

## **TOWN OF BROWNFIELD, MAINE**

### **PERSONNEL POLICY**

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## TABLE OF CONTENTS

Title	Page
Introduction.....	1
Employment.....	1
Letter of Employment.....	1
Equal Opportunity Employer.....	1
ADA and Reasonable Accommodation Policy.....	2
Verification of Right to Work in the United States .....	3
Drugs, Alcohol, and Substance Abuse.....	3
Telephone.....	3
Cell Phone Use/PDA.....	3
Computer Usage, E-mail and Voice-mail Policies .....	3
Retention of E-mail.....	5
Social Media Policy .....	5
Probation and Evaluation of Performance .....	5
Employment Classification Categories.....	6
Organization of Municipal Officials/Employees .....	7
Public and Employee Relations .....	7
Workweek/Hours of Work.....	8
Attendance and Punctuality .....	9
Unauthorized Absence.....	9
Family Medical Leave .....	9
Unpaid Leave of Absence.....	10

Military and Family Military Leave .....	11
Employment Leave for Victims of Violence .....	11
Overtime .....	11
Recordkeeping/Time Sheets .....	11
Expense Reimbursement/Driving on Town Business.....	12
Travel Policy .....	12
Employee Use of Town Credit Card.....	12
Improper Deductions from Pay.....	13
Holidays .....	14
Vacation .....	14
Clothing Allowance .....	15
Insurance/Benefits.....	15
Jury Duty.....	16
Disciplinary Proceedings .....	16
Grievance Procedures .....	17
Political Activity .....	17
Resignation .....	18
Harassment.....	18
Whistleblower Protection.....	19
Breastfeeding Policy .....	19
Sick Leave.....	20
Bereavement .....	20
Personal Leave.....	20
Workers' Compensation .....	20

Smoking Policy.....	20
Dishonesty and Theft .....	21
Violence .....	21
Dress Code .....	22
Work Area.....	22
Parking .....	22
Safety .....	22
Office, Equipment, Facilities .....	23
Educational Assistance .....	23
Inclement Weather Days.....	23
Severability .....	23
Conclusion .....	23
Employee Acknowledgment Form .....	25



## **INTRODUCTION**

The Board of Selectmen hereby adopts the following Policy for utilization by the Town of Brownfield in the administration of the personnel activities of the employees of the Town of Brownfield. These rules and subsequent modifications shall supersede any policy and rules made previously by the Board of Selectmen.

These policies are intended as informational guidance and the Board of Selectmen reserves the right to change its interpretation and/or to delete, amend, modify or change any and all provisions contained in this Policy without prior notice.

The provisions set forth are not contractual but, rather, are for the general guidance of the Town in its relationship with its employees. Nothing contained in this Policy constitutes an employment contract with respect to either the duration of employment or the terms and conditions of employment. In addition, in the event that this Policy conflicts with any local, state or federal laws, those laws will take precedence over the contents of this Policy.

The Board of Selectmen may delegate the implementation of this Policy to those personnel designated by them as "Department Heads".

## **EMPLOYMENT**

The employment of all Administrative Personnel, the P.W. Director, Transfer Station Manager and Rec. Director shall be the responsibility of the Board of Selectmen. Refer to the chart on Page 7 for further clarification.

All applicants for employment must submit a written application for employment on forms approved and provided by the Selectmen. Any willful and material misrepresentation of fact on the application shall be grounds for disciplinary procedures and/or termination and dismissal upon discovery of such misrepresentation.

## **LETTER OF EMPLOYMENT**

A newly hired employee may receive a letter of confirmation of employment, which will set forth some of the terms and conditions of employment such as the employee's position and salary. This confirmation letter is not a contract of employment. In addition, the terms and conditions of employment set forth in the confirmation letter may be changed at any time at the discretion of the Board of Selectmen.

## **EQUAL OPPORTUNITY EMPLOYER**

The policy of the Town of Brownfield is to provide equal opportunity to all employees and applicants without regard to religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, physical or mental disability, veteran or family status, except as a bona fide occupational qualification.

Employees will be selected on the basis of their qualifications to meet the requirements of a particular job. Factors that may be considered when making employment decisions include, but are not limited to, current job performance, personnel records, performance appraisals, experience, education, knowledge, skills, abilities, seniority, and other job related qualifications. The Town's equal employment opportunity policy extends to all aspects of the employment relationship, including hiring, promotions, training, terminations, working conditions, assignments, compensation, use of facilities, benefits, and other terms, conditions, and privileges of employment. Any violation of the Town's EEO policy must be reported immediately to the Board of Selectman.

### **ADA AND REASONABLE ACCOMMODATION POLICY**

The Town makes every effort to ensure that individuals with a known disability, who are otherwise qualified to perform the essential functions of the job, are not discriminated against in any terms, conditions, or privileges of employment. The ADA requires employers to provide a reasonable accommodation to qualified individuals with known disabilities in all aspects of employment, unless the accommodation would cause undue hardship to the employer.

An individual with a disability is a person who:

1. Has a physical or mental impairment substantially limiting one or more major life activities; or
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

A qualified individual is a person with a disability who meets the skill, education, experience, training, and other job-related requirements of a position, and who, with or without reasonable accommodation, can perform the essential functions of the position.

The Town is committed to providing reasonable accommodations for employees who have a medical condition that necessitates such accommodations to enable them to perform their essential job functions, unless the accommodation would create an undue hardship. Medical conditions are the subject of a person's privacy. Therefore, the provision of any accommodation is not published to or discussed with other employees. Accommodations are individually developed on a case-by-case basis.

No employee is perceived or assumed to be in need of an accommodation. It is the responsibility of the employee who needs accommodation to notify the Board of Selectman of such need, and to cooperate in exploring whether a reasonable accommodation is possible, and if so, what the accommodation can be. Not all requested accommodations may be reasonable or even possible. However, the Board of Selectmen is committed to engaging in a meaningful dialogue with the employee to determine what accommodations can be reached. The accommodation process often requires the input of the employee's health care provider(s).

