



TOWN OF WELLS EMPLOYEE HANDBOOK

A handwritten signature in blue ink, appearing to read "Karl Ekstedt", is written over a horizontal line.

Karl Ekstedt, Chairman Board of Selectmen

A handwritten signature in blue ink, appearing to read "Jonathan Carter", is written over a horizontal line.

Jonathan Carter, Town Manager

A handwritten signature in blue ink, appearing to read "Joan Mooney", is written over a horizontal line.

Joan Mooney, Personnel Advisory Committee, Chair

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ARTICLE 1 - INTRODUCTION

This Handbook is designed to acquaint you with the Town of Wells, hereinafter also known as the “Town,” and to provide information about working conditions, benefits, and policies and procedures affecting your employment.

The information contained in this Handbook applies to all employees of the Town of Wells not covered by a collective bargaining agreement. It also applies to all Town unionized employees to the extent any applicable collective bargaining agreement is silent as to any provision set forth herein. Following the policies described in this Handbook is considered a condition of continued employment. However, nothing in this Handbook alters an employee’s status, job description, title or essential functions. The contents of this Handbook shall not constitute nor be construed as a promise of employment or as a contract between the Town and any of its employees. The Handbook is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this Handbook. If you have questions about any provision on this Handbook, it is your responsibility to ask for clarification. Our objective is to provide you with a work environment that is productive to both personal and professional growth. Each employee shall be furnished with a copy of the Handbook. Each employee shall be required to acknowledge their receipt and agreement to comply with the policies set forth in the Handbook. A copy of the Handbook will be available online, which will be the most current version and reflect any changes that need to be made from time to time to keep it current. When such changes are made, employees will be advised.

In addition, conflicts or changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were or have yet been incorporated into the policy.

Further, to the extent any practices, informal or otherwise, conflict with any specific policy set forth in this Handbook, the policies in this Handbook shall control upon adoption of this Handbook, and any such practices are thereafter considered null, void and inapplicable.

When any of the policies set forth in the Handbook are updated, they supersede the prior policies in this document and employees will be provided with copies of the update. It shall be the responsibility of all employees to acquaint themselves thoroughly with this material and any subsequent revisions.

1.1 APPLICABILITY

The policies in this handbook shall apply to all municipal employees with the following exceptions:

Employees of the School Department are not covered by this handbook.

This handbook shall not cover municipal employees covered by a collective bargaining agreement in any instance where said Agreement also addresses and/or covers any terms or policies set forth herein. In such case, the terms and conditions of employment for such employees are governed exclusively by the applicable collective bargaining agreement and are established through the negotiation process, subject to applicable laws. The terms and conditions of employment for employees covered by this handbook may differ from those for employees covered by a collective bargaining agreement.

The Town Manager shall not be covered by this handbook, except as noted below. The Manager is responsible to the Board of Selectmen and shall have the powers, duties and employment terms established by the Board of Selectmen and applicable Maine law.

The Town's anti-harassment, non-discrimination, conflict of interest, and workers compensation provisions (as provided by law) apply to all regular full and part time employees; Board appointees; Town Manager; elected town officials; employees subject to an employment contract; volunteers; temporary and seasonal employees. The personnel policies and benefits set forth in this Handbook otherwise do not apply to: Board appointees; elected town officials; employees subject to an employment contract; volunteers; temporary and seasonal employees; stipend employees, and outside contractors, vendors or subcontractors, unless otherwise provided or required by law, in Town codes and ordinances, or specifically stated in the Handbook.

1.2 CHANGES IN POLICY

This Handbook supersedes all previous employee handbooks and memos that may have been issued from time to time on subjects covered in this Handbook. This Handbook also supersedes and renders void any unwritten policies and/or "past practices," regardless of their duration.

Since our environment and our Town are subject to change, we reserve the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. We will notify all employees of these changes. Changes will be effective on the date determined by the Town Manager, and after those dates, all superseded policies will be null.

No individual supervisor or manager has the authority to change policies or this Handbook at any time. If you are uncertain about any policy or procedure, contact the Town Manager. The Town makes every effort to achieve consistency between this Handbook and other regulations governing employment with the Town. However, if there is any inconsistency between this Handbook and any ordinance of the Town, the Town ordinance shall take precedence. As between this Handbook and any other policy or regulation of the Town, the last adopted shall take precedence. Employees should bring inconsistencies or potential conflict among Town regulations governing employment to the attention of the Town Manager or their supervisor.

1.3 EMPLOYMENT APPLICATIONS

We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process, the background check, and

during employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the rejection of any application for employment, the withdrawal of a conditional offer of employment, the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

An applicant for prospective employment may be asked to provide the Town with a release authorizing the Town to conduct a background check which may include prior work history confirmation or references, a criminal background check, a motor vehicle check if deemed appropriate by the Town and other such suitably appropriate background information the Town may from time to time require relative to candidate assessment for the position being hired, with results satisfactory to the Town at its sole discretion. Upon a conditional offer of employment from the Town and depending upon the position, a prospective employee may also be required to provide the Town with a waiver and release authorizing the Town to complete and/or obtain, as deemed appropriate by the Town: a medical examination, a psychological examination, a fitness for duty test, a credit check (as allowed and as permitted by law), a driver's license check, a DHS background check, and/or a drug and alcohol test. Under certain circumstances, the Town may require an applicant to submit to a background check prior to a conditional offer, and under such circumstances may also require the applicant to provide the Town with said waiver and release authorizing the Town to complete and/or obtain background information. Any refusal to agree to the waiver and release may result in the conditional offer being unilaterally withdrawn, or from further consideration for employment.

The Town does not accept unsolicited resumes, cover letters or applications for employment, no matter how transmitted to the Town. Any such unsolicited resumes or applications will be either discarded or returned to the sender.

1.4 EMPLOYMENT RELATIONSHIP

You enter into employment voluntarily, and you are free to resign at any time for any reason or no reason. Details follow in Section 3.3 on completing the required employment probationary period.

ARTICLE 2 - DEFINITIONS OF EMPLOYEES STATUS

2.1 EMPLOYEES DEFINED

An "employee" is a person who regularly works for the Town of Wells on a wage or salary basis. "Employees" may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with the Town who are subject to the control and direction of the Town of Wells in the performance of their duties. Volunteers are not considered Town employees, except under those specific circumstances defined under Maine law for liability coverage and immunity purposes only.

EXEMPT

Employees whose positions meet specific criteria established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay requirements.

NON-EXEMPT

Employees whose positions do not meet FLSA criteria for an exemption from the overtime requirements and who are entitled to compensation in the form of overtime wages or compensatory time off for hours worked in excess of 40 hours per week.

REGULAR FULL-TIME

Employees who have successfully completed the applicable probationary period (see Section 3.3) and who are regularly scheduled to work 40 or more hours per week are regular full-time employees. Generally, they are eligible for the town's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME

Employees who have successfully completed the applicable months probationary period (see Section 3.3) and who are regularly scheduled to work less than 40 hours per week are regular part-time employees. Benefits eligibility will be on a pro-rated basis.

TEMPORARY (FULL-TIME or PART-TIME)

Employees who are employed for a specific period, usually not to exceed fifteen (15) consecutive weeks or the duration of the project or temporary vacancy which the employee was employed to fill. Certain positions funded with federal funds or grants may also be considered temporary. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. They are not eligible for any of the Town's benefit programs set forth in this Handbook except those benefits required by law, and have no reasonable expectation of continued or future Town employment.

SEASONAL EMPLOYEE

Employees who are employed for temporary work of a seasonal nature. For example: a Recreational camp counselor, Lifeguard, Parking Lot Attendant or other such seasonal positions that the Town may deem appropriate from time to time. Such employees are not eligible for any of the Town's benefit programs set forth in this Handbook except those benefits required by law, and have no reasonable expectation of continued or future Town employment.

