



Town of Whitefield

Personnel Policy

ARTICLE 1 – PREAMBLE

- A. The Select Board 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 Select Board.
- B. The Town may delete, amend, modify or change any or 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.

ARTICLE 2 – EMPLOYMENT

- A. The employment of all personnel shall be the responsibility of the Select Board. The authority to hire may be delegated upon approval of the Board. Authority to terminate remains with the Select 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.

GENERAL:

Equal Employment Opportunity: The Town is an equal opportunity employer and will not discriminate in any of its practices on the basis of race, color, creed, sex, marital status, physical or mental disability, religion, age, ancestry or national origin, veteran's status or any other protected category under state and local laws unless based on a bona fide occupational qualification.

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 as it relates to employee's ability to do the job. 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 positions but, only after an offer of employment. If such tests are required, the municipality will make the appropriate arrangements.

ARTICLE 4 – 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, non-exempt Employee** – An employee that works a minimum of thirty-two (32) hours per week at an hourly rate. 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 and accrual of Earned Benefit Time (EBT).
- B. **Regular Part-Time Employee** – An employee in this classification works less than the full-time work week. Part-time employees are not eligible for benefits.

- C. **Temporary Employees** –An employee that works on a non-permanent basis, usually within a limited time frame. Temporary employees are not entitled to benefits and may be terminated for any reason at any time.
- D. **Full-Time, exempt Employee** – An employee that works a minimum forty (40) hours per week and is paid an annual salary versus hourly rates are not entitled to overtime pay or holiday pay, as outlined in the Fair Labor Standards. All other benefits apply such as retirement, health insurance and accrual of Earned Benefit Time (EBT).
- E. **Contract employees** – Personnel who are contracted by the Town for a specific purpose are not authorized to receive any benefits.

ARTICLE 5 – PUBLIC AND EMPLOYEE RELATIONS

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

- A. 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. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are the key elements of good service and highly valued.

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 acceptance of unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Business Activities and Solicitations

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

Confidentiality

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the Maine Freedom of Access Law, 1 M.R.S. § 401 – 412.

ARTICLE 6 – WORK WEEK/OVERTIME

- A. **Work Week** – The regular work week for payroll purposes begins at 12:00 am Monday and ends Sunday at 11:59 pm. The actual hours for Town employees shall be set by the Select Board.
- B. **Overtime** – Employees, non-exempt, 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, following the Fair Labor Standards Act. At the discretion of the Select Board, 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 (40) in a work week.

ARTICLE 7 – ATTENDANCE

Employees shall be at their respective places of work on time, ready and able to work every day they are scheduled to work. It is the responsibility of employee 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 workday. Repeated lateness, unexcused absences or absences without authorization may be cause for discipline and/or discharge. If an employee fails to report to work or call in to inform their supervisor of the absence for three (3) or more consecutive days the employee will be considered to have voluntarily resigned from employment.

ARTICLE 8 – STIPENDS/PAY

Pay day for all town employees will be Wednesday. Town employees will be paid every other week (biweekly). All positions paid by annual stipend will be paid in twelve (12) monthly installments on the first warrant of the month. A newly elected Select Board member will begin receiving a stipend on the first warrant in July. A Select Board member or Planning Board member who is voted out of office or chooses not run for the position again shall be paid the remainder of the stipend for the fiscal year on the first warrant after the Town Meeting. The Planning Board and Fire Department are paid on a bi-annual basis on the first warrant in December and June.

Cost of Living Adjustment (COLA) is effective on an annual basis on July 1 of each fiscal year, as approved at the annual town meeting. Excluding employees in probationary period.

ARTICLE 9 – HOLIDAYS

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

New Year's Day – January 1
Martin Luther King Day – the third Monday in January
President's Day – the third Monday in February
Patriot's Day – the third Monday in April
Memorial Day – the last Monday in May
Juneteenth – June 19
Independence Day – July 4
Labor Day – the first Monday in September
Indigenous Peoples Day – the second Monday in October
Veterans Day – November 11
Thanksgiving Day – the fourth Thursday in November
Thanksgiving Friday – the day after Thanksgiving
Christmas Day – December 25

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. An employee on a leave of absence without pay, on suspension or other form of non-pay status or fails to work the scheduled workday before or after the holiday, unless previously approved by the Administrative Assistant at least one week in advance 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 all or part of a holiday. Non-exempt employees working a holiday shall receive straight time pay plus their applicable holiday pay.

ARTICLE 10 – EARNED BENEFIT TIME (EBT)

A. Earned Benefit Time privileges are available to full-time exempt and non-exempt 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	Maximum Accrual
Up to 1	120	120	120
1 - 5	160	160	160
6 - 10	184	184	184
11-15	208	208	208
16+	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 carryover be exceeded. The new year for carryover purposes starts on July 1. All EBT accrued by employees at the time of approval of this policy shall remain in possession of the employee.