## **VERIFICATION OF RIGHT TO WORK IN THE UNITED STATES**

It is the intent of the Town of Brownfield to employ only individuals who have a legal right to work in the United States. Therefore, employment and all employment offers with the Town of Brownfield are contingent upon verification of an individual's right to work in the United States. All new hires will be asked to provide original documents verifying their right to work and to sign an I-9 verification form required by federal law.

## **DRUGS, ALCOHOL, AND SUBSTANCE ABUSE**

The Town of Brownfield is committed to being a drug-free, healthful, and safe workplace. You are required to come to work in a mental and physical condition that will allow you to perform your job satisfactorily.

Town of Brownfield employees may not use, possess, distribute, sell or be under the influence of alcohol or drugs while on Town of Brownfield premises, while operating a town vehicle, or while conducting any town business-related activity away from Town of Brownfield premises. The only exception to this policy is for over-the-counter drugs and prescription drugs (taken under the supervision of a licensed physician), which are taken in accordance with instructions and which do not impair the employee's ability to perform the essential functions of the job effectively and safely without endangering him/herself or others.

## **TELEPHONE**

Outgoing and incoming personal telephone calls should be kept to a minimum. If personal calls must be made, please be brief and make any such calls outside the hearing of any members of the public. No long distance personal telephone calls may be made except in the case of an emergency. The employee is responsible for reimbursing the Town for charges related to such personal telephone calls.

## **CELL PHONE USE/PDA**

While operating a motor vehicle while engaged in Town activities, employees are prohibited from using cell phones (unless they are "hands free" models) and from texting or making use of electronic mail functions while the vehicle is in motion. This prohibition includes the time waiting for a traffic signal to change.

## **COMPUTER USAGE, E-MAIL AND VOICEMAIL POLICIES**

The Town maintains a computer network and electronic communications system, including without limitation its computers, electronic-mail, voice-mail and Internet access systems (collectively referred to as the "System") for use in connection with Town business. Unless specific arrangements to the contrary are made with the Town, the System and the equipment, software and data stored in the System are and remain at all times the property of the Town. No Town software shall be uploaded from the System, no personal software shall be

loaded into the System, and no personal software shall be "downloaded" from the Internet without the specific consent of the Board of Selectman.

The System is to be used primarily for Town business. Employees may be permitted to use the System for occasional personal use, provided that any such personal use does not interfere (in the opinion of the Board of Selectmen) with the primary use of the System for business purposes or with the performance of the job duties and responsibilities of any employee. The System may not, under any circumstances, be used by an employee in connection with any outside business interests or business pursuits of any individual. The Town may limit or terminate personal use of the System in particular instances, or generally, as circumstances require.

All messages, data and information sent, received or stored in the System are and remain the property of the Town. The Board of Selectmen may at any time monitor, review or retrieve any information stored, maintained or transmitted on the System to ensure that the System is being used in compliance with the law, with this or any other policy of the Town, or for any other reason. Employees should not expect personal privacy in any aspect of the System, including but not limited to the use of electronic mail and Internet usage. While the System accommodates the use of passwords for security, the use of passwords does not create any privacy rights in the contents of any electronic communication. All passwords must be made known to the Town in order to facilitate complete access to the System when employees are absent or unavailable, or whenever the Town must have access to any individual's areas in the System.

As with any other workplace communication, e-mail messages should be courteous and professional. Under absolutely no circumstances is the System to be used to solicit, harass or otherwise offend any person; or for any unlawful purpose; or to access, store, transmit or display sexually explicit material or any materials or communications (including "jokes") that might reasonably be construed as inappropriate or offensive in a professional business setting. In particular, the Town's policies prohibiting discrimination and harassment apply to the use of electronic mail. Therefore, contents or material that would reasonably offend someone on the basis of his or her race, color, age, sex, sexual orientation, marital or family status, religious beliefs, national origin, ancestry, disability or other status protected by the law is strictly prohibited.

Employees should also not engage in any other inappropriate use of the System, including but not limited to: communications of sexually explicit images or messages that constitutes child pornography; unauthorized use of any document or information protected by copyright, software licensing rule or property rights of others, or revealing or misappropriating confidential information or trade secrets through unauthorized e-mail communications; solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations; or communications that encourage conduct that would constitute a criminal offense or give rise to civil liability.

The misuses of the Internet or e-mail privileges may be considered sufficient cause for discipline, up to and including discharge of employment, in accordance with the Town of



Brownfield's Personnel Policy and/or other applicable rules or laws. In addition, in the event of suspected, alleged or actual illegal activity, the Board of Selectmen may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

### **RETENTION OF E-MAIL**

Employees will be responsible for familiarizing themselves with the requirements of Maine's Right to Know Law and to understand that emails are often "public records" as defined in 1 M.R.S. § 402(3), which must be retained. Any questions regarding whether a particular email (or other document) is a public record, and the applicable retention period should be directed to the Town's public access officer, designated under 1 M.R.S. § 413(1).

### **SOCIAL MEDIA POLICY**

The Board of Selectmen recognizes that many of its employees utilize internet-provided social media in their personal lives. This policy is to address the use of social media as it may relate to the Town and its business.

Social media is defined broadly to include online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content. Social media includes personal websites and all types of online communities (for example, Facebook, LinkedIn, Yelp, YouTube, Twitter, blogs, message boards, and chat rooms.)

Employees who desire to utilize social media for business-related purposes, such as research or to participate in audio conferences or webinars, must first receive written approval from Board of Selectman. Employees who use social media for work-related purposes are expected to communicate professionally and to not permit such use to interfere with their job duties. Employees who identify themselves on social media should include a disclaimer or otherwise make clear that their views are their own and do not necessarily reflect the Town's views.

Any use of social media on the Town's computers, smart phones, or other devices is subject to the Town's Computer Usage and Email policies. Employees have no expectation of privacy when using such systems and devices for social media purposes. Employees who use social media on their own computers, smart phones or devices and/or who maintain personal social webpages such as Facebook must keep in mind the Town's policies on Computer Usage and Email and limit their communications to non-work related matters except to the extent that such communications could be construed as protected concerted activities under the National Labor Relations Act.

