

TOWN OF CLINTON

PERSONNEL POLICY

ADOPTED BY THE CLINTON BOARD OF SELECTMEN OCTOBER 8, 2002
REVISED NOVEMBER 23, 2004



Jeffrey Towne



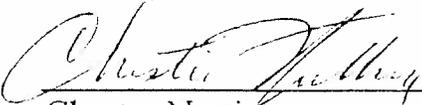
Stephen Hatch



Lori Newcomb



Randy Clark



Chester Nutting

TABLE OF CONTENTS

		Page
SECTION 1	Purpose	1
SECTION 2	Recruitment, Employment & Promotion	1
SECTION 3	Types of Employment	2
SECTION 4	Hours of Work	3
SECTION 5	Performance Evaluation, Personnel Files	3
SECTION 6	Compensation Policy	4
SECTION 7	Benefits	4
SECTION 8	Paid Holidays	5
SECTION 9	Paid Sick Leave	5
SECTION 10	Paid Vacation Time	6
SECTION 11	Leaves of Absence	7
SECTION 12	Employee Conduct	8
SECTION 13	Sexual Harassment	9
SECTION 14	Political Activities	10
SECTION 15	Separation	10
SECTION 16	Disciplinary Action; Appeal Procedures	11
SECTION 17	Grievance Procedure	13
SECTION 18	Untitled Miscellaneous	13
SECTION 19	Severability	14

TOWN OF CLINTON PERSONNEL POLICY

SECTION 1. PURPOSE

This Personnel Policy Manual is prepared and administered by the Town Manager and adopted by the Board of Selectmen under the provisions of Article IV, Section 4, Paragraph D of the Town of Clinton Home Rule Charter. This policy applies to all Town employees under the supervision and control of the Town Manager and is designed to facilitate the efficient administration of Town Government.

This policy is not a contract of employment and may be changed at any time by the Board of Selectmen.

SECTION 2. RECRUITMENT, EMPLOYMENT AND PROMOTION

2.1 Eligibility. Pursuant to Section 4.3(a) of the Charter, all appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination, performance, or other evidence of competence.

2.2 Notice of Vacancies. All available positions shall first be posted on Town Office department bulletin boards for a minimum period of five (5) work days, after which notices shall be posted in appropriate newspapers and other media. Current employees are encouraged to apply for any position for which they may be qualified. When qualified, current employees shall be given preferential consideration for the available positions.

2.3 Residency Requirement. The Town Manager may require that new employees reside within the Town of Clinton, if the Town Manager makes a written finding that requiring such residency promotes the public health and safety, or improves the administration of Town government. Such findings must be included in the job posting for the specific position.

2.4 Application for Employment. The Town Manager shall prescribe the form of a standard employment application, which must be used by all applicants for employment. The application shall include the applicant's name, address, contact information, education, employment experience, qualifications, and driver's license and Social Security numbers, but may not include questions relating to an applicant's age, ancestry or national origin, color, race, religion, sex, marital status, sexual orientation, or physical or mental disability. The application must be completed and signed by the applicant. The Town relies on the accuracy of the information provided by the applicant in the application and throughout the employment process. Any falsification, material omission, or willful misrepresentation of information provided may result in exclusion from consideration for employment, or termination after employment.

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

2.6 Probationary Period. All persons appointed, promoted, or transferred within the Town, except police officers, shall serve a probationary period of six (6) months. Police officers shall serve a probationary period of one (1) year after appointment or graduation from the Maine Police Academy, whichever occurs later. 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 the right of appeal or grievance as provided in this Policy to permanent employees.

2.7 Job Description. A job description will be prepared for each position. The description will outline the duties, responsibilities, education and skill level requirements of the position. Each employee, when hired, will receive a copy of his or her position description.

2.8 Anniversary Date/Employee Date. The employee's anniversary date is defined as the date of initial appointment to the position which the employee currently holds. For the purpose of calculating total service to the Town of Clinton, the date of initial appointment to a permanent Town position, as defined in this policy, shall be utilized.

2.9 Political Issues. Persons selected for employment with the Town shall be chosen without regard to political consideration and shall not be required to contribute money or services for any political purpose. All municipal employees shall comply with relevant State and Federal statutes relating to municipal employees' political activity.

SECTION 3. TYPES OF EMPLOYMENT.