DEFINITE TERM EMPLOYEE

Employees who are appointed for a fixed term without an expectation of re-appointment are

Definite Term Employees. Definite-term employees may be full or part time. Examples include but are not limited to reserve police officers who perform paid work pursuant to an appointment for a specific time period. They are generally not eligible for benefits other than as required by law but the Town Manager may determine that a position is eligible for benefits, depending on the nature of the position and the hours worked, and have no reasonable expectation of continued or future Town employment.

CONTRACT EMPLOYEE

An individual hired through written agreement with an outside agency, e.g. Kelly Services, specifying the terms and conditions of employment for a specific time period. Contract employees may be either temporary or definite term employees, full time or part time, but have no expectation of employment beyond the term for which they are appointed and no expectation of reappointment. Contract employees are not considered regular employees. Contract employees are generally only eligible for benefits as defined in their contract, and have no reasonable expectation of continued or future Town employment.

2.2 GENERAL

PERSONNEL ADVISORY BOARD

The Personnel Advisory Board acts in a non-binding advisory capacity to the Town Manager and Human Resources Director in the establishment and administration of personnel policies under the Town Code. The Town Manager shall meet with the Board regularly and shall inform the Board of matters arising under Town personnel policies and this Handbook. The Board may prepare an annual wage scale as established in § 49-24 of the Code of the Town of Wells and review fringe benefits and other personnel issues as requested by the Town Manager, Human Resources Director, and/or the Board of Selectmen. The Personnel Advisory Board plays no role and makes no determination in disciplinary and grievance matters.

TOWN MANAGER

The Town Manager will determine and impartially and equitably administer all personnel policies and procedures with the assistance of the Selectmen, as he/she may deem appropriate. The Town Manager shall have final decision-making authority and approval over all personnel matters, except where otherwise provided in Town policies and procedures.

BENEFITS ADMINISTRATOR- Human Resources

A Benefits Administrator and/or Human Resources Director shall be appointed by the Town Manager to provide benefits information and service to its employees. This position will also be responsible for compliance with and the administration of policies and procedures; the maintenance and update of employee confidential personnel records; health records; HIPPA; and Section 125 files that govern benefits and insurance within the Town.

ARTICLE 3 - EMPLOYMENT POLICIES

3.1 NON-DISCRIMINATION

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 (including gender identity and expression), genetic pre-disposition and information, race, color, ancestry, national origin, physical or mental handicap or disability, except as a bona fide occupational qualification, and any other category protected under Maine and federal 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.

The Town of Wells will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of any Town supervisor, the Human Resources Director or the Town Manager. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in unlawful discrimination may be subject to disciplinary action, including termination of employment.

3.1.1 Anti-Harassment and Other Prohibited Practices

It is the policy of the Town of Wells 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 assuring 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 coworkers. 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.

1. 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 emails, texts, etc. 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 Human Resources Director, 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 management's attention. The individual may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
207-624-6290

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, human resources, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated and prompt remedial action will be taken.

2. Unlawful Discrimination: Discrimination based on a protected class status is also illegal. Protected classes include race, national origin, age, religion, sexual orientation (including gender identity and expression), veteran status, whistleblower status and others defined by state and federal law.. 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, human resources, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated and prompt remedial action will be taken.

Any report of alleged harassment or discrimination that is made in a knowingly false or clearly frivolous manner is prohibited, will not be tolerated, and will also be appropriately addressed should it occur, including possible disciplinary action.

3.2 NEW EMPLOYEE ORIENTATION

Orientation is a formal welcoming process that is designed to make the new employee feel comfortable, informed about the Town, and prepared for their position. New employee orientation is conducted by the appropriate Town Department Head or his/her designee, and by the Benefits Administrator or Human Resources Director , and includes an overview of benefits, broad overview of Town policies and Handbook, and an opportunity to complete required employment/benefits paperwork and enrollment elections. New employees are expected to provide the Town with current and updated contact information at all times.

Employees are presented with applicable codes, keys, and procedures needed to navigate within the workplace. The new employee's supervisor introduces the new hire to Town staff, reviews his/her job description and scope of position, department conduct, and performance expectations, goals and objectives.

3.3 PROBATIONARY PERIOD FOR NEW EMPLOYEES

The probationary period for regular full-time and regular part-time employees (excluding police officers who have just graduated from the Maine Criminal Justice Academy, for whom the period is one (1) year from date of graduation) lasts for six (6) months from the date of hire, except as otherwise provided by law. During this time, employees have the opportunity to evaluate our environment as a place to work and management has an opportunity to evaluate the employee. During this introductory period, both the employee and the Town have the right to terminate employment without advance notice and for any non-discriminatory reason.

A review will be conducted prior to the completion of the applicable probationary period. Employees successfully completing the probationary period shall be considered regular full time or regular part time employees. All employees, regardless of classification or length of service, are expected to meet and maintain the Town's standards for job performance and behavior (See Section 4, Standards of Conduct).

3.4 PROBATIONARY PERIOD FOR PROMOTED EMPLOYEE

Promoted employees shall serve an additional probationary period of up to six (6) months in the new position (refer to Section 3.3). Promoted employees will have no rights to reinstatement to their former position.

3.5 STANDARD WORK WEEK

The standard workweek is 40 hours of work (see Section 5.3, Overtime). In the computation of various employee benefits, the employee workweek is considered to begin on Tuesday starting at 12:01 a.m. through Monday at 12:00 a.m..

3.6 PHYSICAL EXAMINATIONS

A. The Town Manager may identify regular full-time or part-time positions for which offers of employment will be contingent on a satisfactory medical examination by a physician designated by the Town Manager at Town expense. The physician must evaluate the candidate's qualifications to perform the essential functions of the position, with or without reasonable accommodations, with specific reference to the job description, actual duties and essential functions, and without posing a direct threat to the health or safety of the applicant or the safety of others.

B. The Town Manager or a department head in consultation with Human Resources may require a medical examination or other assessment if he/she has reason to believe the physical or mental condition of an employee is affecting the employee's ability to perform the duties of his/her position safely. Such examination will be paid by the Town and with a medical provider designated by the Town. If the employee is currently working, the employee may be put on paid administrative leave pending the completion of the medical provider's report. An examination under this section is limited to whether the employee remains capable of performing the essential functions of his/her position, with or without reasonable accommodation, and without threatening the safety of the employee or the safety of others, and with regard to the job description. If, as a result of the examination and/or assessment, the department head or Town Manager concludes that the employee cannot perform the duties of the position, with or without reasonable accommodation, or cannot perform them safely, the Town shall take appropriate action, which may include meeting with the employee to discuss options, a transfer to another position or duties, if one is available, a leave of absence, termination or retirement. Other medical examinations or monitoring in conformity with state or federal mandates may be required.

3.7 PERSONNEL FILES

Personnel files are the property of the Town of Wells, and access to the information is restricted by law and Town policies. Management personnel of the Town who have a legitimate reason to review the file, or portions of the file, are allowed to do so.

Employees who wish to review their own file should contact the Benefits Administrator or Human Resources. With reasonable advance notice, the employee may review his/her personnel file in the Town offices and in the presence of their supervisor or a Town designee. One (1) copy of the file will be available to the employee at no cost per year. Note that material(s) may be added to the personnel file without notice to the employee.

3.8 ANNUAL AND INTERIM (6 MONTH) PERFORMANCE EVALUATIONS

All regular full time employees and regular part-time employees whose normal workweek consists of at least twenty (20) hours per week shall be evaluated at least annually. During the annual evaluation process, both the employee and his/her immediate supervisor will complete evaluations. The employee will be given an opportunity to review the supervisor's evaluation at least one day prior to a meeting at which time the employee, utilizing his/her self-evaluation, has an opportunity to respond to the supervisor's evaluation. The evaluation form shall include a space for employee comments on the evaluation, which shall be finalized by the employer and supervisor following the meeting. The final evaluation form will be submitted to the Town Manager for his/her review. Employees must understand that sometimes circumstances interfere with the scheduling of an evaluation. Employees should not consider the absence or delay in an evaluation as an endorsement or criticism of their performance.

