



TOWN OF CLINTON

PERSONNEL POLICY

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ATTEST: A TRUE COPY

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SECTION 1. PURPOSE

1.1 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 to meet the Town's future needs.

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 based on 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) workdays, 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 Equal Opportunity Employment. As an Equal Opportunity Employer, the policy of the Town is to provide equal opportunity to all employees, applicants and those seeking promotions without regard to religion, age, sex, sexual orientation, genetic pre-disposition, race, color, ancestry, national origin, physical or mental handicap, or any other characteristic prohibited by law. The Town will endeavor to select the best qualified persons who are available at the salary level

established for the position, with first preference being given to citizens of the Town, all other factors being equal

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 Criminal Justice Academy, whichever occurs later. If the new police officer needs to attend the academy, he/she must successfully complete the MCJA within the first year of employment with the town, by the state law, the Town automatically loses the appointed person. The one-year probation period after academy graduation is for the benefit of the Town. The probationary period shall be considered an extension of the selection process. The probationary period is intended to give a new employee the opportunity to demonstrate his/her ability to achieve a satisfactory level of performance and to determine whether the new position meets his/her expectations. The Town uses this period to evaluate employee capabilities, work habits, and over-all performance. The employee is considered to be an "at will" employee during this period. Either the employee or the Town may end the employment relationship at any time during the probationary period, with or without cause.

2.7 Job Description. A job description will be prepared for each position. The description will outline the essential 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 activities

SECTION 3. CLASSIFICATIONS OF EMPLOYMENT

3.1 Employees of the Town shall be classified as follows:

Probationary Employment. Employees whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate under Section 2.6. Probationary employees may not utilize the grievance procedures set forth in this policy manual. Employees who satisfactorily complete the probationary period will be notified of their new employment classifications.

Permanent Full-time employment. Employees who are assigned to a work week of forty (40) hours on a continued basis.

Permanent Part-time Employment. Employees who are assigned to a work week of less than forty (40) hours on a continued basis.

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. Exempt employees shall be paid at one and one half (1 1/2) times their straight time hourly rate for actual hours worked beyond forty (40), (except that fifty-three (53) hours/week will apply when calculating overtime for Fire and EMS personnel). Sick days and vacation days shall not be included in the calculation of actual hours worked for the purpose of determining eligibility for overtime. The Town Manager may adjust work schedules to minimize the need to pay overtime as permitted by the Fair Labor Standards Act (FLSA). All overtime work must be pre-authorized by an appropriate supervisor or by the Town Manager.

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 FLSA regulations regardless of the mode of payment or compensation.

4.4 Compensatory Time. Compensatory time, or time off in lieu of overtime payment, is not permitted except upon 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 who is 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 as agreed upon between the employee and department head or immediate supervisor.

4.6 Timekeeping. Federal and state laws require the town to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Time will be recorded on the daily and weekly time sheets and accurately recording time worked is the responsibility of every nonexempt employee.

The employee's supervisor must approve all overtime work before the work is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

SECTION 5. PERFORMANCE EVALUATIONS/PERSONNEL FILES

5.1 Performance Evaluations. Supervisors and employees are strongly encouraged to discuss job performance, goals and professionalism. Employee performance will be formally evaluated on an annual basis by the appropriate supervisor in a format and procedure prescribed by the Town Manager. The failure or inability to timely schedule a performance review shall not be construed as either an endorsement or a criticism of the employee's performance. Employees shall have an opportunity to review their performance evaluation with the appropriate department head or supervisor. The purpose of these evaluations is to assess the strengths and weaknesses of an employee, to point to any corrective action which might be indicated, and to guide the Town Manager in the consideration of salary increases, promotions, disciplinary action, training programs or other related personnel action.

5.2 Record Keeping/Personnel Files. The Town maintains a personnel file on each employee. Portions of such files are confidential by statute and are the property of the Town. Personnel files are to be kept locked and secured under Town Manager's control. 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. Employees or former employees may review their personnel files, under supervision, during normal office hours at the location where the personnel files are maintained or upon written request from an employee or former employee.