### **PROBATION AND EVALUATION OF PERFORMANCE**

Any employee appointed to a regular position shall be considered on probationary status for the first 90 days of employment, unless otherwise specified. The probationary period shall be

considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause.

After 90 days, the employee shall receive an evaluation by his/her supervisor. A successful evaluation will result in being transferred to a regular status after 90 days. Thereafter, the employee's performance in the position will be evaluated at least annually.

## **EMPLOYMENT CLASSIFICATION CATEGORIES**

Exempt Positions – Are those positions in accordance with the Fair Labor Standards Act that are exempt from the minimum wage and overtime regulations. These positions may be salaried.

Non-Exempt Positions – Are those positions in accordance with the Fair Labor Standards Act that are not exempt from minimum wage and overtime regulations. These positions rate of pay shall be on an hourly basis.

Probationary Employee – Are new or promoted employees who serve a prescribed period of close supervision and evaluation in order to assess their ability and adaptation. Probationary employment may be terminated at the will and discretion of the Board of Selectmen without advance notice or by the employee.

Regular Full-Time Employees – Are employees hired to regularly work forty (40) hours per week on a continuous basis following satisfactory completion of a probationary period.

Regular Part-Time Employees – Are employees hired to regularly work thirty (30) hours per week or less on a continuous basis following satisfactory completion of a probationary period. These employees shall accrue vacation benefits on a pro rata basis proportionate to the benefits available to a regular full-time employee.

Temporary, Seasonal and As-Needed Employees – Are employees holding jobs of limited or specified duration, such as, but not limited to the following instances; special project; position vacancy pending appointment; the absence of a position incumbent; abnormal workload; emergencies; or other reason established by the Town.

1. Temporary Employees may work either full-time or part-time work schedules, but are limited to a specified duration. A temporary employee's date of hire will be the first day he/she starts employment with the Town. The date of hire will not change if the employee moves from a temporary position to a regular position in the same classification, providing there is no break in service due to layoff or of the employee's own accord, prior to six months of continuous service. A temporary employee will be paid the prevailing rate. If a temporary employee becomes a regular employee, the employee will become entitled to associated benefits. Service time as a temporary employee will count towards the probation period.

2. Seasonal Employees work during a specific season such as winter or summer.
3. As-Needed Employees are hired for employment for short, erratic work schedules.

Temporary, seasonal and as-needed employees will not be eligible to receive Town-sponsored benefits; earn sick or vacation leave; be entitled to holiday pay; or accrue any form of service credit.

### **ORGANIZATION OF MUNICIPAL OFFICIALS/EMPLOYEES**

<b>DEPARTMENT</b>	<b>POSITION</b>	<b>CATEGORY</b>	<b>SUPERVISOR</b>
Municipal Officers Administrative	Selectmen	Elected	Town Meeting
	Administrative Assistant	Hired	Selectmen
	Tax Collector/ Treasurer	Elected	Town Meeting
	Town Clerk	Elected	Town Meeting
	Registrar	Appointed	Selectmen
	Deputy Tax Collector/Clerk	Appointed	Town Clerk
	Code Enforcement Officer	Appointed	Selectmen
	Tax Assessor	Appointed	Selectmen
	Animal Control Officer	Appointed	Selectmen
	Clerical Assistant	Hired	Selectmen
	Planning Board Secretary	Hired	Selectmen
	Recreation Director	Hired	Selectmen
Public Works	P.W. Director	Hired	Selectmen
Transfer Station	P.W. Road Crew	Hired	P.W. Director
	Attendants	Hired	P.W. Director

Other Classifications – The Town through its Board of Selectmen may, from time to time, by appointment fill other posts and positions, either by voluntary service on certain Town boards and committees (such as Board of Appeals, Conservation Commission), by shift or per diem, by contract or fee for services (such as health officer, auditor, town attorney) and similar. These categories of service are not considered “employment” within the meaning of this Policy. Those persons are not entitled to benefits such as health insurance, holiday pay or vacation time and shall serve at the pleasure of the Board of Selectmen or, where appropriate, within the limited terms and conditions of any special appointment they may have received and may be terminated for any reason at any time, except as otherwise provided by law.

Job Descriptions – From time to time, the Board of Selectmen shall develop and, as appropriate, modify and amend job descriptions for all of the above-referenced employees.

### **PUBLIC AND EMPLOYEE RELATIONS**

All employees/Municipal officials are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. Town employees/Municipal officials must avoid any action which might result in



or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.

Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy and responsibility are the key elements of good service. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.

Receipt of Gifts – A Town employee/Municipal official is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or non-performance of his/her official duties. Acceptance of nominal gifts such as food and refreshments in the ordinary course of business, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc. is permitted.

Business Activities and Solicitations – No employee/Municipal official shall engage in any business other than his/her regular duties during work hours. All employees/Municipal officials of the Town of Brownfield are expected to be available for work as needed. The Town does not prohibit the undertaking of additional employment, but reserves the right to restrict outside employment or business activities that interfere with carrying out the duties of full-time Town employment or conflicts with the established policies of the Town.

Confidentiality – Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide family, friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is permitted under the "Right to Know" Law, 1 MRSA Sections 401-410.

## **WORKWEEK/HOURS OF WORK**

The regular workweek for payroll purposes begins on Sunday and ends on Saturday at midnight. The normal workweek for regular full-time employees shall be forty (40) hours. Town's office hours are 7:00 AM to 4:30 PM Tuesday through Friday and 8:00 AM to 11:00 AM first and last Saturdays of each month. The Public Works Road Department employees' workweek shall be as per seasonal schedule approved by the Board of Selectmen.

Departments are authorized to develop working hours, subject to approval by the Board of Selectmen, which provide the greatest service to the public and best meet departmental operating requirements, as well as within the confines of each department's operating budget. Any changes to permanent work schedules proposed by Department Heads must first be approved by the Selectmen.

