

Town of Whitefield Personnel Policy

ARTICLE 1 - PREAMBLE

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

B. The Town may delete, amend, modify or change any or all of the 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.

ARTICLE 2 - EMPLOYMENT

A. The employment of all personnel shall be the responsibility of the Board of Selectmen. The authority to hire may be delegated upon approval of the board.

B. All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance.

ARTICLE 3 -EMPLOYEE BACKGROUND CHECKS

Following a decision to hire an applicant, an offer of employment should be made with the appropriate contingencies. All prospective employees will be checked to ensure that they have legal authority to work in the United States (i.e., I-9 requirements). In addition, previous employers will be contacted along with professional references. Where appropriate driving records, credit checks and criminal convictions status will also be checked. Evidence of a prior conviction does not in and of itself automatically disqualify the candidate. Agility tests and medical tests may be required of some candidates but, only after an offer of employment. If such tests are required, the municipality will make the appropriate arrangements.

ARTICLE 4 - EQUAL OPPORTUNITY EMPLOYER

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

ARTICLE 5 - TYPES OF APPOINTMENTS

The following types of appointments may be made to the Town's service in conformity with the rules established:

A. **Full-Time.** A full- time employee works a minimum of thirty-five hours per week. He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by these rules such as

retirement, health insurance, holiday pay, accrual of Earned Benefit Time (EBT), and seniority.

B. Regular Part-Time. An employee in this classification works less than the full time work week. He/she is subject to all personnel rules and regulations.

C. Temporary Employees. Temporary employees work on a non-permanent basis, usually within a limited time frame. They are not entitled to benefits and may be terminated for any reason at any time.

D. Exempt personnel. Full time employees who are paid an annual salary versus hourly rates are not entitled to overtime pay or holiday pay. They are exempt from the Fair Labor Standards Act. All other benefits apply such as retirement, health insurance, accrual of Earned Benefit Time (EBT), and seniority.

E. Contract employees. Personnel who are contracted by the town for a specific purpose are not authorized to receive any benefits.

ARTICLE 6 - PUBLIC AND EMPLOYEE RELATIONS

A. The employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.

B. 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.

C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost the taxpayers.

1. Receipt of Gifts.

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

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

2. Business Activities and Solicitations.

No employee shall engage in any business other than his/her regular duties during work hours.

3. Confidentiality.

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

ARTICLE 7 - WORK WEEK/OVERTIME

A. **Work Week.** The regular work week for payroll purposes begins at 1200 AM Monday and ends Sunday at 1159 PM. The actual hours for Town employees shall be set by the Board of Selectmen.

B. **Overtime.** Employees not exempt from the Fair Labor Standards Act shall receive overtime pay after forty 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, overtime may be compensated with compensatory time for hours worked beyond forty hours in a work week. Such compensatory time shall be granted on time and one-half basis for hours worked beyond forty hours in a work week.

ARTICLE 8 - ATTENDANCE

Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her work day.

ARTICLE 9 - HOLIDAY

A. State designated holidays shall be paid to full-time Town employees.

B. If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the preceding Friday, unless otherwise regulated by law.

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

D. Holiday pay is to be considered the scheduled workday hours for that day.

E. When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday shall receive straight time pay plus their applicable holiday pay.

ARTICLE 10 - VACATION/EARNED BENEFIT TIME (EBT)

A. Vacation/Earned Benefit Time privileges are available to full-time employees. Earned Benefit Time is a combination of vacation time and sick time. EBT is earned at the following rates:

Years of Service	EBT Earned	Authorized Carry Over	Max Paid on Separation
0 – 1	120	120	120
1 – 5	160	160	160
5 - 10	184	184	184
10 - 15	208	208	208
15 +	240	240	240

All EBT is listed in hours.

A. Years of service are calculated on the anniversary of the date of hire.

- B. All time will be earned on a weekly basis and scheduled hours.
- C. EBT must be scheduled at such times as shall be agreeable with both employee and supervisor.
- D. EBT may be accrued and carried over into the following year. At no time will the authorized carry over be exceeded. Any EBT accrued beyond what is authorized to be carried over on the first day of the new year will be forfeited. The new year for carry over purposes starts on the 1st of July. All EBT accrued by employees at the time of approval of this policy shall remain in possession of the employee. At no time will the amount of time above what is authorized be increased. As time is used the accrued amount will reduce until it is at the appropriate carry over level.
- E. During the first six months of employment EBT can only be used for medical reasons unless otherwise authorized by the selectmen.
- F. Current employees having more EBT than that allowed for payment on separation may request cash payment of the excess time prior to July 1, 2016, subject to Select Board concurrence and availability of funding.