It is the responsibility of the employee to notify the Town Manager, should any personal or vital information change; i.e., telephone number, address, emergency notification, etc.

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 full-time employees with health insurance coverage, life insurance and short-term disability insurance. Summaries of these insurance benefits and claim(s) procedures are available to employees from the Town Manager's office. All 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 eligible 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 qualified employees from the Town Manager's office.

7.3 Statutory Benefits.

Unemployment Insurance: 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.

Workers Compensation Insurance: The Town provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

If you sustain a work-related injury or illness, you are required to contact your supervisor immediately. This notification is required regardless of whether the injury/illness seems minor and regardless of whether you have sought medical treatment or lost time from work. It is important that the illness or injury be reported promptly so that the town can comply with its reporting requirements and so that the claim is handled properly.

Failure to immediately report such injury or illness may also result in the denial of your claim by both the workers' compensation carrier and your health insurer.

Neither the town nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the town, or from employment outside the town.

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.

COBRA: The federal consolidated omnibus budget reconciliation act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the town's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the town's group rates plus an administration fee.

The town or its insurer provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the town's health insurance plan. The notice contains important information about the employee's rights and obligations.

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

- (a) Qualified Employees shall receive the following paid holidays:

New Year's Day	Memorial Day	Veterans Day
M. Luther King Day	Fourth of July	Thanksgiving Day
Presidents' Day	Labor Day	Day After Thanksgiving
Patriots Day	Columbus Day	Christmas Day

- (b) When any of the holidays fall on Saturday or Sunday, the holiday observed by the State of Maine will be recognized as the holiday for the Town.

8.2 Holiday Pay/Time

- (a) For each holiday, every full-time and part-time employee shall receive "holiday pay" based on his/her regular hourly rate multiplied by (8) for a full-time employee or (4) hours for a part-time employee.
- (b) Because of the nature of the position, certain employees may be required to work during a holiday. Should this occur, an hourly-paid permanent employee will receive his/her regular rate of pay for hours worked on the holiday and, in addition, receive "holiday pay" as provided in Section 8.2 (a) above.

- (c) All employees who are on leave of absence (paid or unpaid) will not be entitled to holiday pay.
- (d) All employees who are temporary, casual or per diem including reserve police officers and on-call firefighters, will not be entitled to holiday pay

SECTION 9. PAID SICK LEAVE

9.1 Availability. Any full-time employee shall accrue sick leave on the basis of one (1) day for each full month employed, accumulative to 90 days. Part-time employees who work 20 or more hours per week shall accrue sick leave on the basis of (4) hours for each month employed, accumulative to 360 hours. Temporary employees do not accrue sick leave.

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. When the period of absence extends beyond the date given by the employee during his initial call, he shall notify his supervisor of the new date he expects to return to work and continue to do so until he returns to work. Failure to do so may constitute unauthorized absence. Oral requests for sick leave for medical, dental, or optical examination or treatment shall be submitted in advance of the date of the scheduled appointment for such examination or treatment.

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, a full-time employee is entitled to be paid for one-third (1/3) of total unused sick leave, to a maximum of thirty (30) days. A part-time employee who works 20 hours or more per week is entitled to be paid for 1/3 of total unused sick leave, to a maximum of 120 hours. 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. If at any time during a period of approved sick leave, the supervisor has cause to doubt the validity of the employee's claim of incapacitation, he shall notify the employee orally or in writing that a doubt exists, the reason for the doubt, and that unless a satisfactory explanation and/or appropriate medical certification is received within a reasonable time, the employee's absence will be unpaid.

SECTION 10. PAID VACATION TIME

10.1 Eligibility. Full-time employees and part-time employees who are assigned to a work week of twenty (20) hours or more are eligible to receive paid vacation time.

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

A. Full-time employees:

<u>Years Service</u>	<u>Accrual Per Year</u>
one (1) year to three (3) years	five (5) days or [40 hours]
over three (3) years to six (6) years	ten (10) days or [80 hours]
over six years (6) years	fifteen (15) days or [120 hours]

B. Part-time employees: Eligible part-time employees are entitled to accrue vacation benefits equal to one-half (1/2) of those received by permanent full-time employees.