3.1 Employees of the Town shall be classified as follows:

A. Probationary Employment. Appointments made for the probationary period established under Section 2.6 unless otherwise determined or established by law. During this period the employee's performance will be reviewed to determine competence in performing job-related assignments and appropriateness for the position, in general.

B. Permanent Full-time Employment. Employees who have successfully completed a probationary period and are assigned to a work week of forty (40) hours on a continued basis.

C. Permanent Part-time Employment: Employees who have successfully completed a probationary period and are assigned to a work week of less than forty (40) hours on a continued basis.

D. Temporary Employment: Employees hired for a specific period for a specific purpose are considered temporary.

SECTION 4. HOURS OF WORK.

4.1 Regular Work Week; Scheduling. The department heads, with the approval of the Town Manager, will establish the regular work week. The regular work week for departments is defined as not more than forty (40) hours for efficient departmental operations as determined by the Town Manager. The pay period consists of seven (7) days commencing on Sunday, with payment for hours worked during such period being made on the following Wednesday. In the event the workweek is permanently altered, employees will be notified two (2) weeks prior to the effective date of the change, whenever possible. Flextime scheduling, requested by the department head, may be made available to employees with the approval of the Town Manager.

4.2 Overtime. In an emergency, or in extenuating circumstances, as defined by the Town Manager, department heads, or appropriate designees, overtime work may be assigned in order to meet operational requirements. Employees paid on an hourly rate shall be paid at one and one half (1 1/2) times their straight time hourly rate for hours actually worked beyond forty (40), (except that fifty-three (53) hours/week will apply when calculating overtime for Fire and EMS personnel) when authorized as above. Sick days and vacation days shall not be included in the calculation of hours worked for the purpose of determining overtime.

4.3 Exempt Employees. All employees of the Town except the Town Manager, the Chief of Police, and the Fire Chief, are subject to the overtime requirements of the Federal Fair Labor Standards Act (FLSA) regulations regardless of the mode of payment or compensation.

4.4 Compensatory Time. Compensatory time, or time off in lieu of overtime payment, may not be expected by any employee or allowed by any supervisor, except by, and after, written agreement between the Town and the employee, executed by the Town Manager pursuant to the FLSA and regulations thereunder.

4.5 Call-In. An employee called in to work on a scheduled day off shall be paid for a one (1) hour minimum at the applicable rate of pay or compensable time, as provided for under subsection 4.4, to be agreed upon between the employee and department head or immediate supervisor.

SECTION 5. PERFORMANCE EVALUATIONS; PERSONNEL FILES.

5.1 Performance Evaluations. Employee performance will be evaluated on an annual basis by the appropriate supervisor in a format and procedure prescribed by the Town Manager. Employees shall have an opportunity to review their performance evaluation with the appropriate department head or supervisor. All wages will be market and performance based, and the performance evaluation is vital for proposed wage adjustments.

5.2 Record Keeping/Personnel Files. An official personnel file shall be maintained for each employee. Employees shall have access to their personnel files upon reasonable notification. The Town Manager shall have access to all personnel files. Department heads may have access only to the files of those employees under their direct supervision or control. Confidentiality of

certain personnel files shall be maintained pursuant to Maine Revised Statutes Annotated, 1964 as amended, Title 30-A, Section 2702.

SECTION 6. COMPENSATION POLICY.

6.1 Wage/Salary Plan. A Wage and Salary Plan will be reviewed annually by the department heads and the Town Manager. The focus of this review will be to determine what the market is bearing for the position identified within the job description. This analysis, along with the performance evaluation, will be used to determine the pay adjustment for each position.

6.2. Pay Adjustment. Department heads may recommend to the Town Manager that adjustments in pay are warranted based upon performance. A written recommendation from the department head will be submitted and reviewed by the Town Manager as part of the department's annual budget request.

SECTION 7. BENEFITS.

7.1 Insurance. The Town provides permanent full-time employees with health insurance coverage, life insurance and short and long term disability insurance. Summaries of these insurance benefits and claim(s) procedures are available to employees from the Town Manager's office. All of the cost of health insurance for each employee is paid by the Town. Costs of coverage for family members at the Town's group rates is paid by the employee.