E. During the first six (6) months of employment, the probationary period, EBT will be earned and can only be used for medical reasons unless otherwise authorized by the Select Board. After the probationary period, should the employee be released, the EBT will be forfeited.

F. Upon separation of employment with the Town for any reason, the employee or his/her estate shall be paid for any unused EBT up to the maximum earned by that employee, shall be paid in one lump sum.

ARTICLE 11 – DRESS CODE

Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is being performed.

The Town provides a business casual work environment for its office staff. It is important to project a professional image to our citizens, taxpayers, visitors and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety and good taste. Natural and artificial scents may also become a distraction from a well-functioning workplace, and are also subject to this policy.

ARTICLE 12 – EMPLOYEE INSURANCE

The Town of Whitefield participates in Maine Municipal Employee Health Trust (MMEHT) with the PPO 2500 plan. Coverage begins on the first day of the next month after employment begins, provided MMEHT has approved all required forms.

A. For full-time exempt and non-exempt employees, health insurance is paid by the Town at one hundred percent (100%). Health insurance for dependents is paid at sixty five percent (65%) by the Town and

thirty five percent (35%) is deducted from the employee paycheck. The Town pays one hundred percent (100%) income protection for the employee. Income protection, also known as short term disability, will be insured at seventy percent (70%) of their current wages. Dental and Vision plans are available, which are paid by the employee.

ARTICLE 13 – LEAVES OF ABSENCE

A. **Bereavement Leave.** An employee may be excused from work for up to three (3) workdays 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, domestic partner, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, and grandchildren.

One (1) workday may be granted to employees at the sole discretion of the Select Board 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 Select Board 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 Select Board. 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 14 – 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 15 – 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 Select Board.

Within thirty (30) calendar days thereafter, the Select Board shall meet with the employee for the purpose of discussing the grievance and the Select Board shall render their final written decision within thirty (30) days after said meeting.

ARTICLE 16 – 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 17 – RESIGNATION

All non-exempt employees resigning from service of the Town shall give the Administrative Assistant a written two (2) week notice. All exempt employees resigning from service of the Town shall give the Select Board a written thirty (30) day notice.

ARTICLE 18 – 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 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 sixth (6) month probationary period. Performance evaluations shall include a handwritten 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 computers and access the internet through those computers must understand that 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 owned by the Town or otherwise to any copyrighted materials without proper and verifiable permission from the source.

ARTICLE 21 – SOCIAL MEDIA

Employees shall not engage in any activities that may harm or tarnish the image, reputation and/or goodwill of the Town and /or any of its employees. Town employees have a responsibility to help communicate accurate timely information to the public, regardless of whether the communication is in the

employee's official role or in a personal capacity. It is important for employees to remember that even some personal communication of employees may reflect on the Town, especially if employees are commenting on anything political in nature. The following guidelines apply to personal communications including social media:

1. Remember that what you write is public and may be for a long time. Use common sense. Refrain from posting information that you would not want your supervisors or other employees to read;
2. The Town expects its employees to be truthful, courteous and respectful;
3. Avoid negative, sarcastic or other comments that may damage the team atmosphere between or within Departments.

Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when using social media or otherwise engaging in any conduct prohibited by the Town's Non-Discrimination and Anti-Harassment Policy.

Employees may also not attribute personal statements, opinions or beliefs to the Town when engaged in these activities. If an employee is expressing his/her beliefs and/or opinions in social media, the employee may not, expressly or implicitly, represent themselves as an employee or representative of the Town, and may not include any items in the Social Media Policy. Employees assume any and all risk associated with social media.

Apart from following all laws pertaining to the handling and disclosure of copyright or export controlled materials, the Town's logos and any social media activity without explicit permission from your Supervisor and/or Select Board.

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

ARTICLE 22 – 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. §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 23 – 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 24 – MILITARY LEAVE

Full-time employees called to active military duty or National 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, exempt and non-exempt, employees are eligible for Town contributions into their IRA or 401k plan. The Town will match employee contributions up to three percent (3 %) by the town. If an employee chooses to contribute less the 3%, the town will match the lessor amount. The employee may elect to defer more than the 3%, however the Town's match will not exceed the three percent (3%) limit. Employees may elect to participate in the retirement plan after the (6) six-month probationary period. Employees will provide the Town with their retirement account information at that time.

ARTICLE 26 – MILEAGE REIMBURSEMENT

Employees who are authorized to use their personal vehicle for Town business will be reimbursed mileage at the current IRS 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 Select Board. Training for the Administrative Assistant must be approved by the Select Board. 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 Select Board.

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. After the probationary period, discipline 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. Medications, 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 an employee 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
Amended: May 26, 2020

Date Amended: **September 12, 2023**

Lester E Sheaffer Jr, Chair



Seth A Bolduc, Vice Chair



Keith D Sanborn



James R Torbert



Joshua T Leard