The normal workday for regular full-time employees when assessing vacation, sick or other leave is considered to be ten (10) hours. When assessing holiday pay, the normal workday for regular full-time employees is considered to be ten (10) hours.



## **ATTENDANCE AND PUNCTUALITY**

Consistent attendance and punctuality are considered imperative ingredients in the Town's business operations and, therefore, are an integral part of each employee's performance standards based on objective measurements. Poor, uncertain or irregular attendance produces disruptive results in Town operations, lowers overall productivity and continuity of work, creates inconvenience for other employees, and increases the Town's operating expenses.

Employees are expected and required to report to their designated work location at the prescribed time when work activity is scheduled to commence. Tardiness, unexcused absences or failure to report or remain at work as scheduled may result in disciplinary action. In the event an employee cannot report to work as scheduled, unless previously arranged, the employee shall notify supervisory personnel as soon as is practicable of the absence. In all cases of an employee's absence or tardiness, the employee shall provide supervisory personnel with a legitimate reason for the absence and, if applicable, the probable duration of absence. If circumstances render the absence duration speculative or unknown, the absent employee will be required to call supervisory personnel daily to report the status of absence.

Excessive absenteeism, which renders an employee insufficiently available for work, may result in discipline, up to and including termination.

## **UNAUTHORIZED ABSENCE**

Any Employee who is absent from his or her assigned work location or schedule without official leave approval from supervisory personnel shall be considered absent without authorized leave. In such cases, the Board of Selectmen shall regard the job as abandoned and the employee may be terminated, unless the employee can provide the Board of Selectmen with acceptable and verifiable evidence of extenuating circumstances.

All Employees who are absent without notice or authorization, and who subsequently report to work, shall provide a detailed reason for such absence and, regardless of stated reasons, may be subject to disciplinary action including termination.

## **FAMILY MEDICAL LEAVE**

The Town follows the requirements of all applicable federal and state law regarding family medical leave. Any request for family medical leave should be directed to the Administrator of payroll with at least 30 days' notice of the intended date upon which the leave is to commence, unless the employee is prevented from doing so because of medical emergency. In any event, employees should make every reasonable effort to work with the Administrative Assistant in scheduling leave so that the Board of Selectmen may plan for your absence.

Pursuant to the Federal Family Leave Act ("FMLA") all municipal employers are "covered employers." However, in order to be a "covered employee" entitled to benefits under

the FMLA, the employee must work at a location where at least 50 employees are employed at the location (or within 75 miles of the location.) At the time of publication of this Policy, the Town does not have 50 employees.

Pursuant to the Maine Family Medical Leave Act, employees who have been employed by the Town for 12 consecutive months are entitled to up to 10 work weeks of family medical leave in any two years.

Under Maine's Family Medical Leave Act, "family medical leave" means leave requested for an employee for:

1. A serious health condition of the employee;
2. The birth of the employee's child or the employee's domestic partner's child;
3. The placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
4. A child, a domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;
5. The donation of an organ of that employee for a human organ transplant; or
6. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

Family medical leave will be unpaid leave. An employee is required to use and exhaust, concurrently with his or her FMLA leave, the following paid leaves in the order listed: (1) sick/personal time; (2) accrued vacation time; and (3) parental leave (when applicable). Sick/personal time may not be used to extend your family medical leave but may be used if an employee is absent from work due to sickness or accident in accordance with the Town's regular sick/personal time policy. During an employee's family medical leave, the Town will make it possible for the employee to continue his or her employee benefits at the employee's expense. However, an employee does not accrue vacation time, sick time or other accrued benefits during the period of the family medical leave.

The Board of Selectmen may require an employee to provide medical certifications from the employee's health care provider (or his/her child's, parent's, spouse's, or domestic partner's health care provider) to establish either the serious health condition at issue, or, the employee's fitness to return to duty

### **UNPAID LEAVE OF ABSENCE**

A regular employee may be granted a leave of absence without pay by the Board of Selectmen on recommendation of the Department Head, with such leave not to exceed one year in length. Such leave shall only be granted when, it appears, because of the past record of the employee or because of the purpose for which the leave is granted, to be in the Town's best

interest to grant the leave. The granting of the leave shall protect the employee's existing continuous service for the leave period but shall not count as service time for Maine State Retirement, nor shall vacation or sick leave accrue during the absence, nor will the employee receive any other benefits.

### **MILITARY AND FAMILY MILITARY LEAVE**

The Town follows the guidelines established by the Uniformed Services Employment and Reemployment Rights Act (USERRA) regarding military leave, 26 M.R.S. § 811 *et seq.* and all other applicable state or federal laws.

### **EMPLOYMENT LEAVE FOR VICTIMS OF VIOLENCE**

Employees will be granted reasonable paid leave from work to: (a) prepare for and attend court proceedings; (b) receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or (c) obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

### **OVERTIME**

All Employees not exempt from the Fair Labor Standards Act shall receive overtime pay after forty (40) hours of actual work per week. All overtime shall be paid at the rate of one and one-half times the employee's normal rate of pay. At the discretion of the Board of Selectmen, and with the agreement of the employee, overtime may be compensated with compensatory time off for hours worked beyond forty (40) hours in a workweek. Such compensatory time shall be granted on a time and one-half basis for hours worked beyond forty (40) hours in a workweek. Overtime/compensatory time may only be scheduled with the permission of the supervisor except in instances of emergencies such as storms, unplanned absence.

### **RECORDKEEPING/TIME SHEETS**

The Department Head is responsible for accurate and legible completion and timely submission of their employees' time sheet or time card. All employees, including exempt and non-exempt, must record actual hours of work as well as paid or unpaid leave on their time sheets/cards. The time sheet/card must be completed and submitted to the appropriate supervisor for approval.

All time to be paid to each employee is to be submitted on the forms provided by the Administrative Assistant. Each department's weekly payroll form is to be reviewed and signed by the supervisor or, in their absence, by their designee. Weekly payroll forms are to be submitted to the Town Administrator or Designee each Tuesday morning and paychecks will be printed and available (Wednesday).

Falsification of a time record is a breach of Town policy and grounds for disciplinary action including the possibility of termination.



