

TOWN OF BERWICK
PERSONNEL POLICY

Signed by Board of Selectmen — Town of Berwick

Adopted: October 5, 1999

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2015

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PURPOSE & APPLICATION

This Policy is intended to set forth a uniform and equitable system of personnel administration for the employees of the Town of Berwick, Maine. It has been developed to provide a clear understanding of the requirements of and the benefits available to the employees of the Town. It should be viewed as a written summary of work benefits, privileges and responsibilities adopted to ensure that all employees are treated the same and to ensure that all employees understand what is expected of them. This Policy does not and is not intended to constitute an employment contract and the Board of Selectmen reserves the right to make revisions in it when required. This Policy shall apply to all employees of the Town as noted in its provisions except to the extent that the terms and conditions of employment have been altered by a collective bargaining agreement or by a personal employment contract, It does not apply to elected officials or to volunteer members of the Berwick Volunteer Fire Department.

ADMINISTRATION

This Policy has been adopted by the Board of Selectmen for use by the Town Manager in the day-to-day administration of personnel matters. As with all policies, it is recognized that the Board of Selectmen shall be the final authority in matters relating to the establishment, amendment, implementation and interpretation of this Policy.

EQUAL EMPLOYMENT

The Town of Berwick is committed to providing equal employment opportunities for all persons seeking employment with the Town and to ensuring the equal treatment of all of its employees. This Policy therefore sets forth a clear statement of non-discrimination in recruiting, hiring, employment and personnel actions based upon religion, age, sex, marital status, race, ancestry, national origin and physical or mental handicap within the context of applicable state and federal laws governing same.

RECRUITMENT, TESTING & HIRING

The employment of all personnel shall be the responsibility of the Town Manager in accordance with the provisions of the Town Manager Plan of Government as specifically outlined in 30A MRSA 2631 et seq. The following positions are department head level positions: Town Clerk, Police Chief, Fire Chief Town Engineer, Finance Director (*Rev 8/7/07*) and Recreation Director. The Town Manager shall design and use appropriate Job Descriptions & employment application forms. Candidates for all positions shall be examined on the basis of job related criteria. Examinations may include such things as: application and resume review, completion of a written or skills test, evaluation of education and job experience, personal interview, background examination (if authorized) and a medical examination. (If required, medical examinations shall be post-offer and pre-employment examinations and they shall be paid for by the Town and given to all employees in a particular class.)

TYPES OF EMPLOYMENT

- A. Probationary. Any employee who is in the first six months of employment
- B. Full-time. An employee who works a regularly scheduled workweek of at least 37.5 hours per week. Hours worked may vary according to department scheduling needs.

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- C. Regular Part-time. An employee who is budgeted to work less than 37.5 hours per week on a regular or continuing basis. By definition, regular part-time employment is for more than six months. **(Rev 2/4/03)**
- D. Part-time. An employee who works on an intermittent, varying, seasonal or on-call basis during the work year and who is not a budgeted Regular Part-time employee. **(Rev 2/4/03)**
- E. Seasonal. An employee who is hired to work for a limited period of time and who expects to be laid off when the season ends. The "recreation season" runs from June 15th to and including Sept. 15th.
- F. Temporary. An employee who is hired for a specific limited period of time to perform a specific task or tasks or to fill in for an employee who is on leave.

WORK SCHEDULES

- A. The Work Schedule and Work Week will be determined by the Town Manager in consultation with the Board of Selectmen. The payroll period shall run from Sunday to Saturday. Payday shall be on the following Thursday.
- B. The normal workweek shall be:

Town Office employees	37.5 hours/week based on a 7.5 hour/day
Police Department employees	40.0 hours/week based on an 8.0 hour/day
Public Works Department employees	40.0 hours/week based on an 8.0 hour/day
Water Department employees	40.0 hours/week based on an 8.0 hour/day