7.2 Retirement. The Town offers to all permanent full-time employees a Section 457 plan under which the Town pays up to three percent (3%) of the employee's annual salary as a match to the employee's contribution. A summary of the plan is available to all employees from the Town Manager's office.

7.3 Statutory Benefits. Employees who suffer work related injuries may be eligible for workers' compensation benefits. Information is available to all employees at the Town Manager's office relating to the giving of timely notice of injury and procedures for making claims. Employees who are terminated from employment, if qualified and eligible, may receive unemployment benefit pamphlets from the Town Manager's office describing eligibility and qualifications for benefits and claims procedures. Permanent full-time employees who are covered under the Town's group health insurance plan are entitled, in certain instances, to the opportunity for a temporary extension of health coverage (called COBRA) at the Town's group rates where coverage under the plan would otherwise end. Covered employees do not have to show good health in order to elect COBRA coverage. A summary of employee rights and obligations under the continuation provisions of Federal law is available from the Town Manager's office.

SECTION 8. PAID HOLIDAYS.

8.1 Holidays. Permanent employees shall receive the following paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Patriots Day	Thanksgiving Day
Memorial Day	Day following Thanksgiving *
Independence Day	Christmas Day

Holidays will be observed on the date which corresponds with the Federally observed holiday, if any.

* Customarily, the floating holiday is the day after Thanksgiving.

8.2 Eligibility. Full-time employees shall be entitled to paid holidays, based on the number of hours regularly worked on the day of the week the holiday was observed, normally (eight [8] hours), as they occur, immediately after appointment. Permanent part-time employees will be entitled to paid holidays based on the number of hours regularly worked on the day of the week the holiday was observed.

SECTION 9. PAID SICK LEAVE.

9.1 Availability. Regular full time employees shall accumulate one (1) standard eight (8) hour day of sick leave per month accumulative to ninety (90) days.

9.2 Prior Notification. To obtain sick leave, an employee shall be required to notify his or her department head of the absence no later than the time he or she is due to report to work, except that two (2) hours prior notice is required from Fire Department/EMS, Police Department, and Transfer Station employees.

9.3 Transfer to Other Employees. Accumulated sick leave can be transferred to another employee who has used all the accrued sick days available to the recipient employee. The reason for the transfer of time must be for a long-term situation such as a catastrophic or terminal illness, or accident resulting in long term unavailability for work. Should an employee wish to give (a) one or more sick days to a fellow employee, it is on a voluntary basis. Days transferred to a fellow employee must come from accrued sick leave.

9.4 Payment upon Separation. On separation, an employee is entitled to be paid for one-third (1/3) of total unused sick leave, to a maximum of thirty (30) days. The amount of payment shall be calculated and based upon the employee's straight time hourly rate of pay on the date of separation. Employees who are terminated for cause shall not be eligible for payment of unused sick leave.

9.5 Medical Certificate. When an employee is absent for more than three (3) consecutive days, he or she must furnish a signed certificate from a physician stating that the employee may return to work, and the employee must bear the expense of obtaining the certificate. A medical certificate may be requested by the department head whenever the department head believes this to be reasonably appropriate. When the certificate is requested by the department head, it shall be at the expense of the Town.

SECTION 10. PAID VACATION TIME.

10.1 Eligibility. Permanent full-time employees and permanent part-time employees who are assigned to a work week of twenty (20) hours or more on a continuing basis, are eligible to receive paid vacation time.

10.2 Availability. Eligible employees are entitled to the following vacation benefits:

A. Full-time employees, after one (1) continuous year of employment, shall accrue, on the last day of the month in which their first anniversary date occurs, five (5) days of paid vacation; and thereafter:

(1) After three (3) consecutive years of employment, ten (10) days (eighty [80] hours) of vacation time shall accrue on the last day of the calendar month in which the third anniversary date occurs; and

(2) After six (6) consecutive years of employment, fifteen (15) days (one hundred-twenty hours) of vacation time shall accrue on the last day of the calendar month in which the sixth anniversary date occurs.

B. Eligible permanent part-time employees are entitled to accrue vacation benefits equal to one-half (1/2) of those received by permanent full-time employees, accruing in the same manner.