10.3 Accrual. Vacation time for full-time employees and part-time employees shall accrue, on the last day of the month in which their first anniversary date occurs. 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 part-time employees from one year to the next. Carryover days shall not accumulate on a year-to-year basis.

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

10.5 Payment of Vacation Time on Separation. 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, domestic partner, 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 workday) 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. Family and Medical Leave Act. The Town complies with all relevant provisions of the Federal and State Family and Medical Leave Acts (FMLA). Employees wishing to exercise their rights under these Acts should make their requests to the Town Manager and complete information on employees' benefits under these Acts will be provided. The Town reserves the right to designate any qualifying absences as Family Medical Leave and to designate the method by which the entitlement period is calculated. Family medical leave is an unpaid leave of absence. However, where appropriate, employees must use accrued vacation and sick leave during family and medical leave. See attached Appendix A for the Town's FMLA policy.

B. 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.

C. Military leave of absence. Leave shall be granted, without pay, 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.

D. Victims of Violence Leave. The Town will grant reasonable and necessary unpaid leave from work for eligible regular full-time and part-time employees who are victims of domestic violence, stalking, or sexual assault as provided for in State law Title 26 M.R.S.A. Sec. 850 (Employment Leave for Victims of Violence):

Leave will be granted for an employee to:

- A. Prepare for and attend court proceedings;
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17A, Chapter 11, stalking or any act that would support an order for protection under Title 19A, Chapter 101. Employees will accrue vacation and sick leave benefits during such leave, as soon as an employee becomes aware of the need of a leave of absence, they must make a written request for leave from his/her supervisor. This request shall be forwarded to the Town Manager or his/her designee for approval as soon as possible. The request must specify the length of leave requested, the reason for the leave, and estimated dates of departure and return. Employees utilizing such leave are required use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have who have no such leave banked and accrued shall receive unpaid leave.

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. In addition, all accidents to personnel, no matter how minor, during the work schedule must be reported immediately to the department head or the Town Manager. A written report shall be made on forms for that purpose within three (3) days of

incident. The Town will strive to meet applicable municipal, federal and state safety standards. All employees suffering an on-the-job accident should seek medical attention. All employees are to return paperwork to their department head for workers compensation regulations.

When an employee is injured on the job or disabled by an occupational disease arising out of, or in the course of, his or her employment, a valid worker's compensation claim must be filled out.

Employees are expected to abide by all safety rules and regulations, which shall be posted on bulletin boards, announced at staff meetings or otherwise communicated by supervisors. Failure to adhere to these mandates may result in disciplinary action and/or termination.

An employee who has been out from work due to (1) a work related injury or illness or personal injury for any period of time or (2) a personal injury or illness for 3 or more consecutive days shall be able to return to work only upon a written approval of the attending physician that indicates the employee is capable of resuming their position's full requirements. It shall be the responsibility of the employee to provide the attending physician with a current copy of the employee's position description noting the full requirements that are expected of any employee when they return to work. The physician's written approval shall be turned over to the employee's supervisor and approval by the supervisor or department head must be given before the employee resumes their work schedule. A supervisor may waive this requirement only for a non-work-related injury or illness and only if it is clear to their supervisor, they can perform all the requirements of his or her position.

The Town Manager has responsibility for implementing, administering, monitoring, and evaluating safety programs. Employees have a responsibility to immediately report any safety or health issues to the Town.

12.4 Use of Town Equipment and Vehicles:

1. Town equipment and vehicles essential in accomplishing duties are expensive and often difficult to replace. When using town equipment or vehicles, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

2. Employees will notify their supervisors immediately if any equipment or vehicle appears to be damaged, defective, or in need of repair.

3. Improper, careless, negligent, destructive or unsafe uses or operation of equipment or vehicles may result in disciplinary action, up to and including termination.

4. Town vehicles and equipment shall be used only for town business.

5. Only authorized town employees will operate town vehicles and will only be permitted to bring vehicles home overnight at the discretion of the Town Manager.