EMPLOYMENT

- A. Hiring. The Town Manager, unless otherwise provided by local Ordinance, shall appoint, hire, supervise and direct all municipal employees whom the Municipal Officers are required by state law to appoint except members of boards, commissions, committees and single assessors. The Town Manager may delegate the hiring authority to the head of a department. Department heads shall have supervisory responsibility for those in their departments including the responsibility of administering progressive discipline when necessary. Only the Town Manager may make the final decision on the suspension or discharge of an employee. In doing so, the Town Manager will follow required fair hearing or pre-termination hearing procedures and will ensure that all such decisions are made with the utmost of care. The Town Manager's authority is more fully spelled out in the Town Manager Plan of Government found in 30A MRSA 2631 et seq.
- B. Upon hiring, each new full-time or regular part-time employee shall be provided a copy of this Policy and shall sign an acknowledgement of its receipt
- C. Date of Hire. This is the date that full-time and regular part-time employees begin working. For purposes of benefit calculations, when a regular part-time employee becomes full-time or when a full-time employee becomes a regular part-time employee, the date(s) of hire shall remain the same but the adjustment of any benefits shall be clearly noted as of the respective date(s) of the change and type of employment. The following formula shall be used when establishing a conversion from part-time to full-time service: the total number of hours worked part-time divided by the number of hours in the full-time position workweek (37.5/40) determines the number of full-time weeks worked. To establish new date of hire for full-time service conversion of vacations and longevity benefits - count back from the date the employee starts full-time the number of weeks determined by the above calculation. This becomes the employee's starting entitlement for vacation and longevity benefits.

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- D. Return Rights. Former employees who left with good employment records shall, provided their qualifications are equal to those of other applicants, be considered for reemployment but shall be given no preference over other applicants. If rehired, they shall be considered as new employees who must serve the required Probationary Period and who have no seniority rights from their previous employment.
- E. Hours of Work. The normal hours of work shall be made known at the time any new full-time or regular part-time employee is hired. All employees are expected to be at their respective places of work on time and in accordance with schedules or departmental requirements. The Town Manager shall review attendance and tardiness records from time to time. Employees with outstanding records should be commended and those with unsatisfactory records should receive appropriate warnings in accordance with the standards of progressive discipline.
- F. Probationary Period. All employees are considered probationary during the first six months of employment. The purpose of this period is to allow time for the employee to become familiar with the Town and to allow for the evaluation of the employee's performance. The employee will be reviewed by his/her supervisor at least twice during the Probationary Period. The results of these reviews and any recommendation with regard to the employee's status shall be forwarded to the Town Manager prior to the expiration of the six month Probationary Period. If the employee completes the Probationary Period successfully, he/she will become a regular employee within the type of employment to which he/she has been hired. Seniority shall be from the date of hire, if the Town Manager determines an employee should not continue in his/her position, he/she may be terminated without notice or **(Rev 1/9/01)** cause prior to the expiration of the Probationary Period.
- G. Nepotism. (1) The Town reserves the right to consider blood and legal relationships in its hiring practices. (2) It is against Town Policy to hire on a full-time basis the father, mother, husband, brother, sister, wife or child of a present Member of the Board of Selectmen or the Town Manager. (3) Relatives shall not be put in the position of supervising relatives. **(Rev 3/2/10)**

COMPENSATION

- A. The Town desires that its employees be paid on a basis that is commensurate with job requirements and responsibilities. Annual compensation rates are established each year as part of the Budget process. The Town Manager may make exceptions to the budgeted rates or other provisions of this Personnel Policy for an employee with unusual experience or education or at the request of the department head when authorized to do so by the Board of Selectmen. The Town Manager may hire a new employee at less than the budgeted rate and then adjust the employee's rate to the budgeted rate after completion of probation or at any other appropriate time.
- B. Overtime. Overtime must be authorized by the department head or by the Town Manager. To earn overtime, hours must be those actually worked. All non-exempt employees shall be paid at 1.5 x their regular rate of pay when required to work more than 40 hours per week. Time off for bereavement leave or worker's compensation leave will not count as hours worked for the purpose of determining overtime. **(Rev 8/7/07)**
- C. Compensatory Time. At the request of the employee and with the approval of the department head and Town Manager, an employee otherwise entitled to be paid overtime for hours actually worked in excess of his/her normal workweek may elect to bank compensatory time. In such a case, hours worked in excess of 40 per week shall earn compensatory time at 1.5 x the number of hours worked over 40 or fractions thereof. The maximum compensatory time any employee may accumulate is 40 (use within six months of earning, within fiscal year of earning it) hours; additional time owed will be paid at the overtime rate. **(Rev 8/7/07)**

LONGEVITY PAY

All full-time employees shall be entitled to receive longevity pay, which is given to provide an incentive for employees to remain with the Town. Longevity Pay shall be paid at the rate of \$50 per year up to 9 years, \$75 per year of service up to 14 years of service, \$100 per year 15 years more. Longevity Pay will be earned as of the employee's anniversary date and will be paid in the month of December. Should an employee leave the employment of the Town after his/her anniversary date and before December, it will be paid upon departure. The maximum longevity pay shall be \$2000. *(Rev 8/7/07)*