C. Accrued vacation time must be taken within one (1) year after the anniversary date on which it is accrued, except that a maximum of five (5) vacation days (1 week, or forty [40] hours) may be carried forward by full-time employees, and a maximum of two and one-half (2 1/2) vacation days (twenty [20] hours) may be carried forward by permanent part-time employees from one year to the next. Carry-over days shall not accumulate on a year to year basis.

D. Scheduled vacations will be at a time mutually agreed upon between the employee and the appropriate department head or the Town Manager. Any vacation day taken without prior agreement by the department head or Town Manager will be considered an unexcused absence.

E. Seniority in employment will be used when two (2) employees wish to take vacation at the same time.

F. All accrued vacation leave shall be paid upon separation from service. Payment shall be made at the employee's regular rate of pay as of the date of separation.

SECTION 11. LEAVES OF ABSENCE.

11.1 Paid Leaves of Absence.

A. Bereavement Leave. In the case of death in the employee's immediate family, the employee may be granted a leave of absence with pay for the work days falling within the period between the time of death and the day after the funeral, not to exceed four (4) days. "Immediate family" is defined as a spouse, child, brother and sister, brother/sister in law, parent and parent in law, daughter in law, son in law, grandparents, grandchildren, stepparent, or stepchild. Other persons residing in the employee's household may, for the purpose of this section, also be considered as part of the immediate family. Relationships other than those defined shall be subject to the discretion of the department head with the concurrence of the Town Manager.

B. Military Leave. Military leave for annual training periods shall be granted with pay not to exceed fifteen (15) days in any calendar year. Employees must submit their orders to be eligible for this benefit. Any employee serving his or her annual active duty training time in the National Guard or Reserves, or when called to active duty as required by State or Federal Government, shall receive the difference between his or her gross weekly Town pay and service pay for the same period.

C. Jury Duty. Upon verification of service, employees selected for jury duty by any court shall be paid straight time earnings. Pay administered by the court will be reimbursed to the Town. Earned vacation will not be charged for such service. If an employee is dismissed from jury duty, he or she must report to work immediately (if during regular work day) in order to be eligible for the pay benefits herein.

D. Approved Time. Employees may, with prior written approval of the Town Manager, be granted leaves of absence with pay and/or benefits for reasons deemed to be in the interest of the Town. Such leave shall not adversely affect the employee's fringe benefit or time in service status.

11.2 Unpaid Leaves of Absence.

A. Leave for Extenuating Reasons. Absence without pay may be granted for personal, disability or other extenuating reasons. Such leave will only be granted by the Town Manager upon written recommendation of the department head. All requests will be in writing, giving full details and justification of such request. A leave of absence will not be granted in excess of six (6) months. Employees granted a leave of absence will forfeit all other fringe benefits, which include health (subject to the provisions of COBRA), accrual of vacation, sick and other benefits offered, for the duration of the leave. Depending upon the position, a temporary employee may be hired by the Town Manager, but only after written recommendation from the department head as to the

merits of the temporary employee filling that position. A temporary employee will not be offered any fringe benefits other than workers' compensation and/or other Federal/State mandated items.

B. Pregnancy Leave. In accordance with the Federal Pregnancy Discrimination Act of 1978 and Maine law, pregnancy is to be considered a disability and, therefore, will be treated the same as any other temporary physical disability. A pregnant employee may continue to work as long as she is physically able to do her work. All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. Such employees are required to exhaust accumulated vacation and sick leave prior to commencing a leave without pay. An employee who has notified the Town of her intent to return at the end of maternity leave will be reinstated to her original job or a comparable position with comparable pay and accumulated seniority, retirement, fringe benefits, and other service credits unless business necessity makes this unreasonable or impossible. Employees who cannot be returned to their former or comparable positions remain eligible to apply for any available position within the Town for which they are qualified.

C. Family Medical Leave. Under the Federal Family and Medical Leave Act, employees who have worked for the Town for at least twelve (12) months, and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of leave for the following reasons: 1.) birth and/or care of a child of the employee; 2.) placement of a child into the employee's family by adoption or by a foster care agreement; 3.) care of employee's spouse, child or parent who has a serious health condition; or 4.) inability of the employee to perform the functions of the employee's position due to a serious health condition. Family and medical leave is an unpaid leave of absence. However, where appropriate, employees must use accrued vacation and sick leave during family and medical leave. The summary of the procedures and conditions for the use of family and medical leave under Federal law as well as under State law is available from the Town Manager's office.