## **EXPENSE REIMBURSEMENT/DRIVING ON TOWN BUSINESS**

The Town will reimburse employees for expenses incurred that have been approved in advance by the Board of Selectman. No expenses will be reimbursed without a proper receipt. Reimbursement requests should be submitted using a reimbursement request form. At all times while driving on Town business, should drive with the utmost care. Under no circumstances will the Town reimburse an employee for the cost of traffic or parking citations received while driving on Town business, nor will the Town reimburse an employee for any expenses or liability incurred as a result of a traffic accident, unless otherwise required by law.

## **TRAVEL POLICY TO CONFERENCE AND/OR CLASSES**

The Town will pay for overnight accommodations for employees who are attending a conference or class when the one-way distance to the conference or class exceeds 50 miles. The Town will reimburse employees for any out-of-pocket expenses directly related to the employee's attendance at the conference or class. Reimbursable expenses include tolls, meals, parking fees and actual mileage to and from the conference or class. Mileage expenses are reimbursed at the prevailing rate of the Federal Government in effect at the time. Other expenses are reimbursed at actual cost when accompanied with a receipt showing what the expense was for, the amount paid for the expense and an explanation of how the expense relates to the conference or class.

Employees will be paid their usual rate of pay for attending seminars, conferences or classes. If the conference is for a full day the employee will receive a full days wage based on the average hours normally worked each day. If the conference is for less than a full day, the employee is expected to leave from or return to the normal work place for the remainder of the day in order to be paid a full day's wage. Employees are allowed reasonable transportation time to and from the conference and will be paid their normal hourly rate for the time to and from the event.

## **EMPLOYEE USE OF TOWN CREDIT CARD**

The Board of Selectmen or Treasurer may authorize the issuance or use of a Town credit card providing the authorization is in writing; and, the employee or person who is requesting use of the credit card has signed a statement acknowledging familiarization of the policies and procedures governing the use of a Town credit card.

### Restricted Use

- No personal or private expenditure shall be charged to a Town account.
- No regular operating expense such as telephone or internet expenses shall be charged to a Town credit card.
- Each expense charged shall be accompanied by the actual itemized receipt and a brief explanation of the purpose of the expense. For example, if the expense is for meals or food note on the receipt if it was for a luncheon meeting and how many meals are included. Each expense charged to the credit card shall have the same documentation that is required on a request for reimbursement form.
- Expenses in excess of \$100.00 shall be pre-approved by the issuing authority.
- Capital expenses shall not be charged to the Town credit card.

- Whenever possible, expenses for airfare, hotel rooms, conference registrations etc. shall be submitted via a purchase order. In the exceptional case when it is necessary to charge conference and travel expenses to the Town credit card, prior approval by the appropriate authority shall be obtained.
- Documentation of each expense shall be submitted with each credit card receipt.
- Cash advances are not permitted to be charged to the Town credit card.
- Each credit card issued shall have a maximum monthly available credit line of \$1,000.00

#### Credit card payments

Statements or receipts and documentation of credit card purchases shall be submitted in a timely fashion. Late fees and/or interest payments shall not be honored by the Town. Any fees or interest charges incurred due to late submission of documentation will be the responsibility of the card holder.

#### Violations

Violations of the Town's credit card use policy may result in disciplinary action consistent with the Town's personnel policy up to and including termination of employment and/or prosecution.

### **IMPROPER DEDUCTIONS FROM PAY**

The Town complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). The Town does not make improper deductions from the salaries of exempt employees.

#### What Deductions Are Permitted?

There are certain circumstances where deductions from the salaries of exempt employees are permissible. Such circumstances include:

1. When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
2. When an exempt employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
3. To offset amount received as witness or jury fees, or for military pay; or
4. For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act or; for penalties imposed in good faith for infraction of safety rules of major significance. In these circumstances, either partial day or full day deductions may be made.

#### What to Do If an Improper Deduction Occurs.

If you are an exempt employee and believe that an improper deduction has been made to your salary, you should immediately report this information to the Board of Selectmen. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

## HOLIDAYS

Subject to these rules, the following holidays shall be paid holidays for regular full-time Town employees:

New Year's Day	Independence Day	Veteran's Day
Martin Luther King Day	Juneteenth	Thanksgiving Day
President's Day	Labor Day	Christmas Day
Memorial Day	Columbus Day	

Unless otherwise required by law, a person on a leave of absence without pay shall not be entitled to holiday pay. Holiday pay is to be considered a normal day's wages. Temporary and seasonal employees shall not be entitled to paid holidays. Holiday pay shall be at the regular full-time employee's normal rate of pay. When occasion warrants, regular full-time employees may be required to work on a holiday. Regular full-time employees working on a holiday shall receive time and one-half pay for time actually worked plus the applicable holiday pay.

Regular, part-time employees shall be eligible for the above mentioned holidays as a paid day of regular wages, if such holidays fall on a regularly scheduled shift.

## VACATION

Vacation privileges are available to regular full-time and regular part-time employees, subject to the following conditions.

Date of Hire to completion of one year's service (0-1) – 40 hours.  
Starting with the 2<sup>nd</sup> year through the 5<sup>th</sup> year service (2-5) – 80 hours.  
Starting with the 6<sup>th</sup> year through the 10<sup>th</sup> year (6-10) – 120 hours.  
Starting with the 11<sup>th</sup> year to separation (11+) – 160 hours

Regular Part-time (30 hrs. or less weekly):

Date of hire to completion of one year's service (0-1) - equal to 1X the weekly average of hours worked.  
Starting with the 2<sup>nd</sup>. year through the 5<sup>th</sup>. year service (2-5) - equal to 2X the weekly average of hours worked.  
Starting with the 6<sup>th</sup>. year through the 10<sup>th</sup>. year service (6-10) – equal to 3X the weekly average hours worked.  
Starting with the 11<sup>th</sup>. year through separation (11+) – equal to 4X the weekly average of hours worked.