CALL BACK PAY

Full-time (Non-Union) employees who are not exempt from the provisions of the federal Fair Labor Standards Act and who are called back to work after the conclusion of their regular work shift shall be paid at the overtime rate if the total number of hours actually worked in the workweek exceed 40. They shall be guaranteed 1 hour of compensation for each Call Back situation. *(Rev 8/7/07) (Rev 11/18/08)*

PAYROLL DEDUCTION

- A. The Town offers several payroll deduction options to its employees. No deduction will be made without written authorization from the employee. Revocations must also be in writing.
- B. Options. The Town presently offers payroll deduction for:
 - 1. Deferred Compensation contributions
 - 2. Payment of Berwick Property Taxes
 - 3. Disability Insurance premiums
 - 4. Maine State Retirement System contributions
 - 5. Life Insurance premiums
 - 6. Health Insurance payments
 - 7. Union dues payments
 - 8. Medical Reimbursements under the Cafeteria Plan
 - 9. Insurance Provider additional coverages
 - 10. Police Benevolent Association payments
 - 11. Credit Union payments
 - 12. Cellular Phone payments
- C. Additional Options. Must be recommended by the Town Manager and be approved by the Board of Selectmen.

SPECIAL BONUS OR AWARDS

The Board of Selectmen either on its own initiative or at the suggestion of the Town Manager may award a special bonus or other award when an employee exhibits outstanding performance, saves the Town money through his/her initiative or in other appropriate circumstances.

BENEFITS

- A. Benefits and the Town's participation in them will vary depending on the Type of Employment.
 - 1. Federal FICA. All employees participate in the federal Social Security & Medicare Program with the required employee and Town contributions.

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2. **Worker's Compensation.** Employees are eligible for benefits under the Worker's Compensation Law for a personal injury or compensable illness arising out of and in the course of employment. Employees are responsible for reporting all accidents or dangerous situations in the workplace as described more fully in the Safety Program.
3. **Maine State Retirement System.** All full-time or regular part-time employees who work at least 15 hours per week and 720 hours in a 12-month period are eligible to participate. The Town's contribution is established by the Maine State Retirement System and will vary depending on circumstances.
4. **Deferred Compensation Plan.** All full-time employees are eligible to participate. The Town will match any employee contribution up to 4% of his/her annual wages/salary. The total contribution by an employee may not exceed federal limits. While an employee may participate in both Maine State Retirement and in the Deferred Compensation Plan, the Town will also contribute to the Deferred Compensation Plan with a 2% matching contribution from the town. **(Rev 8/07/07)** Employees who choose to participate in the Maine State Retirement System Special Plan 1C may also contribute to the Deferred Compensation Plan with no contribution from the town. **(Rev 3-2-10)**
5. **Cafeteria Plan.** All full-time employees are eligible to participate. The Plan will be administered by a company selected by the Board of Selectmen. Participation levels and options will be those set by the Selectmen, federal law, and/or by the plan selected.
6. **Health Insurance.** All full-time employees are eligible to participate. The Town presently participates in the Maine Municipal Association Employees Health Trust Comprehensive or Point of Service Plans. The Board of Selectmen shall set the maximum level of Town participation up to and including the family level of coverage. Employee contributions shall be deducted from their paycheck. The Board of Selectmen reserves the right to select a different health insurance plan or plans if it chooses but it will retain the current level of coverage or provide equivalent coverage in doing so. Employees who may lose their alternative health insurance coverage may join the Town's plan on the first day of the month following the Health Trust's receipt of the application accompanied by a certificate of health showing prior coverage. Employees not enrolled in Town approved Health Insurance who can prove Insurance Coverage from another source; the town will pay \$1,500 to this employee in two installments \$750 during the first pay period in July and \$750 during the first pay period in January. Payment will be made in the arrears to avoid payback. **(Rev 8/08/07)**
7. **Disability Insurance.** All full-time employees are eligible to participate. This insurance is purchased by the employee. An employee may claim earned sick leave while at the same receiving disability insurance payments to the extent he/she has sick leave available. Earned sick leave may be utilized to restore the employee to his/her normal weekly compensation if used in combination with disability insurance.
8. **Life Insurance.** All full-time employees are eligible to participate. The amount provided is equal to the employee's annual compensation. Employees who qualify for this benefit may purchase additional life insurance as may be made available by the insurance carrier with such additional insurance being paid for by the employees through payroll deduction.
9. **Dental Insurance.** All full-time employees are eligible to participate should the Town offer Dental Insurance. The cost of such insurance will be at the employee's expense. **(Rev 05/02/00)**