ARTICLE 11 - HEALTH INSURANCE

For regular full-time employees, the Town will pay an amount for insurance not to exceed the cost of a single plan at the "Silver Level" of benefit on the ACA exchange. The employee may use the savings from any subsidies, if eligible, or the selection of a lesser design plan level to purchase some or all of family medical or dental coverage. An employee receiving coverage under a spouse's plan may elect to receive cash in-lieu-of insurance; this amount shall be determined by the Board of Selectmen.

ARTICLE 12 - LEAVES OF ABSENCE

A. Bereavement Leave. An employee may be excused from work for up to three (3) work days because of death in his/her immediate family, as outlined below and shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral.

For purposes of this article only, immediate family is defined to mean spouse, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, and grandchildren.

One (1) work day may be granted to employees at the sole discretion of the Board of Selectmen for attendance at funerals of persons not covered under the above definition.

B. Leave Without Pay. A full-time employee may be granted a leave of absence without pay by the Board of Selectmen for a period deemed necessary by the employee for the purpose of the leave, but not in excess of sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the Board of Selectmen. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for the duration of the leave by assuming the employer contribution. Earned Benefit Time will not continue to accrue during the leave.

ARTICLE 13 - JURY DUTY

The Town shall pay an employee called for jury duty the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received. The employee shall keep any mileage paid by the courts.

ARTICLE 14 - GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personnel rules, regulations and policies or the terms of employment within five (5) working days from the incident, 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 for the purpose of discussing the grievance and the Board of Selectmen shall render their final written decision within thirty (30) days after said meeting.

ARTICLE 15 - POLITICAL ACTIVITY

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

ARTICLE 16 - RESIGNATION

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

ARTICLE 17- POLICY ON HARASSMENT

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. Harassment, both sexual and verbal, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

ARTICLE 18 - STIPENDS/PAY

Town employees will be paid every other week. All positions paid by annual stipend will be paid in 12 monthly installments on the first warrant of the month. A newly elected selectmen will begin receiving a stipend on the first warrant in July. A selectman who is voted out of office or chooses not run for the position again shall be paid the remainder of the stipend for the year on the first warrant after town meeting.

ARTICLE 19 - PERFORMANCE EVALUATIONS

All employees shall receive written Performance Evaluations from their Department heads annually in the Month of July. All probationary employees shall be evaluated by their Department Head prior to the end of their six month probationary period. Performance evaluations shall include a hand written evaluation using a standard form. Employees may submit a written rebuttal to any portion of an annual Performance Evaluation with which they disagree stating the basis for their disagreement. All performance evaluations and rebuttal statements shall be maintained in the employee's personnel file.

ARTICLE 20 - COMPUTER\E-MAIL USE

All town owned computers and internet connections are to be used for legitimate business purposes only. Employees who use town computer and access the internet through those computers must understand the e-mail and internet activities on our network are not private. All messages on the e-mail system are considered the property of the town. The town reserves the right to monitor email to retrieve any information from town owned computers. Although the computer network is intended for business use, incidental personal use of e-mail and the internet while at work is permissible providing;

- It does not involve more than a trivial amount of time and system resources.
- It does not interfere with job performance or the productivity of other employees.

Uses or practice that are strictly forbidden include;

- Using the internet or e-mail for any personal or professional business activities.
- Using the internet or e-mail for amusement, personal shopping or political activities.
- Using the internet or e-mail for any illegal or unethical purposes including the sending or sharing with co-workers of dirty jokes or other messages or images containing vulgar, pornographic, violent or hateful content.
- Visiting internet sites that contain illegal, obscene, pornographic or hateful content unless doing so is a part of an officially authorized law enforcement investigation.
- Initiating or forwarding chain letters of any kind.
- Participating in chat groups not related to work.
- Uploading, downloading' copying or otherwise transmitting commercial software to any copyrighted materials without proper and verifiable permission from the source.