12.5 Use of phone and mail systems: Personal use of telephones for long-distance and toll calls is discouraged. Employees should practice discretion in using town telephones when making local personal calls and may be required to reimburse the town for any charges resulting from their personal use of the telephone. Employees should also limit their use of cellular phones for personal calls during business hours.

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

12.7 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.

12.8 Confidentiality. During the course of their duties, employees of the Town of Clinton often are privy to information about individuals, which is sensitive and should be kept confidential. Examples include, but are not limited to, labor relations, general assistance and personnel actions. Employees are expected to respect the confidential nature of such information. Employees must not use this confidential and/or privileged information to their private advantage or to provide friends or acquaintances with private information. Each employee is charged with the responsibility of releasing only information which is required under the "right to know" law, Title 1 M.R.S.A. Sections 401-412. Any employee who receives a request for information under the "right to know" statute must notify their department head or the Town Manager of the request before producing any materials.

12.9 Office Equipment/Electronic Communications. The Town's telephone, computer systems and all other office equipment are owned by the Town, and generally to be used for business purposes. Employees should not use vulgarities, obscenities, sarcasm or exaggeration in e-mail messages or in any other communications originating in this office. The use of foul or abusive language may be grounds for disciplinary action or dismissal.

The Town reserves the right to monitor, without prior notice, all Town systems, including but not limited to e-mail messages, viewed websites, and documents on Town computers. Employees are not permitted to download movies, videos, music, games or pornography on town systems. Use of the internet should be limited to Town-related business. Telephone conversations may be monitored at any time in order to assure that citizens are receiving quality service and that the guidelines set forth above are being observed by all employees.

The Town also reserves the right to examine the contents of all offices including items contained in desks, file cabinets, shelves and other storage devices, but only when the Town determines, in its sole discretion, that there is a legitimate business reason for doing so.

Any violation of this policy may result in discipline, including but not limited to termination of employment.

12.10 Acceptance 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 employer's performance of his/her official duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc. is permitted. Violation of this policy may result in immediate dismissal

12.11 Outside Employment. A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their department head who shall inform the Town Manager of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, he shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside his/her regular working hours shall be required to perform their regular duties first. The town will not be responsible to grant sick leave or benefits (if provided) in the case of any injury or illness which is incurred while the employee is engaged in secondary employment.

12.12 Drug-Free Workplace Act. Under the Drug-Free Workplace Act, any employee who performs work for a government contract or grant must notify the Town of a criminal conviction for drug-related activity occurring in the workplace. No employee may use, possess, distribute, sell or be under the influence of alcohol or drugs while engaged in Town business. Prescription drugs may be used only if they do not impair the employee's job performance. Employees concerned with substance dependency and abuse issues are encouraged to discuss these matters with their supervisor or the Town Manager.

12.13 Possession of Illegal Substances/Firearms. No employee, at any time, shall have in his or her possession any illegal substances or firearm while engaged in Town business and no employee may keep, place, or store any illegal substance 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. Violation of this policy is grounds for immediate termination.

SECTION 13. 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, as defined by this policy, is prohibited. All employees must avoid offensive and inappropriate sexual or harassing behavior at work and are responsible for assuming that the workplace is free from sexual and hostile behavior at all times.

This policy refers not only to supervisor-subordinate actions but also 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.

Sexual Harassment. It is Town's policy to provide a workplace free of sexual harassment. Sexual harassment is not only a violation of town policy but may also be a violation of both state and federal law. Sexual harassment will not be tolerated.

Sexual harassment is defined as follows: Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (i) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions effecting such individual, or (iii) 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.

Verbal conduct alone may constitute impermissible harassment and an employee's conduct may constitute harassment even if the employee "meant no harm by it." By way of illustrative examples, sexual harassment may include, but is not limited to, any of the following:

- Verbal jokes of a sexual nature or lewd remarks
- Pictures of a sexual nature
- Subtle pressure for sexual activity
- Physical contact such as hugging, patting, pinching, constant
- Brushing against another's body or kissing.

In addition, unwelcome sexual advances need not occur at work in order to be considered harassment. The activity is not permitted regardless of where it occurs, if the harassing activity creates a hostile or offensive work environment.