A six month review (other than the six month probationary review) when conducted shall be an interim, less formal review of the employee's progress towards goals established during the annual review; the six month review provides employees and supervisors an opportunity to evaluate performance against established goals, identify any performance or other issues, and develop interim goals or revise goals if appropriate. The Town Manager and Human Resources Director shall be informed when six month reviews have been completed and shall be consulted as necessary if issues are identified by the supervisor or the employee. All evaluations shall be made part of the employee's personnel file and be used to assist in determining merit raises. The Town reserves the right to change, modify or update the method and manner of performing and conducting evaluations.

3.9 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify their supervisor and the Benefits Administrator and/or Human Resources of any changes in personnel data such as:

Mailing address,
Telephone numbers,
Name and number of dependents, and
Individuals to be contacted in the event of an emergency.

An employee's personnel data should be accurate and current at all times.

3.10 OUTSIDE EMPLOYMENT

All employees should consider their employment with the Town as their primary employment.

Full-time employees may not hold any outside employment unless they notify the Town in advance and receive prior written approval from the Town Manager or his/her designee. Part-time and all other employees may hold outside jobs in non-related businesses or professions as long as the employee notifies the Town in advance of such employment, and meets (and continues to meet) the performance standards and required hours of his/her job description with the Town. Unless the Town has approved an alternative work schedule, employees will be subject to the Town's scheduling demands, regardless of any existing outside work assignments. Employees may not work for other employers while using accrued sick time, on any leave of absence, or while out of work on a qualified worker's compensation leave, without express prior written permission from the Town.

Town of Wells office space, equipment, time and materials are not to be used for outside employment or non-Town business purposes (see also 4.9 Town Property).

3.11 DISCIPLINARY AND CORRECTIVE ACTION

The Town of Wells holds each of its employees to certain work rules and standards of conduct (see Section 4). When an employee deviates from these rules and standards, the Town expects the employee's supervisor and the employee to take appropriate corrective action.

Though committed to a progressive approach to corrective action, the Town of Wells considers certain rule infractions and violations of standards as grounds for immediate termination of employment. These include but are not limited to: theft in any form, insubordinate behavior, vandalism or destruction of Town property, being on Town property during non-business hours without authorization, the use of alcohol or drugs, including marijuana, while on duty, the use of alcohol or drugs, including marijuana, while not on duty so that the employee is or appears to be impaired while on duty, the use of Town equipment and/or Town vehicles without prior authorization by the Town Manager, untruthfulness about personal work history, skills, or training, and rude or discourteous behavior toward a customer, the general public, or an employee.

An employee may be issued a documented counseling/coaching or may be given a written reprimand, suspended, demoted, otherwise disciplined or dismissed for cause. **The Town reserves the right to bypass any of these steps and proceed immediately to greater discipline or corrective action, depending on the attendant circumstances.**

Please refer to Chapter 49 (Personnel Policies) of the Code of the Town of Wells, particularly §49-31 to §49-32, for details of the Town's disciplinary procedures, including rights to notice and appeals.

3.12 EMPLOYMENT SEPARATION

Separation from employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are a few examples of some of the most common circumstances under which employment separation may occur.

Voluntary Separation: Resignation or Retirement – voluntary employment separation initiated by an employee.

When a non-exempt employee intends to terminate his/her employment with the Town, he/she shall give the Town of Wells at least two (2) weeks written notice. Exempt employees shall give at least four (4) weeks written notice. See also section 6.4 Sick Leave for notice requirements on separation, and Section 3.3 Probationary Period for New Employees in regards to separation. The Town reserves the discretion in all instances to pay any separating employee in lieu of the applicable notice period, and terminate employment immediately.

Involuntary Separation/Discharge: Involuntary employment separation initiated by the Town of Wells, including discharge for misconduct or unsatisfactory performance.

Regular full time and part time employees who have successfully completed the probationary period may have their employment terminated for cause at any time during their employment. Termination for cause means any job related reason such as, but not limited to: misconduct, failure to meet standards of conduct or performance, or the employee's inability or unwillingness to consistently work cooperatively and constructively with co-workers or customers. Please note that good conduct, cooperation, and getting along with co-workers and the public is a requirement of Town employment, and failure to do so may be considered as reason for separation from employment.

Layoff: Involuntary employment separation initiated by the Town of Wells for non-disciplinary reasons or budgetary constraints, or the elimination of positions, functions or departments.

Any employee who terminates employment, whether due to layoff or just cause or any other reason, with the Town of Wells shall return all files, records, keys, credit cards and any other materials that are the property of the Town immediately.

An employee's benefits will be affected by employment termination in the following manner. All accrued vested benefits that are due and payable at termination will be paid as set forth in this Handbook. Vacation pay and Compensatory Time will be paid in full. Accumulated Sick Time will be paid per Section 6.4 Sick Leave. Some benefits may be continued at the employee's expense (See Section 6, Benefits/Services) if the employee elects to do so. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations.

3.13 SAFETY

The Town of Wells and its employees are committed to providing a safe working environment.

The Town of Wells provides information to employees about workplace safety and health issues through regular internal communication set forth by employees' Department Heads or designees and the Town's Safety and Wellness Committees. Shoes are required in all Town of Wells buildings.

Each employee is expected to obey safety rules and exercise caution and common sense in all

work activities. Employees must immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action including termination of employment. Employees are protected from reprisal or retaliation for reporting any safety issue.

Employees are required to immediately report any work-related injury or accident they have sustained, informing their supervisor or Department Head without delay (barring an emergency, in which case seek emergency care), so that appropriate care for the employee can be facilitated, first and foremost, and, secondarily, in accordance with the Town's expectations and requirements to provide timely reports of any workplace injuries that have been sustained. The employee may be directed by their supervisor or department head or Human Resources to complete a timely incident report, as appropriate.

3.14 IMMIGRATION LAW COMPLIANCE

The Town of Wells employs only United States citizens and those non-United States citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years or if their previous I-9 is no longer retained or valid. If the State of Maine or the federal government enacts any more stringent immigration requirements, the Town will immediately and without prior notice comply with such standards.

ARTICLE 4 - STANDARDS OF CONDUCT

The work rules and standards of conduct for the Town of Wells are important, and the Town regards them seriously. All employees must become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their own jobs and conducting the Town's business. Please note that any employee who deviates from these rules and standards will be subject to corrective action, up to and including termination of employment (see Section 3.11, Disciplinary Action). All employees are expected and required to:

- 1) Uphold the Constitution, laws and regulations of the United States and the State of Maine and the Charter, Code and regulations of the Town of Wells.
- 2) Regard service to the public as the mission of all Town employees, and to place service to the public above service to self.
- 3) Report for work at the time and place required, physically and mentally prepared, and properly dressed and equipped unless proper notification has been made.
- 4) Treat all co-workers and members of the public with respect, courtesy, concern and responsiveness, without dispensing special favors or privileges.

- 5) Never use or disclose information obtained as a result of employment with the Town for personal gain for oneself or another, to place oneself or the recipient in a position of advantage, or to spread rumors and/or accusations about Town employees and elected officials.
- 6) Devote on-duty time and energy to fulfilling the duties and responsibilities of the assignment and act professionally in a non-hostile manner, regardless of provocation; avoid intentionally profane, violent, or insulting language; and promptly and courteously return phone calls, emails or other inquiries from the public, supervisors, co-workers or others.
- 7) Resolve disagreements internally by working through the appropriate chain-of-command. Do not debate issues in public or through the media.
- 8) Demonstrate the highest standards of personal integrity, honesty, and conduct in all activities in order to inspire public confidence and trust in Town employees. Engage in no activity, either directly or indirectly, which is inconsistent with the conscientious performance of Town duties.