Vacation is important to the health and well-being of our employees and the Board of Selectmen encourages all employees to utilize their vacation days. Therefore, employees will not accumulate unused vacation days or receive pay for unused vacation days. It is a “use it or lose it” policy. In the event special work demands prevent an employee from taking all available vacation days, however, a request may be made to carry over no more than four days into the next vacation cycle. In order for approval to carry over unused vacation time to be effective, such approval from the Board of Selectmen must be in writing.

Vacations will be scheduled at such time or times as shall be mutually agreeable to the regular full-time and regular part-time employees and their supervisors. Due consideration will be given to a regular full-time and regular part-time employee’s seniority in regard to scheduling vacations. No vacation of more than two (2) consecutive weeks’ duration will be allowed unless approved in advance by the Department Head. Vacation leave shall accrue from the date of hire for regular full-time and part-time employees; however, such employees shall not receive vacation leave until they have completed their first year of employment with the Town. Employees may receive their vacation pay prior to the start of their vacation but must advise the Administrative Assistant in writing, at least ten (10) days in advance. Vacation may be used in a single continuous period (subject to the 2 week limitation specified above), in separate weeks, days or half days. In no case will vacation be taken for less than five hour increments.

### **CLOTHING ALLOWANCE**

The Town will provide uniforms for regular, permanent Public Works Department and Transfer Station employees who wear them and will provide for their laundering. Upon completion of employment with the Town, these uniforms must be returned. If they are not returned, the Town will seek to recover the cost of same from the employee.

### **INSURANCE/BENEFITS**

Insurance/Benefits are only available for regular full-time employees. The Town will pay the full cost for single subscriber health insurance for regular full-time employees who elect to have this benefit. Regular full-time employees who elect to have a family plan will have the cost for the additional family members deducted from their payroll checks each week.

The Town pays for life insurance (equal to his/her base annual pay) for each regular full-time employee with health insurance. Family coverage is not available.

Any employee that wishes to “opt out” of any or all insurance benefits offered by the Town of Brownfield must be:

- New hire, on date of hire request in writing
- Employee, one week notice in writing
- Approved by majority of Board of Selectmen

Employee or new hire will be able to receive up to 75% of insurance benefit into salary. That portion of salary will be taxed as regular income until employee leaves employment or for other

reasons wishes to take advantage of benefit. If employee chooses to take advantage of benefits it must be done in writing and with proper notice and the Board of Selectmen must authorize.

Dental insurance is available for purchase by the regular full-time employee for the regular full-time employee and their family. The cost for this benefit will be deducted from the regular full-time employee's paycheck each week.

Vision insurance is available for purchase by the regular full-time employee for the regular full-time employee and their family. The cost for this benefit will be deducted from the regular full-time employee's paycheck each week.

A retirement plan is available for regular full-time employees wishing to take advantage of this pre-tax savings option. The Town will match up to three percent (3%) of funds deposited by the regular full-time employee.

A disability plan is available for any regular full-time employees wishing to take advantage. The cost for this benefit will be deducted from the regular full-time employee's paycheck each week.

### **JURY DUTY**

An employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his or her regular rate of pay, if the service occurs during a work day. Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probation period who give notice of such absence.

### **DISCIPLINARY PROCEEDINGS**

Purpose: All Town employees are expected to maintain a high degree of professionalism and responsibility. Employees who fail to maintain these standards may be subject to discipline and, in cases of substantial or repeated failure to adhere to these standards, discharge. The purpose of this section is to provide a disciplinary framework for the guidance of employees and their supervisors and to ensure that any employee subject to the disciplinary process is treated fairly.

Categories: The following categories of disciplinary proceedings shall apply to all employees.

1. Verbal Warning. Normally intended to point out to an employee relatively minor or isolated instances of unsatisfactory job performance which, if repeated or continued, might lead to a more serious level of discipline.



2. Verbal Reprimand. Normally intended to point out to an employee a relatively serious breach of job performance standards which, if repeated, shall lead to a more serious level of discipline.
3. Written Warning or Reprimand. Intended as a formal record of repeated unsatisfactory job performance (warning) which, if continued, is likely to result in jeopardy to the employee's prospects for advancement, pay increase or continued employment, or as a formal record of serious breach of duty or failure to meet job performance standards (reprimand) which, if repeated, will result in jeopardy to the employee's advancement, pay increase or continued employment.
4. Suspension. Suspension from employment, which may be with or without pay depending on the circumstances, shall be utilized only in those cases involving significant and serious breach of duty or standards by an employee, where active employment by the employee should not continue until such time as the municipal officers are satisfied that the recurrence of such breach is unlikely, or until such time as the municipal officers are able to conduct an investigation and seek legal advice in to the action(s) meriting discipline. No suspension shall continue in effect for longer than seventy-two (72) hours unless a majority of the Board of Selectmen have reviewed and approved the terms and duration of the suspension.
5. Discharge from Employment. Discharge from employment shall be for cause. "Cause for Discharge" shall include, but is not necessarily limited to, any act or pattern of behavior or job performance which substantially impedes the efficient functioning of Town government and services, which establishes dishonesty or moral turpitude on the part of the employee, which presents a risk of harm or danger to fellow employees or members of the public or their property, or which otherwise establishes a deliberate disregard for the performance standards of the employee's job. Any discharge decision shall be set forth in writing, signed by the Supervisor, will contain the findings or allegations against the employee and a summary of the employee's performance record.

### **GRIEVANCE PROCEDURES**

Should any employee feel aggrieved concerning the interpretation, meaning or application by the Town of any provisions of the Town's personnel rules, regulations and policies, he/she shall submit the details of such grievance in writing to the Board of Selectmen.

Within thirty (30) calendar days thereafter, the Board of Selectmen shall meet with the employee and others designated by them for the purpose of discussing the grievance. The Board of Selectmen shall render their final written decision within thirty (30) working days after said meeting.

### **POLITICAL ACTIVITY**

While performing their normal work duties, all employees shall refrain from seeking or accepting nomination or election to any office in the Town government, and from using their

influence publicly in any way for or against any candidate for elective office in the Town government. This rule is not to be construed to prevent Town employees from: (1) becoming or continuing to become members of any political organization; (2) attending political meetings; (3) expressing their views on political matters; or (4) voting with complete freedom in any election.