Individuals who believe that they have been subjected to or witnessed sexual harassment by a non-employee, a supervisor or a co-worker should bring their concerns to the attention of any department head, the Town Manager or the Chairperson of the Select Board, either verbally or in writing. Employees who observe or learn of conduct which could be construed as sexual harassment should immediately bring those concerns to the town's attention.

The individual may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
207-624-6050

All reported complaints will be investigated by a person assigned by the Town, and we will seek to keep any information obtained as confidential as possible, although confidentiality cannot be assured. In determining whether the conduct in question is sexual harassment, the nature of the conduct and the context in which it occurs must be examined. In the event that it is determined that sexual harassment has occurred, appropriate action will be taken, up to and including the dismissal of the person engaging in the harassment.

Retaliation Prohibited. Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form and should report any retaliation immediately to any department head, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

In addition, the Town also encourages employees to report other conduct which effects the workplace and working conditions, including harassment based on any other protected category, such as race, national origin, age, etc. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees who report such conduct will be protected from retaliation in any form and should report any retaliation immediately to any department head, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

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. Moreover, 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 organization meetings, from expressing their views on political matters or from voting with complete freedom in any election.

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.

14.3 Purchasing/Conflict of Interest. No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly in any contract with the Town that is in conflict with the state conflict of interest statute, 30-A M.R.S.A. § 2605. No Town employee shall accept gratuities, of any type, from any person or organization, with whom that employee or any other Town employee deals.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative, as a result of the Town's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence or transactions involving purchases, contracts or leases, it is imperative that they disclose, as soon as possible, to an officer of the Town, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gains may result not only in cases where an employee or relative has a significant ownership in a firm, as defined under 30-A M.R.S.A. § 2605, with which the Town does business, but also when an employee or relative receives any kickback, bribe, substantial gift or special consideration, as a result of any transaction or business dealings involving the Town.

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 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 or fitness to perform his or her duties.

15.4 Separation from Employment. At the time of employee termination for [1] resignation [voluntary employment termination initiated by an employee]; [2] discharge [involuntary employment termination initiated by an organization]; [3] layoff [involuntary employment termination initiated by the organization for non-disciplinary reasons] **or** [4] retirement [voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the organization] ,an exit interview may be scheduled. Employees will receive final pay in accordance with State law. Employees must return all property belonging to the Town at the time of their separation from employment or upon immediate request.

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 in which 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 M.R.S.A. Section 405 (6), 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 or in the course of Town business.
- 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

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. 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

SECTION 19. MISCELLANEOUS

19.1 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.

19.2 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.

19.3 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 and 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.

End of Personnel Policy Amended March 12, 2019
Personnel Policy & Benefits File

PERSONNEL POLICY ACKNOWLEDGEMENT FORM

I have received a copy of the Town of Clinton Personnel Policy (“Policy”) which is dated _____ . I understand that this Policy supersedes and replaces all other prior policies previously issued by the Town and can only be modified by the Town Select Board.

1. I understand that it is my responsibility to read the entire Policy. I acknowledge by my signature below that I have read and understand the Policy.
2. I understand that during my probationary period (applicable to new employees and employees promoted to new positions), my employment with the Town is “at will.” I understand that during the probationary period, I have no right of hearing, grievance procedures or appeal.
3. I understand and acknowledge that the provisions of this Policy, and any other Town policies, procedures and statements, are not intended to create, nor do they create, any contractual rights of any kind on the part of any employee of the Town.

I understand that copy of this Acknowledgement Form will be kept in my personnel file, and the Town Manager will keep the original.

Date:

Employee Name (Print)

Signature

Appendix A Family and Medical Leave

Federal FMLA

Employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during their prior twelve (12) months with the Town may take up to twelve (12) weeks of unpaid leave (FMLA leave) for the following reasons:

1. Birth of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, parent, or child who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. "Military Family Leave" due to "any qualifying exigency" arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active status in either the National Guard or Reserves.

In addition, 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 twenty-six (26) weeks of unpaid "Military Family Leave" leave to care for a seriously injured service member (regular armed forces, National Guard or Reserves) who is the spouse, child, parent or next of kin of the employee. The 26-week period includes any twelve (12) week period permitted for any other qualifying FMLA reason.