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions or misconduct that may result in disciplinary action, including involuntary termination of employment.

- Theft or unauthorized removal, abuse or possession of property;
- Falsification of timekeeping records (See Section 5.2, Timekeeping);
- Falsification of any official document;
- Working under the influence of alcohol or illegal drugs (See Section 4.7, Substance Abuse);
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace (See Section 4.7, Substance Abuse);
- Fighting or threatening violence in the workplace;
- Horseplay or disruptive activity in the workplace;
- Negligence or improper conduct leading to damage of Town-owned or customer-owned property;
- Insubordination;
- Disrespectful conduct toward supervisor, peers, other Town employees, Town leadership, or members of the public;
- Violation of safety or health rules;
- Violation of Town's Smoking Policy;
- Sexual or other unlawful or unwelcome harassment (Refer to Policy Prohibiting Harassment or Sexual Harassment);
- Excessive absenteeism or any unexcused absence without notice (See also, Section 4.1 Attendance/Punctuality and 4.2, Absence without Notice);
- Unauthorized use of telephones, or other Town-owned equipment or technology (See Section 4.4, Telephone Use, and Section 4.9 Town Property);
- Using Town equipment for purposes other than business (i.e. more than infrequent use of Internet for personal use while working or while using Town computers or technology, and never for the use of viewing, downloading, or sharing obscene, harassing,

pornographic or other offensive material or websites - also see section 4.9 Town Property);

- Unauthorized disclosure of confidential information (see Section 4.8);
- Violation of personnel and Handbook policies; and/or Unsatisfactory work performance or conduct.

Off-duty Conduct: The Town of Wells respects its employees' right to privacy with regard to activities and conduct outside of the workplace and regular working hours and does not discriminate against employees for the same. However, off-duty conduct of employees that is illegal may be cause for disciplinary action or termination if the illegal off-duty conduct or consequences of the illegal off-duty conduct directly impact the employee's ability to meet the essential functions and other requirements of his or her job. Similarly, an employee's illegal off-duty conduct or consequences of the illegal off-duty conduct that directly impact working conditions, requirements, licenses, normal business operations, or the professional reputation of the organization may be cause for disciplinary action up to and including termination.

4.1 ATTENDANCE/PUNCTUALITY

The Town of Wells expects that every employee will be regular and punctual in attendance. This means being in the office, ready to work, at the starting time each day. Absenteeism and tardiness place a burden on other employees and on the Town citizens.

If you are unable to report for work for any reason, notify your immediate supervisor before your regular starting time. You are responsible for speaking directly with your immediate supervisor or his/her designee about your absence. It is not acceptable to leave only a message on a supervisor's voice mail, except in extreme emergencies. In the case of leaving a voice-mail message, a follow-up call must be made later that day. Should undue tardiness become apparent, corrective action may be required. Employees will only be paid for the actual hours worked.

If there comes a time when you see that you will need to work some hours other than those that make up your usual work week, notify your supervisor of the request at least seven working days in advance. Each request for special work hours will be considered separately, in light of the employee's needs and the needs of the Town. Such requests may or may not be granted.

4.2 ABSENCE WITHOUT NOTICE

If you do not report for work and your immediate supervisor is not notified directly by you, or in an emergency only situation by your emergency contact or a family member, of your status, it will be assumed after two consecutive days of absence that you have resigned without notice, and you will be removed from the payroll, barring some unforeseeable, extenuating circumstance of an emergency nature.

If you become ill while at work or must leave the office for some other unscheduled reason before the end of the workday, be sure to inform your immediate supervisor of the situation without delay.

4.3 POLITICAL ACTIVITY

No employees shall participate in any political activity which would be in conflict with the performance of his/her official functions and duties. Employees also must not promise favors as a reward for the political activity of others. Employees should be aware of the State and Federal Laws governing other political activities.

Employees may seek or accept nomination or election to any office in the Town government while employed by the Town, provided that no person may hold an incompatible elective office while employed by the Town. Therefore, any such employee elected to any incompatible Town Office shall resign from employment prior to taking office. This rule does not prevent Town employees who are not employed in a town school from running for school board.

During the course of their employment, employees shall refrain from using their influence as a town employee publicly in any way for or against any candidate seeking elective office in the Town government.

This rule is not to be construed to prevent Town employees from becoming, or continuing to be members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any municipal, state or national election.

4.4 TELEPHONE USE

The Town of Wells' telephones are intended for use in serving our customers and in conducting the Town's business.

Personal telephone usage during business hours is discouraged except for emergencies, including the employee's use of their own personal (non-town owned) telephone and devices for call, texting and emailing. All personal telephone calls and cell phone usage should be kept brief to avoid congestion on the telephone line, as well as disruption to self and others while working.

To respect the rights of all employees and avoid miscommunication in the office, employees are requested to inform family members and friends to limit personal telephone calls during working hours.

Employees should refrain from using personal devices for official town business or town communications.

If an employee is found to be deviating from this policy, he/she may be subject to corrective action (See Section 3.11, Disciplinary Action).

4.5 PUBLIC IMAGE

Professional appearance and behavior is important anytime that you encounter customers or potential customers. Employees should be well groomed and dressed appropriately for our

business and for their position.

If management occasionally designates "casual days," appropriate guidelines will be provided to you. Consult your immediate supervisor if you have any questions about appropriate attire. In addition, chewing gum, eating or drinking in front of customers is discouraged.

4.6 GIFTS & GRATUITIES, CONFLICT OF INTEREST

Employees are prohibited from accepting gifts, favors, or gratuities from the public and/or constituents they serve due to the appearance of impropriety and the potential to influence work judgments. Department Heads may authorize exceptions to this rule allowing for the acceptance of nominal gifts such as food or other refreshments (but excluding alcohol, marijuana, and tobacco). Employees must avoid situations where loyalties may be divided between Town interest and their own personal or financial interests. All employees should avoid any situation in which there may be even the appearance of a conflict of interest. All Town employees, appointees and elected officials are also required to comply with 30-A M.R.S.A. § 2605 (Conflicts of Interest).

4.7 SUBSTANCE ABUSE

The Town of Wells is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and substances of abuse have been established for all staff members, regardless of status or position, including both regular full time, regular part-time, contract employees, temporary employees and seasonal employees, and volunteers. The rules apply during working hours to all employees of the Town while they are on premises or elsewhere on the Town's business.

The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse, illegal drugs or alcohol on the Town's property, in Town's vehicles or while working for the Town, whether on Town property or not, whether during working hours or on a paid or unpaid lunch break, is prohibited. This includes being under the influence of prescription drugs that impair performance and recreational or medical marijuana.

Definitions:

Town of Wells property: All Town owned, managed or leased property used by employees, including Town vehicles and machinery and Town managed beaches.

Controlled substance of abuse: Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act, as amended.

Drug: Any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

Drug paraphernalia: Equipment, a product, or material that is used or intended for use in

concealing an illegal drug, or otherwise introducing into the human body an illegal drug or controlled substance.

Illegal drug:

- a. Any drug or derivative thereof whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation, including marijuana.
- b. Any drug, including – but not limited to – a prescription drug, used for any reason other than that prescribed by a physician, including marijuana.
- c. Inhalants used illegally.

Under the influence: A state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, drug, or substance of abuse.

4.8 CONFIDENTIAL INFORMATION

During the course of their duties, employees of the Town are often privy to sensitive and confidential information. Examples of this include, but are not limited to, employee relations, medical records, general assistance requests, and personnel actions. The Town expects any employee with access to such information to respect the confidential nature of the matter, not to share or provide access to such information with members of the public, including family members, and to take all reasonable measures to maintain confidential documents in a secure manner.