## **RESIGNATION**

All employees resigning from service with the Town shall give a written two-week notice.

## **HARASSMENT**

### **1. SEXUAL HARASSMENT**

All employees should be able to enjoy a work environment free from all forms of discrimination including sexual harassment. The Town will not tolerate any sexual harassment of employees, and requires all employees to inform the Board of Selectman of any sexual harassment that may occur. Employees can anticipate that the Board of Selectmen will take necessary disciplinary action up to and including discharge of any employee committing sexual harassment, or termination of relationships with individuals or entities with which/whom the Town does business.

Under both federal and state law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive work environment.

An employee who is or may be a victim of sexual harassment, and any employee who is aware that such conduct is occurring, should immediately report the matter to the Board of Selectmen. The Town will promptly investigate complaints of sexual harassment, in as confidential a manner as possible, and where warranted, will take disciplinary action against any person who has engaged in sexual harassment. The Town will not tolerate adverse or retaliatory treatment of employees because they report harassment or provide information related to complaints of harassment.

### **2. NON-SEXUAL HARASSMENT**

The Town will not tolerate any other form of harassment of employees, and requires all employees to inform the Board of Selectmen of any harassment, as defined below, that may occur. Employees can anticipate that the Board of Selectmen will take necessary disciplinary action up to and including discharge of any employee committing harassment, or termination of relationships with individuals or entities with which/whom the Town does business.

"Non-sexual workplace harassment" describes conduct, including but not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, that relate to

race, color, religion, gender, national origin, disability, or sexual orientation that: (a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or (c) otherwise adversely affects an individual's employment opportunities.

An employee who is or may be a victim of such harassment, and any employee who is aware that such conduct is occurring, should immediately report the matter to the Board of Selectmen. The Board of Selectmen will promptly investigate complaints of such harassment, in as confidential a manner as possible, and where warranted take disciplinary action against any person who has engaged in harassment. The Board of Selectmen will not tolerate adverse or retaliatory treatment of employees because they report harassment or provide information related to complaints of harassment.

### **3. REPORTING DISCRIMINATION, HARASSMENT OR RETALIATION**

In addition to the procedures set forth in this Personnel Policy, should you feel that you have experienced illegal discrimination, harassment, or retaliatory action, you may also contact the Maine Human Rights Commission at 207-624-6290. The Commission's mailing address is 51 State House Station, August, ME 04330 and its physical address is 19 Union Street, August, Maine.

### **WHISTLEBLOWER PROTECTION**

No employee who in good faith reports a violation of law, Town policy, or a risk to health or safety shall suffer harassment, retaliation, or adverse employment consequences. Any employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Protection Policy is intended to encourage and enable employees to raise serious concerns within the Town prior to seeking resolution outside the Town.

Employees should share their questions, concerns, suggestions or complaints regarding perceived violations of law, Town Policy, or risks to health and safety with the Board of Selectmen.

Any good faith report or complaint is fully protected by this policy, even if the report or complaint, after investigation, is not substantiated. Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed represents a violation of law, Town policy, or a risk to health or safety. Any allegations that prove not to be substantiated and have been made maliciously or with knowledge that they were false will be treated as a serious disciplinary offense.

### **BREASTFEEDING POLICY**

Employees who are nursing mothers shall be provided with adequate break time, or shall be permitted to use paid break time each day to feed or express breast milk for her nursing child.



The Town will make reasonable efforts to provide a clean room or other location, other than a bathroom, where any employee may express breast milk or feed her nursing child in privacy.

### **SICK LEAVE**

The Board of Selectmen may grant sick leave to any regular full-time employee who is absent from the job because of personal sickness. Approved sick leave for regular full-time employees shall accumulate at the rate of one-half (1/2) day per month commencing at the completion of the first full month of employment. Sick leave may accumulate to a maximum of sixty (60) days and is not payable upon separation from employment.

To be eligible for sick leave, the regular full-time employee must notify his/her department that he/she will not report for work within the first half hour of his/her work shift or, in the case of a continuous operation, prior to the beginning of his/her shift. Regular full-time employees shall give as much notice as possible to the supervisor prior to his/her sick leave in order to allow for necessary adjustments.

The Chairman of the Board of Selectmen may at his/her discretion and upon sufficient evidence of abuse, require documentation of reported sickness which included use of sick leave. Sick leave taken before and/or after a holiday may require a doctor's certificate.

### **BEREAVEMENT**

In the event of the death of a regular full-time employee's mother, father, spouse or child, he/she shall be granted leave with pay in the amount of five (5) working days from death through funeral and such leave shall not be charged to sick leave or vacation leave.

### **PERSONAL LEAVE**

A regular full-time employee shall be granted one (1) day of personal leave per year, not to be accumulated from year to year. Personal time not used in the year earned will be lost.

### **WORKERS' COMPENSATION**

The Town of Brownfield provides Worker's Compensation Insurance coverage for all employees. When an on-the-job accident occurs, the affected employee is to report it immediately to his or her direct supervisor or Department Head. The Department Head shall notify the Board of Selectmen and the Administrative assistant within 24 hours of the injury or on the next following work day of the accident.

### **SMOKING POLICY**

In order to protect all employees from the detrimental effects of smoking by others, smoking is prohibited. The Town of Brownfield is dedicated to providing a healthy and productive work environment. Whereas the Surgeon General has determined that there is no risk-free level of exposure to secondhand smoke, it is our policy to provide a smoke-free workplace.

Smoking tobacco products is prohibited in all town-owned or leased buildings, all town-owned and leased vehicles.

Smoking may only occur in outdoor locations that are at least twenty feet (20') from any workplace entry, vent, window or doorway. Smoking is not allowed in any location that allows smoke to circulate back into the building (22 M.R.S.A. § 1580-A).