Maine FMLA

Employees who have worked for the Town for twelve (12) months but for less than 1,250 hours during the past year and are not eligible for Federal FMLA may be eligible for a ten (10) week Family and Medical Leave under Maine law, and should follow the procedures set forth herein to apply for a leave. Please note that depending upon the number of employees employed by the Town, both the State and Federal FMLA may not apply to the Town.

Maine FMLA law permits family and medical leave to be taken for the following reasons:

1. Birth of a child of the employee or a child of the employee's domestic partner;
2. Placement of a child under 16 years of age into the employee's family by adoption or by a foster care arrangement;
3. The serious health condition of the employee's spouse, parent, child, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), domestic partner, or domestic partner's child, or the death of one of the aforementioned individuals who is a member of the military and who dies while on active duty.

4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. The donation of an organ by the employee; or
6. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), or child, if that person is a member of the military and dies or incurs a serious health condition while on active duty.

Procedures

Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the Family and Medical Leave Act. For example, if an employee used four weeks of leave beginning February 1, 2008, four weeks of leave beginning June 1, 2008, and four (4) weeks of leave beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. On February 1, 2009, the employee would be entitled to four (4) weeks of leave, and on June 1, 2009, the employee would be entitled to an additional four weeks, etc.

The right to FMLA for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Town agree. If both spouses are employed by the Town, the combined leave shall not exceed twelve (12) weeks.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital; hospice or residential medical care facility;
- any period or incapacity requiring absence from work or other regular daily activities for more than three (3) calendar days that also involves continuous treatment by or under the supervision of a healthcare provider; or
- continuous treatment by or under the supervision of a healthcare provider for a chronic long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) calendar days; or
- prenatal care.

In the case of unpaid FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family

member's or the employee's own serious health condition, the Town has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Employees are required to use their available vacation time during any unpaid FMLA leave period, and available sick/personal time is required to be used when unpaid family leave is taken because of the employee's serious health condition. In the case of family leave due to reasons other than the employee's serious health condition, the employee may opt to use available sick/personal time. The remainder of the FMLA leave will be unpaid. An employee on a FMLA leave may be eligible for benefits under the Town's Disability Leave Policy. Employees out on paid Worker's Compensation leave or paid Disability Leave may elect to use available sick and/or vacation leave during their absence but are not required to do so.

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Town at least thirty (30) days' notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the Town, the employee must provide such notice as soon as practical. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- give at least thirty (30) days' notice, or as soon as practical if treatment starts in less than thirty (30) days; and
- make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the Town, subject to the approval of the healthcare provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical. Any FMLA leave request based on a family member's or employee's own serious health condition must be supported by certification from a healthcare provider. The employee must provide a copy of the certification to the Town in a timely manner; (Fifteen calendar days will be allowed to provide the certification.) Certification from the healthcare provider must contain:

- the date the serious health condition began;
- the possible duration of the condition;
- the appropriate medical facts regarding the condition;
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job;
- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date and duration of the treatment should be specified; and

- in the case of intermittent leave or leave on a reduced hours basis for medical conditions that do not necessarily involve planned medical treatment, an estimate as to the anticipated frequency and timing of the absences should be given.

During FMLA leaves of absence, the Town will continue to pay its portion of the health insurance premium and the employee must continue to pay his/her share of the premium. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of any unpaid FMLA leave, the employee may be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

During FMLA leave, the employee shall not accrue employment benefits, such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

The Town may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave. Employees with chronic or continuing health issues may be required to provide recertification every six (6) months.

Employees who return to work from FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Upon returning to work from a FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks, up to two vacation days may be taken during the next ninety (90) days.

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days notice is not possible. All necessary forms are available from the Town Manager or his designee. Appropriate forms must be submitted to the Town Manager and/or his designee to initiate a family leave and to return the employee to active status.

Each employee taking leave that meets the requirements for FMLA leave will be provided the "Response to Your Request for Leave" form. Other forms relating to FMLA leave can be obtained from the Town office.