The Town is subject to the Maine “Right to Know” law, MRSA Title 1 sections 401-414. The statute is complicated and covers many complex areas. A mistaken or erroneous release of information – or a refusal to release information – could result in liability to the Town. Accordingly, any employee who receives any request for information under the “right to know” statute must direct the request to the Town Manager and the Town’s designated Public Information Officer for the Town’s official response. Employees and other Town officials must not undertake to respond without receiving specific authorization to do so from the Town Manager or the Town’s designated information officer.

4.9 TOWN PROPERTY

OFFICE SYSTEMS AND EQUIPMENT

The Town’s telephone (see also Section 4.3), computer systems and all other office equipment are owned by the Town, and generally are 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, up to and including dismissal from employment.

The Town reserves the right to monitor and/or review without prior notice all Town systems, including but not limited to e-mail messages, texts, instant messages, voice messages, viewed websites, and documents on Town computers. **Employees therefore should not hold any reasonable expectation of privacy while using Town information systems.** 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 safety or security reason for doing so.

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

Employees should consider all work documents as Town property. In addition, sensitive or confidential documents may not be used for the personal or financial gain of an employee. No Town employee may disclose any confidential information concerning the property, government or affairs of the Town, or concerning any Town employee, or Town business to any person unless authorized to do so in writing.

Use of Town-owned computers, printers and related devices for personal reasons is subject to the Town's Internet Policy. The Town allows *de minimus* use of its computer equipment for personal purposes, such as e-mails and information searches, provided such use does not interfere with an employee's job performance and with the express understanding that there should be no expectation of privacy while using Town computer or Town information systems. Excessive personal and unauthorized use of Town computers, printers or related devices for personal work is grounds for discipline, up to and including termination.

TOWN EQUIPMENT, VEHICLES AND MATERIALS

All Town-owned equipment, vehicles, and materials are the property of the Town of Wells. Employees are prohibited from using or allowing the use of any Town property for private or personal use or gain unless authorized by the Town Manager or his/her designee.

Any Town equipment, vehicle and/or materials an employee may be provided with or have access to is for Town business only; any exception to this must be approved in advance by the Department Head, or the Town Manager or his designee.

4.10 TOBACCO PRODUCTS

The use of tobacco products is not permitted anywhere on Town's premises except in authorized and designated locations. Employees must follow all rules posted in designated smoking areas and adhere to all policies associated with this policy (See 3.13, Safety). Employees are prohibited from smoking in Town-owned or leased vehicles.

4.11 WEAPONS PROHIBITED AT WORK

With the exception of law enforcement officers, bringing and keeping weapons of any kind are prohibited from town premises and town vehicles, unless as otherwise provided by law.

ARTICLE 5 - WAGE AND SALARY POLICIES

5.0 WEEKLY PAYROLL

Paydays occur every Thursday, except in the case of an observed holiday. Deductions from employees' pay will include all mandatory deductions (such as for Social Security and Medicare), as well as deductions for elective fringe benefits employees have selected. Garnishments from weekly payroll will be made per directives from state and federal authorities. (See also Section 5.4 for salary deductions for exempt employees.) Payment is made by Direct Deposit. Alternative arrangements may be available upon request..

5.1 MERIT PAY PLAN

The Merit Pay Plan is based on different components and general time frames for employees to be eligible to receive merit pay increases. Those components and time frames are generally as follows, and may be modified by the Town as needed:

Performance Management Cycle

Step I: Planning

July/August

Town Manager submits proposed FY Strategic Planning Goals to Selectmen, with Dept. Head input. Dept. Heads submit proposed specific goals, objectives and work plans for the upcoming Fiscal Year to Town Manager in conjunction with overall FY Strategic Planning and the departments' budgets.

Step II. Approval

August

Town Manager review and approval of proposed fiscal year goals and objectives and competencies in conjunction with budget.

Step III. Adjustment

January/February

Formal interim reviews with Dept. Head of goals and objectives and adjustment if needed. (Adjustments also made on an ongoing basis whenever significant changes occur)

Step IV. Evaluation

May/June

Annual employee performance evaluations completed and Development Plans approved.

Other Steps Completing Full Cycle

- **June** Town Meeting via Referendum Questions
- **June/July** Merit pay report submitted for review and comments to Personnel Advisory Board; Selectmen review and adopt Merit Pay Plan report; employees notified of their pay status
- **July** Merit Pay Plan report implemented

The Merit Pay Program is also described in the Town's Personnel Policy, Chapter 49 of the Code of the Town of Wells.

5.2 TIMEKEEPING

Accurately recording time worked is the responsibility of every non-exempt employee. Time worked is the time actually spent on a job(s) performing assigned duties.

The time records are a legal instrument. Altering, falsifying, tampering with time records, failing to record time, or recording time on another team member's time record may result in disciplinary action, including termination of employment.

Exempt employees also must complete a weekly time record, for the purposes of tracking use of leave and other absences, as well as trainings, etc.

Authorized personnel will review time records each week. His/her supervisor must approve any changes to an employee's time record. Questions regarding the timekeeping system or time cards should be directed to the immediate supervisor.

5.3 OVERTIME

A. The standard workweek for regular full time employees covered by these policies shall consist of forty (40) hours of work within seven (7) consecutive days (24 hours).

B. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour requirements. Overtime is payable for all hours worked over forty (40) hours per week at a rate of one and one-half times the non-exempt employee's regular hourly rate for most non-exempt positions.

Hours worked (defined): "Hours worked" means time when the employee is actually engaged in work for the Town for which s/he is being compensated. Time off on personal time, sick time, vacation time, holidays, worker's compensation leave, compensation ("comp") time, or any other circumstance where an employee is either receiving pay while not actually working or is on any unpaid leave of absence shall not be considered "hours worked" when calculating overtime.

Non-exempt employees may not work outside of their regularly scheduled working hours, or

during unpaid meal periods, without the prior authorization of a supervisor. This includes volunteered work not requested but performed at the work site, or away from the premises. Employees shall record all hours worked on their timesheets. It is misconduct for an employee to fail to record all time worked and for a supervisor to discourage an employee from recording all hours worked. Employees and/or supervisors shall notify the Human Resources Director of any violations of this rule, which may result in disciplinary action.

All overtime work performed by a non-exempt employee must receive his/her immediate supervisor's prior authorization. Overtime worked without prior authorization from the supervisor may result in disciplinary action.

Overtime compensation shall be paid either in the form of wages or compensatory time off. Employees must specify whether they prefer to receive overtime pay or be credited with compensatory time off prior to working the overtime hours. An employee who does not request compensatory time and receives supervisor approval for overtime work will be paid for overtime. Employees not in public safety positions may accrue up to 40 hours of compensatory time, which they shall be eligible to use when requested, unless use at the requested time would unduly disrupt the operations of the department. The Town reserves the right to require employees with accrued compensatory time to use such time as the Town designates if doing so is in the Town's best interests.

C. Overtime is payable when an employee works more than 40 hours in a work week. Compensatory time may be earned only when overtime is payable. *Supervisors are encouraged to adjust the normal workweek of employees by shifting days or hours of work to keep an employee's work week to 40 hours (or the normal part time schedule) whenever possible. If part-time employees are scheduled to work more hours than is customary, the hours shall be paid at straight time unless the hours worked exceed forty hours in a work week, in which case overtime compensation shall be paid as specified herein.*

5.4 SALARY BASIS POLICY

Exempt employees are those who are paid at a rate that meets the Fair Labor Standard Act's minimum salary basis and who meet certain tests regarding their job duties. An employee is paid on a salary basis if he or she regularly receives a predetermined amount of compensation each pay period on a weekly basis. The predetermined salary amount cannot be reduced because of variations in the quality or quantity of work. Subject to the exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for workweeks in which they perform no work. If the employee is ready, willing and able to work, however, deductions may not be made for time when work is not available.