D. Military leave of absence, without pay, shall be granted to any employee called to active duty with the State or Federal forces for a temporary tour of duty, other than the routine annual training period.

SECTION 12. EMPLOYEE CONDUCT.

12.1. Contact with the Public. All employees of the Town, regardless of whether contacts with the public are direct or indirect, shall be courteous and polite to members of the public and to their fellow employees.

12.2. Personal Appearance. Employees are to wear clothing suitable to their jobs and work sites. Employees are required to be clean, hair properly and reasonably groomed, and clothes neat and clean.

12.3. Safety. Employees shall comply with all applicable safety regulations and directives, including without limitation, the proper use of safety apparel and equipment. Town employees

shall wear seat belts at all times while driving or riding in Town vehicles or in other vehicles while engaged in Town business.

12.4. Smoking Policy. Smoking is prohibited in all Town buildings except at specifically designated areas. Smoking is also prohibited in any Town owned or leased vehicle.

12.5. Attendance. Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees to see that their immediate supervisor is advised of the reason for absence not previously arranged for, within two (2) hours of the beginning of an unexpected absence. No employee may be absent from duty without the permission of the employee's supervisor or department head. The falsification of time records is a serious offense and any employee engaging in such conduct is subject to immediate dismissal.

12.6. Confidentiality. Employees shall not disclose confidential or privileged documents or other information of the Town relating to Town business to members of the public or any other Town employee. The Town Manager shall designate those employees responsible for the custody and control of certain records and those employees who have a need to know confidential information contained in such records. At no time may an employee disclose or use confidential information for his or her own personal advantage.

12.7. Acceptance of Gifts. Acceptance of money or gifts by an employee is prohibited, and may result in immediate dismissal.

12.8. Secondary Employment. Any Town employee who engages in secondary employment may do so only with the understanding and acceptance that the employee's primary duty, obligation, and responsibility is to the Town. All police officers, firefighters, and public employees are subject to call at any time for emergency, special assignment, or for overtime duty and no secondary employment may infringe on this obligation.

12.9. Possession of Alcohol/Illegal Substances/Firearms. No employee, at any time, shall have in his or her possession any alcoholic product, illegal substance, or firearm while engaged in Town business; and no employee may keep, place, or store any alcoholic product, illegal drug, or firearm on Town property or in Town vehicles. This provision shall not apply to firearms carried and maintained by police officers or evidence stored by the Police Department.

SECTION 13. SEXUAL HARASSMENT.

Sexual harassment is prohibited and shall not be tolerated. Sexual harassment is defined as "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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 by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Harassment by an employee or supervisor on the basis of age, ancestry or national origin, color, race, religion, sex, marital status, sexual orientation, physical or mental disability, or veteran status shall also be grounds for discipline, up to and including discharge.

Any employee who experiences or observes any such harassment shall report it to the appropriate department head or Town Manager. Investigations of such claimed harassment shall be handled confidentially and conducted promptly.

SECTION 14. POLITICAL ACTIVITIES.

14.1 Prohibitions. No Town employee may participate in any political activity that would be in conflict or incompatible with the performance of his or her official functions and duties with the Town. A Town employee may not use his or her official authority or position for the purpose of influencing, interfering with, or affecting the results of any election, nor shall a Town employee solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes. A Town employee may not distribute pamphlets or handbills, wear buttons or other indication of support for any particular candidate, political party, or political cause during such times he or she is performing official functions and duties for the Town. Nothing herein shall be construed to prohibit any Town employee from participating in the political process at any level of government and in the employee's capacity as a private citizen.

14.2 Political Office. Any Town employee may seek election to any elective office of the Town or other governmental entity. However, such employee must be placed on unpaid leave of absence status from the date candidacy for such position is announced or nomination papers are filed and until completion of the election process. During the employee's leave of absence for that purpose, the employee shall not use any official Town title in his or her political campaign, and may not use such employee's official authority or influence to affect the results of the election. If an employee is elected to any political office and such office is deemed incompatible with his or her duties as a Town employee, such employee shall terminate his or her employment with the Town prior to the assumption of the elective office.

SECTION 15. SEPARATION.

