave 18  
Personal Days Off 18  
Disability Leave 19

**Seniority, Layoff & Recall - Article X**

Seniority 19  
Layoff 19  
Recall after Layoff 20  
Police Department Layoff 20

**Disciplinary Action - Article XI**

Overview 20  
Disciplinary Alternatives 21

**Grievance Procedures - Article XII**

21

**Vehicle Use - Article XIII**

Guiding Considerations 23  
Take Home Privileges 23  
Temporary Assignment of Vehicles 24

Riders (Non-Town Employees)	24
Out of Town Travel	24
Care and Maintenance	25
Good Driving Habits	25
Enforcement	25
Driving Records	25
Drug Usage and Testing	25
Use of Personal Vehicles for Town Business	25

**Miscellaneous Provisions - Article XIV**

Nepotism	26
General	26
Local Political Activity	26
Conflict of Interest	27
Receipt of Gifts	27
Outside Employment	27
Smoking Policy	27
Sexual Harassment Policy	27
Drug Free Workplace	28
Life Threatening Illness	29
Training and Education	29
Political Etiquette and Discretion	30
Security	30
Ethical Practices	30
Whistleblower Protections	31
Termination Interview	31
Dress Code Guidelines	32
Human Rights	32
Revisions	32
Separability and Savings	32