Pursuant to the Code of Federal Regulations, Title 29, Part 541, the Town may make deductions from exempt employees' pay in the following circumstances only:

--for absences from work for one or more full days for personal reasons other than sickness or disability if the employee has no leave to cover the absence;

--for absences of one or more full days due to sickness or disability, if the employee has not qualified for a leave benefit, has not earned sufficient leave to cover the absence, or has exhausted all leave and has no earned leave remaining to cover the absence;

-- for FMLA absences for which the employee has exhausted all available leave benefits, the employee's salary may be reduced in hourly increments while on FMLA leave;

--deductions for penalties imposed for the violation of safety rules of major significance, including those relating to the prevention of a serious danger in the workplace or to other employees;

--deductions resulting from suspensions without pay for serious violations of workplace conduct rules;

--for days of the workweek not actually worked in the initial or final workweek of employment.

--pursuant to a written loan or repayment agreement signed by the employee and the Town.

Salaries of exempt salaried employees may also be reduced because all town employees are employed under rules of public accountability as described in the Code of Federal Regulations, Title 29, Part 541, §710, for the following reasons:

--for absences of less than one day for personal reasons, illness, or injury when accrued leave is not used because permission for the absence/leave has not been requested or if requested, leave was denied; accrued leave has been exhausted; or the employee requests and is approved to use leave without pay.

Deductions from salaries of exempt employees are NOT permitted by the Code of Federal Regulations for any of the following reasons:

--on an hourly basis, except for unpaid FMLA leave and as provided in the special rules above;

--when the Town officially closes the office, facility or department due to inclement weather such as snow or ice. Exempt salaried workers cannot be required to use earned leave for such closings unless it is announced that the office, facility, building or department remains open for exempt employees who are given the option of reporting to work or using leave.

All employees are expected to follow the Town's established policy on closures during inclement weather. For further information, please speak with your supervisor or HR.

ARTICLE 6 - BENEFITS AND SERVICES

The Town of Wells offers a benefits program for its regular full-time and regular part-time employees. However, the existence of these programs does not signify that an employee will necessarily be employed for the required time necessary to qualify for the benefits included in and administered through these programs. Please also note that employees who exhibit a pattern of taking sick time or other leave just prior to or after holidays or vacations may be subject to disciplinary action.

6.1 ELIGIBILITY FOR BENEFITS

NOTE: Eligibility for social security, worker's compensation insurance and unemployment compensation insurance are established by applicable law.

Unless these policies or Chapter 49 (Personnel Policies) of the Code of the Town of Wells provide otherwise, the following shall apply:

Regular full time employees are eligible for benefits as provided in these policies.

Regular part-time employees whose normal workweek is at least twenty (20) hours per week on an annual basis are eligible for the benefits provided within these policies on a pro rata basis, except as otherwise provided.

Regular part-time employees whose normal workweek consists of thirty (30) to thirty-nine (39) hours per week are eligible for 75% of the benefits available to regular full time employees.

Regular part-time employees whose normal workweek consists of twenty (20) to twenty-nine (29) hours per week are eligible for 50% of the benefits available to regular full time employees.

Regular part-time employees whose normal workweek is less than twenty (20) hours per week are not eligible for benefits.

Temporary and seasonal hires are not eligible for benefits, unless as otherwise provided by law.

Contract Employees are eligible for benefits only to the extent provided for in the employment agreement.

Note: Regular part-time employees whose hourly work week occasionally exceeds the parameters set forth above are not entitled to heightened or additional benefits.

6.2 VACATION

A. Regular employees covered under this chapter are entitled to the following vacation benefits:

After one consecutive year of employment, two (2) weeks of paid vacation (following probation accrued time can be taken).

After seven (7) years of consecutive employment, three (3) weeks of paid vacation.

After fourteen (14) years of employment, four (4) weeks of paid vacation.

Eligible regular part-time employees will receive either 75% or 50% of this benefit as described in Section 6.1.

B. Accrued vacation must be taken within one (1) year after the anniversary date on which it is accrued, except for the following:

A maximum of five (5) vacation days may be carried over from one year to the next year. Carry over days shall not accumulate on a year-to year basis.

In extraordinary circumstances, the Town Manager may approve deviations from this policy in writing.

C. Vacations shall be scheduled at a time mutually agreed upon between the employee and the appropriate department head or the employee and the Town Manager. Any vacation day taken without prior agreement by the parties will be considered an unexcused absence.

6.3 HOLIDAYS

A. Town of Wells observes the following eleven (11) paid holidays per year:

New Year's Day

Martin L. King Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Day after Thanksgiving Day

Christmas Day

Eligible employees have no waiting period for holiday pay benefits.

B. All regular full-time employees are to be paid 1/5 of a regular workweek for holidays. Regular part-time employees whose normal workweek is at least twenty (20) hours per week shall receive either 50% or 75 % of their normal pay for the holiday, as provided in Section 6.1, Eligibility of Benefits.

C. An eligible employee who works on a holiday will be paid holiday pay at the rate of time and one half the regular hourly rate in addition to the pay set in Section B.

6.4 SICK LEAVE

Sick leave is a discretionary benefit provided by the Town to full and part time regular employees. Sick leave may be used for personal illness or incapacity when such a condition renders the employee unable to perform his/her regular duties, for personal medical or dental appointments, and as otherwise allowed additionally in sections 6.8.D and 6.8.E that follow. Any abuse or misuse of sick time may result in disciplinary action. Eligible employees have no waiting period for use of accrued sick leave and are allowed the sick leave benefit as follows.

A. Full-time employees shall be entitled to accumulate one eight-hour day of sick leave per month, and part-time employees eligible for benefits shall be entitled to accumulate either six hours or four hours of sick leave per month. This time is accrued at the end of the month in which it is earned.

B. To obtain paid sick leave, an employee shall be required to notify his/her department head of his/her absence no later than the time he/she is due to report for work.

C. When an employee is absent for more than three consecutive days, the Town reserves the right to request that the employee furnish a signed certificate from a physician stating the nature of the absence(s) and that the employee is fit to return to work and perform his/her regular duties. The employee must bear the expense of obtaining the certificate, except as otherwise provided by the Town's family medical leave policy, or under Worker's Compensation.

The Town also reserves the right to send an employee home if the Town has reason to believe that an employee is not fit or able to perform his/her regular duties, or poses a threat to the safety of him/herself or to others. Employees who are sent home from work under these circumstances will be charged sick time, or if the employee has no accrued sick time, such time off will be unpaid. Employees who are sent home from work and later are able to medically demonstrate that they were fit for duty when sent home will be credited back any sick time used during their absence.

A medical certificate may be required by the department head should the department head have reason to believe that sick leave is being abused, after consulting with the Human Resource Director if appropriate. When the certificate is required by the department head, it shall be at Town expense.

D. On separation, an employee is entitled to be paid for 1/3 of the total unused sick leave, to a maximum of 40 days. The amount of payment shall be calculated based on the employee's straight-time hourly rate of pay on the date of separation. Payment shall be subject to the following:

1. Non-exempt employees must provide a minimum of two calendar weeks' notice. Exempt employees must provide a minimum of four calendar weeks' notice and report to work during the notice period (holidays and sick days excepted) unless vacation or other leave during the notice period is approved by the Town Manager.

2. Employees who are dismissed for cause shall not be eligible for payment of unused sick leave.
3. Employees who are on layoff and choose to receive the one-third payment shall have the option of restoring that sick leave by returning the one-third payment should they be recalled.
4. Upon an employee's death, the one-third payment shall accrue to the employee's designated beneficiary or estate.