15.1 Voluntary Termination. An employee shall provide at least two (2) weeks written notice to the department head or Town Manager, of his or her effective date of resignation. The Town Manager, at his or her sole discretion, may waive all or any portion of this notification period. Employees are encouraged to give as much advance notice as possible to assist in a smooth replacement procedure.

15.2 Layoff and Recall. If it is deemed necessary to reduce the number of employees, layoff shall be made within each department on the basis of anniversary date, except that the Town Manager may lay off a more senior employee when a less senior employee possesses a skill or certification necessary for performance of the duties of the position. In the event of re-employment within twelve (12) months of a layoff, total time in service shall be fully restored. Any benefits paid at the time of layoff shall not be restored to the employee.

15.3 Involuntary Termination. Involuntary termination of any employee who has completed the probationary period must only be for cause, after notice and hearing. Cause for termination shall include appropriate findings under Section 16 relating to disciplinary action or any lawful determination by the Town Manager that an employee lacks the ability and fitness to perform his or her duties.

SECTION 16. DISCIPLINARY ACTION; APPEAL PROCEDURES.

16.1 Disciplinary Actions. Whenever, in the judgment of the Town Manager or authorized department head, an employee's performance, attitude, work habits, or personal conduct fall below acceptable levels, disciplinary action may take place. Disciplinary action may include any of the following: oral or written reprimand; suspension with or without pay; demotion; reduction in pay; and termination. In determining the appropriate disciplinary action, consideration shall be given to the severity of the performance problem, acts of willful misconduct, safety risks to other employees, and prior disciplinary action, if any, against the employee. Continued disciplinary problems of any type or severity, may be considered cumulatively and subject the employee to more severe disciplinary action.

16.2 Responsibility of Town Manager and Department Heads. The only persons authorized to administer disciplinary actions are the Town Manager, Chief of Police and the Fire Chief; provided however, all disciplinary action involving a reduction of pay or termination must be administered only by the Town Manager. In the case of disciplinary action involving suspension without pay, demotion, reduction in pay, or termination, the Town Manager shall provide immediate written notice to the employee of the potential disciplinary action, the reasons for the potential discipline, and of a time and place for a meeting with the employee, at which time and place the employee will have an opportunity to present his or her views to the Town Manager. In the event an employee's conduct creates a threat to the safety of the employee or others or to the integrity of the department's operations, an employee may be suspended with pay until a written notice of a pre-discipline conference is provided to the employee. The purpose of the pre-discipline conference is to provide an opportunity to the employee to respond to the Town Manager's explanation of the charges against the employee and to clarify any misunderstandings that may have occurred.

16.3 Decision of the Town Manager. Any decision of the Town Manager, involving a matter requiring a pre-discipline conference shall be in writing and given to the employee within seven (7) days after the pre-discipline conference. Pending the delivery of the written decision, the employee may be placed on suspension with pay. If the Town Manager determines that there are reasonable grounds to believe that the charges against the employee are true and support the proposed disciplinary action, the written decision shall state the reasons for such action in detail and shall conspicuously state the appeal procedures under Section 16.4 below, including the specific time and date by which such appeal may be filed.

16.4 Administrative Appeal to the Board of Selectmen. In any decision of the Town Manager resulting in suspension without pay, demotion, reduction in pay, or termination of employment,

the affected employee may appeal the decision to the Board of Selectmen. A written request for a hearing must be filed with the Town Clerk on, or before, the fifth business day after the notice of decision was provided or mailed to the employee. The Board of Selectmen will schedule a hearing within five (5) business days after the filing of the hearing request. At the hearing, the employee may be represented by counsel and may present witnesses on his or her behalf. The Board of Selectmen, in its sole discretion, may authorize a neutral hearing officer to conduct and decide an appeal. The hearing shall be conducted de novo and a record of the proceeding shall be maintained, which includes all documentary evidence received and all testimonial evidence recorded on audio tape or by a stenographer. The final decision shall be based on the preponderance of the evidence and be made in open session. A written decision shall be rendered within seven (7) business days thereafter. The written decision shall contain specific findings of fact and conclusions of law. The written decision shall further specify what disciplinary action, if any, is to be taken against the employee and conspicuously state the employee's rights of appeal pursuant to Rule 80B of the Maine Rules of Civil Procedure.