10. Unemployment Compensation. The Town provides unemployment compensation benefits to those who are eligible for these benefits under Maine law. **(Rev 1/9/01)**

LEAVES

- A. Vacation Leave. The vacation schedule for all full-time and regular part-time employees shall be as follows: Note* Vacation leave is prorated for regular part-time employees based on the number of hours worked in their normal workweek. **(Rev 1/18/05)**

1. After one year of continuous service 5 days
2. After two years of continuous service 10 days
3. After five years of continuous service 15 days
4. After ten years of continuous service 20 days
5. After twenty years of continuous service 25 days
6. After 30 years of continuous service 30days. **(Rev 1/18/05)**

Vacation leave shall be granted at such time or times as shall be mutually agreeable to the employee and the department head and the Town Manager. Requests for vacation leave should be made at least seven days **(Rev 1/18/05)** in advance of the scheduled time.

Vacation leave is not accruable and must be used within one year of the date earned. The Town Manager may authorize the carry over of a specific amount of vacation leave for a specific time. Upon resigning, an employee is entitled to the amount of unused vacation leave he/she has on the books. Vacation leave will be earned and becomes effective on each employee's anniversary date. Vacation leave is prorated for regular part-time employees based on the number of hours in their normal workweek.

- B. Sick Leave. Sick Leave is available for all full-time and regular part-time employees. Sick Leave is prorated for regular part-time employees based on the number of hours in their normal workweek. Sick Leave shall accrue at the rate of one (1) workday for each full calendar month of service cumulative to a maximum number of ninety (90) workdays. No sick leave shall be granted during the Probationary Period. For the purpose of this section, the first month of an employee's service shall be counted as a full month of service if employment actually began on or before the 5th day of the month. Sick leave may be used by the employee for personal illness or disability, including maternity, to meet dental or doctor's appointments or for other sickness prevention measures. Notification shall be made in accordance with the provisions of the Sick Leave Notification Policy. After three consecutive days on Sick Leave, an employee must furnish the Town Manager a certificate from an attending medical professional indicating the nature and seriousness of the medical problem if he/she is requested to do so by the Town Manager. Sick leave shall be taken in minimum increments of one hour. Sick Leave use shall be recorded on the payroll record of each employee. Employees eligible for worker's compensation may elect to take earned sick leave in addition to the worker's compensation to the extent that it provides the employee with his/her normal ,weekly compensation. Employees must work or be paid for vacation or holiday leave for at least 15 days in any month in order to earn a sick day for that month. Employees employed by the Town prior to January 1, 2015 who leave employment with the Town through retirement or resignation shall be entitled to a lump sum payment for 100% of the sick leave owed the employee up to 60 days at the rate of pay at the time of termination. In the event of the death of an employee employed by the Town prior to January 1, 2015, this payment will be made to his/her beneficiary regardless of the cause of death. Employees hired by the Town after January 1, 2015 shall not be eligible to receive any cash value for sick time accruals at the time of their retirement or resignation except to the extent negotiated separately by contract. **(Rev 8/7/07 and 1/6/15)**

- C. Sick Time Transfers. Employees shall be allowed to transfer and contribute the prorated cash value of personally accrued sick leave to other employees in need, pursuant to the following binding guidelines and conditions. **(Rev 4/1/14)**