E. An employee may wish to make a donation from his/her own accrued sick leave for the benefit of other employees. Please see Human Resources or the Town Manager to obtain details about this process.

6.5 SICKNESS AND ACCIDENT INSURANCE

Eligible employees will be enrolled in the health insurance program on the first of the month following their date of hire.

A. **REGULAR FULL TIME EMPLOYEE-** The premium for individual and family plan subscription under the Maine Municipal Employee Health Trust PPO-500 option or a similar program will be paid by the Town for regular full time employees at 85% of the cost. The employee will pay any difference in premium cost for any coverage under the Maine Municipal Employee Health Trust Plan offered and elected. The Town reserves the right to change health plans, employee and Town contributions and eligibility requirements.

B. **REGULAR PART-TIME EMPLOYEES- WORKING 30 TO 39 HOURS PER WEEK-**These employees are eligible for the above benefit with the Town paying 75% of the full-time benefit and the employee paying the remainder of the cost.

C. **REGULAR PART-TIME EMPLOYEES WORKING 20 TO 29 HOURS PER WEEK-**These employees are eligible for the above benefit with the Town paying 50% of the full-time benefit and the employee paying the remainder of the cost.

D. **CASH-OUT OPTION-** A regular full time employee who has health insurance coverage from another source may elect to apply 75% of the premium cost for the health insurance of a single subscriber to obtain other forms of insurance available through the Town employment or to receive 60% of the premium cost for a single subscriber in cash on an annual basis. To qualify for this option, the employee must provide satisfactory proof of health insurance coverage on an annual basis and must agree to receipt of this payment in accordance with applicable federal law as and regulations. This cash-out option is not available to any regular part-time employee (see Section E).

E. **FLEXIBLE SPENDING ACCOUNT -** A regular part-time employee who has health insurance coverage from another source and is otherwise eligible for benefits from the Town will be offered an Employer funded Flexible Spending Account (FSA) with funds of five hundred dollars (\$500) per year (to be prorated based on Date of Hire during the year).

The Town reserves the right to amend these benefits in full or in part. Employees will be promptly notified of any such amendments in advance.

6.6. RETIREMENT PLAN

Regular full-time employees and regular part-time employees whose normal workweek consists of at least 20 hours per week shall be entitled to benefits under both Social Security and an International City Managers Association Retirement Corporation Plan or under the MEPERS (formerly known as MSRS) if employed by the Town as of July 1, 1998 and continuously enrolled since that date in the MEPERS plan; certain non-union Public Safety employees also are eligible to participate in MEPERS, please see Human Resources Director for more information. Eligible employees must enroll in order to receive a retirement benefit from the Town.

International City Managers Association Retirement Corporation Deferred Compensation benefits shall be consistent with the plan documents. Consult Summary Plan Description (SPD) documents available from each of the Town's insurance or benefit vendors and from Human Resources for updated information on plan benefits.

The Town reserves the right to amend this benefit in full or in part. Employees will be promptly notified of any such amendments, and if amending the benefit, will appropriately notify employees in advance.

6.7 MILITARY LEAVE

Military Service Leave: Employees who are members of the organized military reserves and who are required to perform field service will be granted reserve service leave in addition to the vacation leave, but not to exceed fifteen [15] calendar days per fiscal year. All other such military leave will be unpaid, but employees may choose to utilize any accrued leave time. If earned time is exhausted then the leave will be without pay. The employee is expected to return to work upon expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the employer. If applicable, employees may choose to continue insurance benefits for the duration of leave by assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave unless the employee is using earned time. The Town will comply fully with the Uniformed Services Employment and Reemployment Rights Act, USERRA.

An employee who is a certified disaster service volunteer under state law (30-A MRSA §2705) may, upon the request of the American Red Cross, be granted leave to participate in specialized disaster relief services for the Red Cross, and with the approval of the municipal officers:

Be granted leave not to exceed 15 days per year without loss of pay, vacation time, sick leave, or earned overtime accumulation;

Be granted leave using the employee's compensated time off, with the employee's consent; or

Be granted a leave using a combination of paid leave and compensated time off.

This provision applies only to relief services related to a disaster declared by the governor or the President of the United States.

6.8 OTHER TYPES OF LEAVE

A. **BEREAVEMENT LEAVE** – In the event of the death of an employee’s mother, father, sister, brother, father-in-law or mother-in-law, the employee shall be entitled to up to three (3) days’ leave with pay for the purpose of attendance at the funeral and assisting in the necessary family arrangements, and up to five (5) days in the case of the death of a spouse, domestic partner as defined by law, or child. In cases where travel arrangements or other unusual circumstances prevail, the Town Manager may, at his/her discretion, grant additional time, which the employee may take without pay. An amount of leave time, to be determined by the Town Manager but in no case to exceed one (1) day, will be allowed at funerals for other relatives or persons actually living in the same household.

B. **CITIZENS OBLIGATIONS** – Employees shall be granted leave with pay when it becomes necessary for them to be absent from work for the purpose of such citizenship obligations as jury duty, witness (when properly subpoenaed), and other similar obligations; provided however, that should any fees be paid the employee, the employee shall receive as wages the difference between his/her regular wages and the amount of fees so paid, if any, if such fee is less. All notices to an employee to appear for any citizenship obligation shall be presented to his/her department head in order for him/her to be eligible for payment of wages during his/her absence. Employees are required to present a copy of such order, notice or subpoena to their supervisor prior to taking any citizens obligation leave.

C. **PREGNANCY LEAVE** – For purposes of paid leave, pregnancy leave shall be treated as any other temporary disability.

D. **FAMILY AND MEDICAL LEAVE** – As provided by the Federal and State law and as outlined in the Family and Medical Leave Policy. 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 and Medical Leave and to designate the method by which the entitlement period is calculated.

Please note that depending on the individual employee’s service with the Town, qualifications, eligibility requirements, and number of Town employees, an employee may be eligible for either federal or state FMLA, or neither. The full policy attached will serve to describe eligibility requirements for each; however, it should not be construed as a promise of eligibility or benefits.

For further information, please see the Town’s Family and Medical Leave Policy attached.

E. **FAMILY SICK LEAVE** – An employee may use up to a maximum of forty (40) hours of “Family Sick Leave” per year due to the illness of a member of the employee’s immediate family. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked

and accrued may be eligible to receive unpaid leave. “Immediate family” shall mean the following individuals: spouse, domestic partner, father, mother, child, stepchild, or other family member. Family Sick leave may also be used for transporting such immediate family members to health care appointments. Eligible employees may use such time for doctor, dental and other health care provider visits.

F. SCHOOL ACTIVITY LEAVE – An employee may use up to a maximum of twelve (12) hours of his/her accrued sick leave per year for the purpose of attending their children’s school activities. Employees requesting leave for school activities are expected to notify their department head within forty-eight (48) hours before such leave is needed. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued may be eligible to receive unpaid leave.

G. VICTIMS OF VIOLENCE LEAVE – The Town will grant reasonable and necessary paid or 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 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, 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 to 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.

H. UNSPECIFIED NON-MEDICAL LEAVE OF ABSENCE – A regular full time employee may request in writing and be granted a non-medical leave of absence without pay at the sole discretion of the Town Manager. Such leave of absence without pay shall not exceed thirty (30) working days in length and shall only be granted when it is in the best interest of the Town to grant the leave.

The employee must exhaust all paid benefits (including vacation, sick and compensation time) prior to requesting such leave. All benefits and seniority for the purpose of figuring benefit

allowances shall cease during such a leave of absence.

6.9 TRAINING AND PROFESSIONAL DEVELOPMENT

The Town of Wells recognizes and encourages professional development and personal growth for employees. Therefore, the Town encourages its employees who are interested in continuing education and job specific training to research these further and get Town approval before signing up for the seminars or courses.