16.5 Confidentiality; Record of Disciplinary Action. Disciplinary proceedings shall not be open to the public except as requested by the employee or otherwise provided under Title 1, Section 405 (6) M.R.S.A., 1964, as amended. All records relating to disciplinary actions, and appeals thereof, shall be made part of the employee's personnel record. To the extent any part of such record is designated confidential by statute, including Title 30-A, Section 2702, M.R.S.A., 1964, as amended, such records shall be placed in a separate folder conspicuously labeled as "CONFIDENTIAL". Records of oral or written reprimands shall be dated and placed in the personnel file. The record of reprimand shall be removed from an employee's personnel records after a period of two (2) consecutive years without any subsequent disciplinary action of any nature being taken against such employee after the reprimand.

16.6 Examples of Cause for Disciplinary Action. Examples of unacceptable performance or conduct include, but are not limited to:

- A. Violation of these Personnel Policies.
- B. Discourteous treatment of the public or other employees.
- C. Possession of alcohol, illegal drugs, or firearms while on Town property.
- D. Inefficiency, incompetence, or negligence in performance of duties.
- E. Unauthorized use of Town property, including telephones and computers.
- F. Careless, negligent, or improper use of Town property.
- G. Refusal or inability to improve job performance.
- H. Insubordination.
- I. Assault, intimidation, or violent or threatening conduct against Town employees.
- J. Criminal conduct
- K. Unauthorized use of paid leave.
- L. Excessive absenteeism.
- M. Failure to comply with conduct required of employees under Sections 12 and 13.

SECTION 17. GRIEVANCE PROCEDURE.

17.1 Grievance Policy. A grievance is a dispute between an employee and the Town arising out of: (a) the interpretation or application of these Personnel Policies; (b) the belief on the part of the employee that he or she is being treated unfairly in regard to the terms and conditions of employment or; (c.) disciplinary action that is not appealable to the Board of Selectmen under Section 16 of the Personnel Policies.

17.2 Procedure.

A. Within five (5) working days after the date the disputed matter occurred, or the earliest date on which the employee could reasonably be expected to have knowledge of such matter, the employee shall present the grievance in writing to his or her department head or, if applicable, to the Town Manager. The department head or Town Manager shall, within five (5) working days of receipt, meet and discuss the grievance with the employee and then reply in writing to the employee within five (5) working days.

B. In the event that the decision of the department head or Town Manager is not satisfactory to the employee, the employee may, within five (5) working days after receipt of the decision, present his or her grievance in writing to the Personnel Advisory Board. The Personnel Advisory Board will then meet within five (5) working days after its receipt of the grievance, and discuss the grievance with the employee. The Board shall reply in writing to the employee and Town Manager of its recommendations within five (5) working days after such meeting

C. Upon completion of steps A. and B. above, the Town Manager, within five (5) working days after receipt of the recommendations of the Personnel Advisory Board, shall render a final decision in the matter. Such decision is not appealable to the Board of Selectmen.

SECTION 18. [UNTITLED MISCELLANEOUS]

18.1 Reimbursement for Employee Expenses.

A. Expenses. Reimbursement for expenses incurred in the conduct of official Town business is subject to the approval of the Town Manager. Payments will be processed upon submission of receipts verifying allowable expenses. There will be no reimbursement of any Maine sales tax incurred.

B. Travel - Personal Vehicles. When utilizing personal vehicles for approved business related travel, an eligible employee shall be reimbursed at a rate set by the Board of Selectmen, which rate shall not be less than the General Services Administration standard mileage allowance. Normal home to work travel is not compensable.

18.2 Employee Recommendations. Suggestions for modification of work procedures are encouraged. Employees are encouraged to submit written recommendations to the appropriate

department head, who will then offer the comments to the Town Manager for further evaluation and action as appropriate.

18.3 Employee Training and Development. The Town will attempt to make opportunities available to employees, within budgetary constraints, for the further development of specific skills and expertise deemed by the Town Manager to be of mutual benefit to the employee and to the Town. All training programs shall be approved in advance by the Town Manager. Reimbursements for costs of required tuition relating to approved academic course work shall be made retrospectively, upon receipt of proof of satisfactory completion of the course. The employee must assume the costs for textbooks, travel and other related expenses.

SECTION 19. SEVERABILITY.

If any section, phrase, sentence or portion of this Policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be considered a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.