This policy applies to all employees, visitors and contractors and applies to the following town-controlled buildings and facilities:

Town Office  
Transfer Station

Town Garage  
Brownfield Community Center

Fire Department  
Sub-Station

The success of this policy will depend on the courtesy and cooperation of both tobacco smokers and non-smokers. Each employee is responsible for following and helping to enforce the policy. Problems should be brought to the attention of the Board of Selectmen violations of this policy will be handled through the established disciplinary procedures.

Smoke-free area signs will be posted in all affected buildings and worksites. This policy will be posted and copies made available to anyone who requests one.

### **DISHONESTY AND THEFT**

The Town places a great deal of trust and responsibility in its employees. The Town takes a strong position regarding honesty and integrity and may terminate and prosecute any employee who steals from the Town, its employees or others with whom the Town does business. Any employee who takes Town property, assets, materials, machinery, software, or office supplies off the premises without authorization may be subject to discipline, including termination, and in some cases, criminal prosecution.

### **VIOLENCE**

The Town has a commitment to providing a safe, violence-free workplace that prohibits any individual in the workplace from engaging in any behavior that is violent, threatening or bullying. The Board of Selectmen reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violence occurring. In the context of this policy, "violence" is broadly defined to include bullying, threats of violence or property damage of any kind, attempts to intimidate or instill fear in others, belligerent speech, excessive arguing, swearing or other behavior that suggests a propensity towards violence, and/or possessing, brandishing, or using weapons or firearms on Town property or while engaged in Town business. Employees are encouraged to report suspicious behavior or individuals to the Board of Selectmen, or, to call 911. There will be no retaliation for reporting suspicious behavior. Any employee who engages in violent behavior as defined above, will be subject to discipline, up to including discharge, and in some cases, criminal prosecution.

## **DRESS CODE**

While the Town encourages and supports a friendly and congenial work environment, all employees are expected to maintain a proper demeanor and appearance. Personal appearance of employees is extremely important for maintaining a professional image. Employees are expected to wear clothing that is appropriate for their positions with consideration for members of the public and fellow employees.

## **WORK AREA**

All employees are responsible for keeping their work area clean and orderly. All common areas should always be left clean and orderly following meetings, meals, etc. All employees are expected to contribute to maintaining the cleanliness of common areas on a day-to-day basis.

## **PARKING**

Because members of the public doing business with the Town should have convenient parking, employees must park their vehicles in areas designated by the Board of Selectman for employee vehicles. Employees should always leave their vehicles locked as the Town takes no responsibility for any theft or damage caused to employees' vehicles while in the parking lot.

## **SAFETY**

The Town has a sincere and active interest in providing a safe working environment for your protection. The Town follows all rules and regulations established pursuant to applicable health and safety laws. The Town has also established several safety rules with which you must comply at all times. All employees are expected to maintain ergonomically correct workstations and to take regular stretch breaks.

Safety in the workplace is also the responsibility of employees. All employees are expected to read safety books if provided. You should always use safe operating procedures and work habits, and failure to do so may result in discipline. In addition, you should watch out for dangerous situations or practices that may develop. Any equipment which is not operating properly or any dangerous situation or practice should be reported to the Board of Selectmen immediately.

Accidents in the work place may still occur regardless of the precautions that we may take. You must immediately report all accidents, work related injuries and illnesses to your Supervisor, the Administrative Assistant, and the Board of Selectmen regardless of how minor you think they may be.

## **OFFICE, EQUIPMENT, FACILITIES**

The equipment furnished by the Town is extremely important, and you should use it carefully and wisely. All personal equipment should be marked with your personal

identification. It is also your responsibility to care for and safeguard your own belongings and equipment. The Town is not responsible for the safekeeping, the loss or replacement of your equipment. The photocopier, typewriters, office computers and other office equipment may not be used for personal business unless the Board of Selectmen approves such use in advance. Similarly, the Board of Selectmen must approve in advance personal use of Town property outside of working hours. Personal use of Town property during normal working hours is generally not permitted.

### **EDUCATIONAL ASSISTANCE**

The Town recognizes the value to the Town of professional growth and increased competence of its employees. Therefore, it is the policy of the Town to pay the cost of tuition and materials for seminars and other continuing education courses that have been approved by the Town. An employee seeking educational assistance should make a request to the Board of Selectmen. Requests for time to attend formal educational courses, seminars and workshops related to an employee's professional employment will be considered on an individual basis. In addition, from time to time the Board of Selectmen may request an employee to attend an educational course, seminar or workshop, in which the case the employee is expected to attend. Generally an employee will be reimbursed for expenses incurred in attending a seminar or workshop at the request the Board of Selectmen.

### **INCLEMENT WEATHER DAYS:**

No paid days or partial paid days off shall be granted for inclement weather conditions unless authorized by the Board of Selectmen. If the office is open during a day when weather conditions are poor, any individual employee may make his or her own decision not to come to work, or to leave work early. Any day or partial day taken when the office remains open may be taken as sick/personal time or vacation time, or it may be taken without pay. This policy is offered to allow employees to follow their own judgment in evaluating their own travel circumstances, while recognizing that the Town is a serious enterprise with substantial workloads and an obligation to serve the public, and that weather conditions are seldom sufficiently severe to justify closing the office and/or the Transfer Station.

### **SEVERABILITY**

If any provision of this Personnel Policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the Personnel Policy which can be given affect without the invalid provision or application.

### **CONCLUSION**

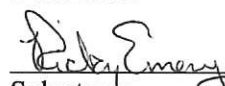
Experience has shown that written policies promote consistency, continuity and understanding within an organization. It is in this spirit that we have prepared this Personnel Policy. We do not purport to be able to identify all possible personnel situations in advance of their occurrence. When situations not specifically addressed in this Personnel Policy present themselves, we are committed to resolving them in a manner that is consistent with the Town's

overall philosophy of personnel management and within the tone of already-established policies and procedures. We are proud of the Town and the individual employees who contribute to its goals each day. We are happy that you have joined us and wish you success and fulfillment in your work with the Town.

  
Chair, Board of Selectmen



Selectman

  
Selectman

Date Updated: December 28, 2021