6.10 EMPLOYEE EDUCATION ASSISTANCE PROGRAM

The Town of Wells offers an Employee Education Assistance Program to provide financial assistance to eligible employees interested in expanding and enriching their educational backgrounds by matriculating in a GED program or an accredited, degree-granting higher education institution. Interested employees should review the program brochure, available from the Town Manager's office, and present a plan and program of study to the Personnel Advisory Committee and then the Board of Selectmen for approval. The program pays for or reimburses employees who incur educational expenses, which may include dependent care costs for GED participants only, while pursuing their approved program.

ARTICLE 7 - APPOINTMENTS, VACANCIES, SELECTION

Job descriptions, qualifications, hiring procedures and promotion standards for municipal employees shall be set by the Town Manager. The Town Manager may consult with the Personnel Advisory Board on any matter covered in this section.

7.1 APPOINTMENTS-DEPARTMENT HEADS & EMPLOYEES

Appointment of Department Heads:

The Town Manager appoints and supervises department heads, except the single Assessor, who is appointed by the Board of Selectmen, and the Town Clerk, who is elected. The Town Manager shall supervise the single Assessor. Appointment of department heads is subject to confirmation by the Board of Selectmen.

Appointment of other municipal employees:

The Town Manager appoints and supervises all other municipal employees, except members of boards, commissions and committees, and the Town Clerk and their deputy and assistant clerks. The Manager may delegate appointment authority for positions within a department to a department head. Appointments made by the Town Manager shall be reported to the Board of Selectmen.

NOTE: Employees who are appointed yearly based on Town code or state law requirements should have no reasonable expectation of automatic re-appointment to their position with the

Town. All such appointees are on a year-to-year basis, subject to satisfactory job performance, budgetary needs and requirements, and at the discretion of the Town. Accordingly, employees are advised that any appointment, or subsequent re-appointment, does not confer or guarantee re-appointment in the future. All appointees will be subject to an annual review prior to any re-appointment.

7.2 VACANCIES

The Town Manager shall provide public notice of all job vacancies for regular full-time positions not filled by promotion and/or transfer. Under most circumstances, all Town employees shall be notified of such a vacancy by posting the position in each department for not less than 10 days. In all instances, the Town reserves the sole discretion to (1) post the position internally only, or (2) post the position both internally and externally, depending on the Town's needs and budget. All employee applicants who meet the minimum qualifications for the position shall be interviewed and notified of the final selection. At the discretion of the Town Manager, any position vacancy may also be advertised by public advertisement in at least one weekly newspaper of general circulation in the Wells area and/or in a daily newspaper in the Wells area, or posted on a website or using other media. Regular part-time, temporary and seasonal positions will be posted when practical, but at the discretion of the Town Manager may be filled without the notice and posting provisions described herein.

The Town reserves the right at all times to re-post any job opening, to re-open any posting and interview process, to expand the pool of applicants, to withdraw and/or terminate any hiring process, or to change hiring and application criteria, all based on the best interests of the Town.

7.3 SELECTION

When a full-time position needs to be filled on an emergency basis as determined by the Town Manager, the Town Manager may use the services of an employment agency to fill the position on a temporary or regular basis or may otherwise act to fill the position expediently. In such a case, the notice, posting and advertisement procedures described in Subsection 7.2 above may not occur. Before acting under this subsection, the Town Manager shall obtain the approval of the Board of Selectmen.

If the notice, posting and advertisement procedures described in Subsection 7.2 above do not result in a sufficient number of qualified applicants for a regular full-time position, as determined by the Town Manager, the Town Manager may use the services of an employment agency to recruit qualified applicants and to otherwise assist in filling the position.

ARTICLE 8 - EMPLOYEE COMMUNICATIONS

8.1 STAFF MEETINGS

Staff meetings will be held between the Town Manager and Department Heads. These informative meetings allow employees to be informed on recent departmental/division activities,

changes in the workplace and employee recognition. Department Heads shall communicate with department employees, including pertinent information from Department Head staff meetings.

8.2 BULLETIN BOARDS/NON-SOLICITATION

Bulletin boards placed in designated areas provide employees access to important posted information and announcements. The employee is responsible for reading information posted on the bulletin boards. Under no circumstances are employees permitted to post solicitations, notices, or other postings on any Town bulletin board without first receiving the express permission of their immediate supervisor or the Town Manager. The Town reserves the discretion to remove from bulletin boards items that are inappropriate or have not been approved by either the immediate supervisor or the Town Manager.

8.3 PROCEDURE FOR HANDLING COMPLAINTS

Under normal working conditions, employees who have a job-related problem, question or complaint should first discuss it with their immediate supervisor. At this level, employees usually reach the simplest, quickest, and most satisfactory solution. If the employee and supervisor do not solve the problem, the Town Manager encourages employees to contact their department heads or the Town Manager directly.

8.4 SEVERABILITY

If any provision of this Handbook or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, the personnel rules provisions are severable. Further, the headings and captions in this Handbook are for descriptive and organizational purposes only.

**Town of Wells
Personnel Policies**

HANDBOOK ACKNOWLEDGEMENT FORM

I have received a copy of the Town of Wells Personnel Handbook (“Handbook”) which is dated _____. I understand that this Handbook 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 Handbook. I acknowledge by my signature below that I have read and understand the Handbook.

2. I understand that during my probationary period (applicable to new employees, certain police officers, 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 contract or 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)

Employee Signature

Town of Wells Family and Medical Leave Policy

Please note that depending upon the number of employees employed by the Town, and the individual employee's position, tenure and circumstances, the State and Federal FMLA may not apply to the Town or to an individual employee. This policy applies to all employees to the extent that any applicable collective bargaining agreement is silent as to any provision set forth herein.

A. 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 12-week period permitted for any other qualifying FMLA reason.

B. Maine Family/Medical Leave

Employees who have worked for the Town for 12 months during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave every two years under Maine law, and should follow the procedures set forth herein to apply for a leave.

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.

C. 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, calculated on a "rolling" 12 month period measured backward from the date of any FMLA leave usage. For example, if an employee used four weeks of leave beginning February 1, 2014, four weeks of leave beginning June 1, 2014, and four weeks of leave beginning December 1, 2014, the employee would not be entitled to any additional leave until February 1, 2015. On February 1, 2015, the employee would be entitled to four weeks of leave, and on June 1, 2015, 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 of 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 sick/personal time, compensatory time and then vacation time during FMLA leave when such leave is taken because of the employee's serious health condition. The remainder of FMLA leave will be unpaid.

In the case of FMLA leave due to reasons other than the employee's own serious health condition, the employee must use available family sick time (as appropriate), personal time, compensatory time, and then vacation time during the FMLA leave time. The remainder of the FMLA leave will be unpaid.

Please note that an employee on a FMLA leave may be eligible for benefits under the Town's Disability Leave Policy. FMLA will also run concurrently with any qualifying Workers' Compensation related injury. 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 the unpaid portion of any approved FMLA leave where the employee is not receiving any salary continuation through the Town (such as through use of paid sick or vacation leave), the employee shall not accrue employment benefits, such as vacation pay, sick pay, holiday pay, pension, etc. Employment benefits accrued by the employee up to the day on which the FMLA leave of absence begins will not be lost. Federal and Maine leave will run concurrently and cannot be stacked.

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 also 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 requiring use of intermittent FMLA leave 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 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/her designee. Appropriate FMLA forms provided by the Town to the employee must be returned to the Town Manager and/or his designee during the time frames set forth in this policy, or as may be required under either federal or Maine law, as applicable.

Each employee taking leave that meets the requirements for FMLA leave will be provided with written confirmation confirming the leave parameters, expectations and employee responsibilities. Forms and notices relating to FMLA leave can be obtained from the Town office and from Human Resources.

Adopted by the Board of Selectmen on March 7, 2017.