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1. Recipient employees shall use all available paid leave options prior to receiving donations of sick time from other employees, including their own sick time, vacation, compensatory time and any personal or floating holidays available under this policy or other binding employment agreement;
 2. The donation of sick time shall be voluntary and no employee shall be pressured to contribute;
 3. Employees donating sick time shall sign an authorization form provided by and acceptable to the Town Manager agreeing to the terms of this policy prior to any transfer of sick time;
 4. Employees may only donate sick time which has been earned and reflected in the employee's sick time accrual account as of the date of the transfer;
 5. Employees may not donate less than 8 hours of sick time;
 6. Donations may not bring a transferor employee's own sick time account below 40 hours;
 7. Donated sick time is intended for the use of the recipient only, and loses all cash value upon initial transfer;
 8. Donated sick time shall not be refundable to the transferor if un-used;
 9. Other rules pertaining to compensated absences remain unaffected by this modification. **(Rev 4/1/14)**
- D. Bereavement Leave. A full time or regular part-time employee who has completed his/her probationary period may be excused from work by the Town Manager for up to three (3) days with pay because of a death in his/her immediate family. Immediate family is defined as: spouse, parent, grandparent, child, brother, sister, mother-in-law, father-in-law, stepchild or a relative or ward living in the employee's home. Up to one (1) workday may be granted with pay at the discretion of the Town Manager for attendance at funerals etc., additional days may be granted by the Town Manager for out of state funerals and taken from sick leave, **(Rev 1/18/05)**
- E. Family Medical Leave. Family Medical Leave may be available on request for eligible employees who have a serious health condition; whose presence is required to care for a close family member who has a serious health condition; or in the event of the birth, adoption or placement for foster care of a child. The Town may also designate as Family Medical Leave an absence that would be covered by the Family Medical Leave Law. Notice of a request for FML must be given thirty days in advance of the commencement of the leave, or as soon as practical if thirty days' notice cannot be given. A full description of family medical leave eligibility and rights under the Family Medical Leave 'w(s) may be obtained from the Town Manager. **(Rev 1/9/01)**
- F. Military Leave of Absence. In accordance with applicable federal and state laws, employees called to active military duty or to Reserve or National Guard training or who volunteer for such duty or training, may be granted military leave. In order for the Town to plan for its staffing needs, employees should provide the Town Manager with as much advance notice as possible of the need for military leave. In addition, employees must provide the Town Manager with a copy of the order that details the starting and ending dates of the military training or service. The Town will pay the employee the difference, if any, between the employees' usual base pay (exclusive of overtime) or salary and his/her military pay for up to ten business days per year on which the employee is regularly scheduled to work. Employees returning from military leave are eligible for reinstatement in accordance with all state and federal requirements. **(Rev 1/9/01)**
- G. Leave of Absence without Pay. The Town Manager is authorized to grant a leave of absence without pay for a specified period of time and purpose when requested by a full-time or regular part-time employee. Whether or not the Town Manager grants such leave will be determined by several factors including: the employee's record of attendance, job performance, length of service, the reason for the request and the impact on the Town's

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operations. Seniority, wage and fringe benefits and length of service calculations will not include any period of LWOP. If an employee is found to have accepted other full-time employment during LWOP or if an employee fails to return to work at the end of his/her approved LWOP the employee will be considered to have resigned. The maximum amount of time the Town Manager can approve for LWOP is 12 consecutive months.

HOLIDAYS

Regular Holidays. All full time and regular part-time employees shall be granted the following holidays with pay. **(Rev 1/18/05)**

- News Years Day January 1st
- Martin Luther King Day 3rd Monday in January
- President's Day 3rd Monday in February
- Patriot's Day 3rd Monday in April
- Memorial Day Last Monday in May
- Independence Day July 4th
- Labor Day 1st Monday in September
- Columbus Day 2nd Monday in October
- Veteran's Day November 11th
- Thanksgiving Day 4th Thursday in November
- Day after Thanksgiving 4th Friday in November
- 1/2 Day on Christmas Eve December 24th
- Christmas December 25th

Full-time employees, who have been employed for a full year from anniversary date, shall have one Floating Holiday, which may be used, for any purpose during the calendar year in which it is earned. This Holiday may only be carried forward with the approval of the Town Manager. **(Rev 1/18/05)**

Additional Holidays may be approved by the Board of Selectmen. Employees who are absent for unauthorized reasons on the day directly before or directly after a holiday shall not receive holiday pay for the holiday in question.

Employees shall be paid straight time at their regular hourly rate for their normal work hours as holiday pay. In no cases shall overtime be paid as part of holiday pay. All full time hourly employees who work on a holiday shall be paid the overtime rate for all hours worked in addition to the holiday pay. Exempt employees who work on a holiday may take off an alternate day for the holiday worked. If a holiday falls on a Saturday, it shall be observed the preceding Friday. If a holiday falls on a Sunday, it shall be observed on the following Monday. Employees receiving worker's compensation or disability leave shall not earn holiday pay. Regular part-time employees will be paid for any holiday that occurs during their normally scheduled work time in proportion to their normal workday hours. **(Rev 1/18/05)**

JURY DUTY

The Town shall compensate a full-time employee called for jury duty at his/her regular rate of pay. Employees called for jury duty will sign over to the Town any jury pay received and will provide documentation for the time spent in court. Employees accepting a mileage reimbursement from the Town must also sign over any mileage payments received from the court. Employees excused from Jury duty or released early are expected to return to work.

TRAINING

Full-time and regular part-time employees may be allowed to participate in schools, in-service training sessions, workshops, conventions or other meetings that have a direct bearing on their job responsibilities at the discretion of the Town Manager. The Town will reimburse any employee the cost of college or technical school courses that have a direct bearing on his/her job responsibilities providing the employee successfully completes the course with a grade of C or higher and provided the course(s) has received advance approval from the Town Manager.