Failure to follow these guidelines may result in punishment up to and including immediate dismissal.

ARTICLE 21 - WORKPLACE SMOKING POLICY

The Municipality of Whitefield is committed to providing its employees and visitors with a safe, healthful and productive workplace environment.

In accordance with the provisions of Maine's Workplace Smoking Act of 1985 (22 M.R.S.A. § 1580-A), smoking is prohibited within any municipal building or facility. Smoking is also prohibited in all municipal vehicles, and in personal vehicles during the conduct of municipal business.

Smoking out of doors on municipal property shall be permitted in areas located at least 20 feet away from any entryway, vent or doorway. All cigarettes, tobacco, matches and other materials used for smoking must be extinguished and/or properly disposed of on municipal property.

ARTICLE 22 - PERSONNEL RECORDS

Personnel records are maintained for each employee of the Town. Any employee may review his/her files in the presence of the Administrative Assistant. So as not to cause inconvenience the employee shall set up an appointment for such a review in advance.

ARTICLE 23 - SHORT TERM DISABILITY

Short Term Disability insurance will be provided to all full time employees at no cost. They will be insured at a rate of 70 percent of their current pay.

ARTICLE 24 - MILITARY LEAVE

Full time employees called to active military duty or Nation Guard duty or those who volunteer for such duty or training shall qualify for Military Leave. Employees must provide the Administrative Assistant with a copy of the order that details the starting and ending dates of the military service or training. The town will pay the difference between the employees usual base pay or salary (providing the military salary is lower) for that period up to 14 working days per year. During this period the employee will continue to accrue all benefits as if he/she were still on the job. Any Military service or training that exceeds 14 days shall be treated as unpaid leave for the duration of the service. Employees returning from military leave are eligible for reinstatement in accordance with all state and federal requirements.

ARTICLE 25 - INDIVIDUAL RETIREMENT ACCOUNTS

A. Full time Employees are eligible for town contributions into their IRA or 401k plan. The town will match employee contributions up to 6 percent of their salary at 50 percent. Employees may elect to participate in the retirement plan after the six-month probationary period. Employees will provide the town with retirement account information at that time.

B. For employees hired before July 1, 2012, IRA contributions by the Town will remain unchanged unless the employee requests a change.

ARTICLE 26 - MILEAGE REIMBURSEMENT

Employees who are authorized to use their personal vehicle for town business will be reimbursed mileage at the current state rate.

ARTICLE 27 - TRAINING AND MEMBERSHIP

Employees may request to take any training pertinent to their job. This training must be approved by the Administrative Assistant and within budget. Any training that exceeds the budget must be approved by the board of selectmen. Training for the Administrative Assistant must be approved by the board of selectmen. Membership in any organization deemed necessary or pertinent to job will be paid for by the town. Any membership that exceeds the budgeted amount must be approved by the board of selectmen.

ARTICLE 28 - EMPLOYEE DISCIPLINE

The purpose of employee discipline is to recognize and correct performance issues or an attitude that does not meet the requirements of acceptable job standards. Disciplinary action shall consist of the following;

1. Verbal warning
2. Written warning
3. Suspension without pay
4. Termination

Written warnings and suspension without pay will be recorded in the employee's personnel record. Written warnings are valid for 12 months at which time they will be removed. Suspensions are permanent and will remain in the employee's personnel record as long as they are employed with the town.

ARTICLE 29 - FMLA

All state and federal Family Medical Leave Act laws will be followed for any employee requiring extended medical time off.

ARTICLE 30 - DRUG AND ALCOHOL ABUSE

No employee or representative of the Town shall perform any duties or report for performance of duties under the influence of, or impaired by any drug or alcohol that may inhibit job performance or judgment. Legal drugs, including those prescribed, may be used provided they do not cause impairment or have any adverse effect that could inhibit job performance. The Town may require drug or alcohol testing of an individual following any accident or adverse incident or when a supervisor has reason to suspect a person may be impaired. Any violations of this drug and alcohol policy will be subject to disciplinary action, up to and including termination.

Adopted May 26, 2015

Chairman of the board of selectmen:

Dennis Merrill