CONFIDENTIAL RECORDS

Each employee who is responsible for handling confidential records of any kind shall have a duty to keep the information in such records confidential as may be required by law or by good Judgment.

GIFTS

Because it is important for every employee of the Town to avoid even the appearance of impropriety, no employee shall be permitted to accept any gift from any individual, business, corporation etc. without first obtaining written permission from the Town Manager to accept such gift. For the purpose of this Policy, the term "gift" shall include any kind of personal consideration or cash payment but shall not include holiday treats such as homemade goods or food items or gifts with a de minimis value.

PERFORMANCE EVALUATIONS

Following the successful completion of the Probationary Period, each full time and regular part-time employee shall receive an annual performance evaluation from his/her supervisor or from the Town Manager. Performance evaluations shall be given in the month of December prior to the start of budget preparations. They shall include a written evaluation on a form approved by the Town Manager and a face-to-face meeting to discuss the evaluation and the employee's performance. Employees may submit a written rebuttal to any portion of an annual evaluation with which they may disagree stating the basis for their disagreement. The rebuttal shall be retained in the employee's personnel file along with the evaluation.

PERSONNEL RECORDS

The Town Manager (or designee) shall be responsible for maintaining appropriate records on each employee in accordance with all applicable laws. Any employee may review his/her file (s) upon request to the Town Manager during normal business hours. Any employee may copy anything in his/her file but must sign a written acknowledgement that he/she has done so which acknowledgement shall then be retained in the file as evidence that the information was copied by the employee. A personnel file shall contain hiring and employment records, performance evaluations, records of disciplinary action, commendations and other pertinent information.

PROMOTIONS

Town employees shall be given maximum opportunity for advancement. Present employees shall be given consideration in filling a vacancy and may be given training opportunities to qualify them for promotion(s). It is recognized, however, that from time to time it will be necessary to fill a position through an outside search. The Town Manager shall determine when and if an outside search should be conducted to fill a vacancy. All promotions to department head positions made by the Town Manager are subject to confirmation by the Board of Selectmen.

EXPENSE REIMBURSEMENT

Employees who are required to use their personal vehicle while on Town business shall be reimbursed at the rate based upon the IRS per mile rate per mile upon submission of the proper documentation. The Town will reimburse for the cost of tolls and parking charges upon presentation of the proper documentation. If an employee is required to be away from his/her normal workplace for more than 24 hours, the Town will reimburse the employee the cost of meals, upon presentation of the proper documentation, up to a maximum of \$25 in any one day. When necessary, the Town will also pay for an employee's lodging costs when approved in advance by the Town Manager. **(Rev 8/07/07)**

The Town carries vehicle liability insurance to protect itself in the event an employee has an accident while using his/her personal vehicle on Town business and the Town is sued as a result of that accident. The Town's insurance provides bodily injury and property damage coverage for damage done to others but it does not provide coverage for the employee's vehicle. The employee must carry his/her own insurance to provide coverage for the employee and the employee's vehicle if the employee is sued personally. The Town insurance will provide excess coverage for liability insurance only. Requests for reimbursement for expenses shall be submitted on a standard expense form to the Town Clerk. Such requests shall be approved by the department head for subordinate personnel.

All requests shall be reviewed and approved by the Town Manager prior to payment. Receipts for lodging, meals, registrations, tolls, parking (and gasoline if appropriate), shall accompany the expense form.

SAFETY

Employees of the Town are our prime asset. It is, therefore, Town policy to provide all employees with a safe and healthy environment in which to work. To this end, a Town Safety Program is established to: promote safe working habits and practices, eliminate or minimize hazardous working conditions, provide safety education and accident training, conform with applicable safety standards and requirements promulgated under federal, state and local laws. This policy applies to all Town facilities.

A. Responsibilities

1. The success of the program depends upon the participation and support of all employees at all levels. Strict observance of all safety procedures is required of everyone, regardless of position with the Town.
2. Those employees who super-vise others are responsible for insuring that all employees under their supervision are thoroughly acquainted with the safety policy and procedures that follow and that they are enforced; insuring that all required employee safety notices, reports, logs, material safety data sheets, etc., are posted in appropriate areas; surveying work areas and activities for unsafe conditions and/or unsafe operations that may exist and taking action to remedy the situation; reporting all injuries and accidents to the Town Manager or Administrative Assistant immediately and participating in safety meetings.
3. All employees are responsible for using prudence in all their functions, commensurate with the work at hand; reporting any unsafe condition of any equipment or material which they consider to be unsafe and any unusual or developing hazards; warning others who they believe to be endangered by known hazards or by failure to observe safety precautions and of any unusual or developing hazards; immediately reporting to their supervisors any accident, injury or evidence of

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impaired health occurring in the course of work; making proper use of all safeguards and protective equipment provided them and at all times, observing the safety rules and instructions governing their equipment and participating in safety meetings.

4. Employees failing to follow reasonable and prudent safety guidelines shall be subject to disciplinary action.

B. Accidents

1. All accidents to personnel, no matter how minor, during the work schedule, must be reported immediately to the department head or immediate supervisor, and a written report will be made on forms for that purpose.
2. All employees suffering an on-the-job accident will be sent to a Town approved doctor for examination, if necessary. The expense for this will be paid by the Town's Workers Compensation insurance Company.
3. Time lost because of accidents incurred while on duty will not be deducted when computing length of service unless it is determined that the employee is negligent.

PHYSICAL EXAMINATIONS

Applicants who have received conditional offers of employment may be required to submit to a medical examination to ensure that they can perform the essential functions of the job with or without reasonable accommodation and without substantial risk of harm to themselves or to others. Pre-employment medical examinations will be required based on the position or class of positions and not on the basis of an individual applicant. From time to time, the Town may require a current employee to submit to a medical examination for the same purposes. Whenever medical information is obtained about an applicant or employee it will be treated confidentially and will be sealed in the personnel file or will be maintained in a file separate from the personnel file. Access will be limited to those who need or are entitled to know. Upon written request, a copy of the medical information will be provided to the applicant or employee who is the subject of the medical information. *(Rev 1/9/01)*

HARASSMENT

The Town's employees shall not be subject to harassment of any kind while working for the Town. Harassment as defined in this section is prohibited. It applies not only to supervisor-subordinate actions but also to actions between co-workers. Complaints of harassment will be investigated promptly and, if proven, appropriate corrective action will be taken. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

A. Sexual Harassment

Harassment on the basis of sex is a violation of law and will not be tolerated. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

When an employee feels that he/she is being subjected to sexual harassment by a supervisor, co- worker or agent of the employer or anyone else in the workplace, that employee should report same to the Town Manager. The Town Manager shall immediately investigate the complaint(s) and shall take whatever corrective action that he/s he deems necessary to remedy the situation. If the Town Manager is the subject of the complaint, the employee should report same to the Chairman of the Board of Selectmen who shall immediately report the complaint to the full Board of Selectmen. Any investigation into allegations of sexual harassment must observe the maximum degree of confidentiality as required by law. Following an appropriate investigation, any employee who is found to have engaged in sexual harassment will be subject to discipline up to and including discharge.

B. Verbal Harassment

Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical or mental disability or perceived disability, **(Rev 1/9/01)** or the distribution of written or graphic material having such an effect, are prohibited. Any employee who believes he or she has been the subject of such harassment should report same to the Town Manager. The Town Manager shall immediately investigate the complaint(s) and shall take whatever corrective action that he/she deems necessary to remedy the situation. If the Town Manager is the subject of the complaint, the employee should report same to the Chairman of the Board of Selectmen who shall immediately report the complaint to the full Board of Selectmen. Any investigation into allegations of verbal harassment must observe the maximum degree of confidentiality as required by law. Following an appropriate investigation, any employee who is found to have engaged in verbal harassment will be subject to discipline up to and including discharge.

DISCIPLINARY ACTION

The Town Manager shall have authority to take disciplinary action, which may include such remedies as: verbal warning, written warning, written reprimands, suspension with or without pay, demotion or dismissal. He/she may delegate such authority except that supervisors may not suspend without pay, demote or dismiss any employee. Causes for disciplinary action shall include but are not limited to: neglect of duty, insubordination, use of alcohol or illegal drugs on the job, chronic or excessive absenteeism or tardiness, disorderly conduct, willful violation of Town Policies, conviction of a crime, abuse of sick leave, negligence resulting in damage to Town property, falsification of documents, theft, engaging in political activity during work hours, willful violation of safety rules or procedures, harassment of other employees or members of the public during work hours. Whenever a department head is confronted by procedural or legal questions pertaining to disciplinary action, he/she shall consult with the Town Manager. All disciplinary action involving suspension without pay, demotion or dismissal shall be for just cause. Cause will be determined by the Town Manager and may include any reason or reasons that are job-related and substantial. **(Rev 1/9/01)** Notice of such proposed action must be given the employee in writing along with the reasons for it and stating the employee's right to a hearing before the Town Manager. No suspension without pay, demotion or dismissal shall take place without they're first being a meeting between the employee, the person proposing to take the action and the Town Manager (if that person is not the Town Manager in the first instance) to discuss the proposed action. If the Town Manager determines that the action is not warranted based on the employee's response and/or explanation, the proposed action will be modified or revoked. **(Rev 1/9/01))**

GRIEVANCE PROCEDURE

- A. Definition. A grievance is a dispute between the employee and the employer concerning the interpretation or application of the terms of this Personnel Policy or of any departmental rules and regulations that may be established. In the case of disciplinary action, the grievance procedure applies only to the extent that such action is based on an interpretation or application of the Personnel Policy or of any departmental rules and regulations that may be established.
- B. Procedure. Any full-time or regular part-time employee who deems himself/herself grieved may, within five (5) calendar days of the occurrence or knowledge of the problem, bring such grievance to the attention of his/her department head who shall render a written decision within five (5) calendar days.
- C. Appeal. If the employee is not satisfied with the decision of the department head, he/she may, within five (5) calendar days from such decision, appeal the matter to the Town Manager who shall review the facts and render a written decision within seven (7) calendar days.
- D. Further Appeal. Any non-probationary, non-part time, non-seasonal or non-temporary employee suspended without pay or discharged by the Town Manager who does not have a further appeal process available to him/her such as under a collective bargaining agreement may appeal the decision to the Berwick Personnel Appeals Board as provided for in that Ordinance. **(Rev. 05/21/01)**
- E. Other. The above process may begin at any step and the time limits described in A. B. & C. above may be extended by mutual agreement. **(Rev 05/21/01)**

LAYOFF

A Layoff is a reduction in the work force due to either a decrease of work or a lack of funds with which to pay the employee(s) for doing the work. If a layoff becomes necessary in any department, the following order shall be followed: any seasonal or temporary employees in that department shall be laid off first; probationary employees in that department shall be laid off next; regular-part-time employees in that department shall be laid off next; full-time employees in that department shall be laid off last and in reverse order of date of hire i.e. The most recent hired would be the first to be laid off. Employees facing layoff will be given at least two weeks notice. Seniority shall not accumulate during periods of layoff.

RESIGNATIONS/RETIREMENTS

Employees resigning or retiring from Town employment are requested to provide a minimum of two week's advance notice in writing. Failure to comply with this requirement may result in the loss of any discretionary payments to the employee such as accumulated sick leave. When appropriate, the Town Manager shall invite the departing employee to participate in an Exit Interview.

TERMINATION

It is the Town's Policy to retain and develop employees. However, there will be times when termination may become necessary for the best interests of the employee or the Town. When a termination is recommended to the Town Manager or when termination action is proposed to be taken by the Town Manager, the employee shall be provided with a written notice which shall state the reason(s) for the proposed termination and which shall provide the employee with an

opportunity for a hearing as provided for in the Section on Disciplinary Action. **(Rev 1/9/01)** The Town Manager has the discretion to place an employee being terminated on paid or unpaid leave prior to the date of the termination.

CONTINUING HEALTH CARE COVERAGE

An employee whose coverage ends under the Town's group health insurance plan may be entitled to continuation of coverage under the plan at the employee's expense. Coverage for dependents may also be continued if they are already covered under the plan. This results from the 1985 federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Full information on this coverage is available from the Town's group health insurance plan provider upon its receipt of the employee's termination notice from the Town. Information is also available in the health plan booklet. A sixty-day election period applies.

FINAL SEPARATION

- A. Return of Property. The employee shall return all Town owned property such as tools, keys, uniforms etc. Before being issued his/her final check.
- B. Sign Notice of Continuing Health Care Coverage. The employee must sign a notice of receipt of information of COBRA benefits available.
- C. Exit Interview. The employee may be invited to participate in an exit interview with the Town Manager if the employee is retiring, resigning or being laid off and is willing to do so.
- D. References. If the employee wishes the Town to provide future references (other than confirming the time and dates of employment and the rate of compensation) he/she shall provide a written authorization to allow for the providing of such references. This authorization shall be retained in the employee's personnel file.

EFFECTIVE DATE

This Policy shall be fully effective with regard to any of its changes from the previous Policy on the date it is signed. Employees will not lose accrued benefits if they have already been earned as of the effective date. Employees who have achieved current benefits through prior actions by the Board of Selectmen shall not be affected but each such special situation shall be reduced to a writing, which shall be placed in each employee Personnel File.