

TOWN OF GORHAM

MUNICIPAL EMPLOYEES PERSONNEL POLICY

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**TOWN OF GORHAM
MUNICIPAL EMPLOYEES
PERSONNEL RULES AND REGULATIONS**

Chapter 1: Introduction

Section 1.1: PURPOSE

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the Town of Gorham. This policy includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, discipline and other related activities. The policy and procedures apply to all employees, unless inconsistent with a collective bargaining agreement. These policies and procedures are not intended and do not constitute a binding employment contract with any individual or group of employees.

The goals of personnel management in the Town of Gorham:

- A. promote effectiveness, economy, and productivity in delivering services to the citizens of Gorham;
- B. encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills; and
- C. provide reasonable assurances that all rights and benefits of employees and applicants for employment are protected and respected.

The Town may change, amend, repeal or modify any of these policies or procedures at any time for any reason.

Section 1.2: SEVERABILITY

If any provision of these Rules and Regulations or the application hereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision or application, and for this purpose the provisions of these Rules and Regulations are severable.

Section 1.3: AMENDMENTS AND INTERPRETATION

The Town of Gorham reserves the right to unilaterally amend, delete, modify or change these policies without prior notice and at any time for any reason. The Town Manager and Town Council shall have the exclusive and final authority to interpret these policies.

Chapter 2: General Provisions

Section 2.1: AFFIRMATIVE ACTION

As an Equal Opportunity Employer, the Town of Gorham shall employ, upgrade, and promote employees without discrimination as to race, religion, age, sex, physical or mental disability, sexual orientation (including gender identity and expression), national origin, genetic pre-disposition, color, political affiliation, or any other status protected by law, 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.

Section 2.2: RECRUITMENT AND EMPLOYMENT

A. The character of the recruitment and selection process for all town positions will vary with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable, this may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information. It shall be the duty of the Town Manager or the responsible body to seek out the most qualified employees for the Town. When candidates for a position are equally well qualified, the Town may give a preference for hiring to residents of the Town. Applications for employment shall be filed on forms provided by the Town. Applications will be accepted only for positions for which a vacancy exists. Application forms will usually have to be signed by the applicant to be accepted.

B. No immediate family member of any Department Manager may be gainfully employed to work in his/her department. "Immediate family" means parents, spouse, brother, sister, child, stepchild, adopted child, grandmother, grandfather, mother-in-law, and father-in-law.

C. As a condition of employment, the Town may require a physical exam by a physician of the Town's choice at the expense of the Town.

D. The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees.

Section 2.3: CLASSIFICATIONS OF EMPLOYMENT

A. REGULAR FULL TIME: A regular full time position shall be year-round in nature and work at least 30 hours a week. The incumbent shall be required to work the standard work week of their particular department. The employee receives all benefits and rights as provided by these rules, except where otherwise provided for in a collective bargaining agreement. Employees who regularly work (30) thirty hours or more a week are eligible to participate in health, dental, life, income protection, and the ICMARC Retirement Programs and receive a Town match as specified in the Retirement Section of this Policy. Employees should review the Retirement Section for details.

B. REGULAR PART TIME: An employee in this classification works less than 30 hours a week, but on a continuing and indefinite basis. Regular part-time employees who work 20 or more hours per week are eligible to receive sick leave, vacation leave, and paid holidays in proportion to the hours worked, provided that the holiday falls on the day that the employee was regularly scheduled to work, but are not eligible for other benefits such as income protection. These employees are eligible for health, dental, life, and dependent life insurance but the Town does not participate in paying the cost of the premium. Regular part-time employees who work 20 or more hours a week but less than thirty (30) hours a week may participate in the I.C.M.A. Retirement Program, however, there is no Town match. Employees should review the retirement section for details.

C. TEMPORARY EMPLOYEES: Temporary employees work on a non-regular basis usually within a limited time frame. Full-time, part-time seasonal employees and other non-regular part time employees

are included in this classification. Temporary employees may work in different capacities throughout a year. Each different capacity is considered a separate appointment. Temporary employees are not entitled to benefits except those benefits mandated by law, such as social security.

D. SEASONAL EMPLOYEE: Seasonal employment is an appointment to a temporary position under paragraph C.

G. Employees of all classifications are subject to all personnel rules and regulations.

E. TOWN COUNCILOR: Members of the Town Council are "Officers" of the Municipal Corporation and are not "employees", unless deemed otherwise by Maine Law.

F. APPOINTEES TO BOARDS AND COMMITTEES: People appointed to serve in positions such as the Planning Board, Appeals Board, etc., or appointed to serve on standing or special committees are volunteers providing service to the Gorham Community. They are not employees and do not receive any compensation or benefits.

Section 2.4: PROBATION

A. All full-time and part-time employees are considered probationary for the first 180 days of employment unless otherwise provided for by law. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a period of observation and review by the Department Manager. The probationary period shall be considered an extension of the selection process.

B. During the probationary period, the Department Manager, with the approval of the Town Manager, may at any time, remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability did not merit the continuance of service. Such a removal will not be subject to review or appeal.

C. After the probationary period, the employee shall receive a formal written evaluation by his/her supervisor which will be delivered to the Town Manager. A successful evaluation will result in the employee being transferred to regular status. Employees will periodically receive written performance evaluations thereafter.

Section 2.5: PROMOTIONS

Town employees shall be given maximum opportunity for advancement in the service. A decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

Section 2.6: TRAINING AND EDUCATION

Both the Town and its employees profit from the provisions of educational training opportunities reasonably related to the employee's position for which provisions have been made in the budget. It shall be the responsibility of the Town Manager to provide to Town employees reasonable opportunities for such in-service training and attendance at schools or conferences as will improve quality of performance and bring about more efficient and more effective operation. Representing the Town at out-of-state conferences shall be authorized by the Town Manager, if funds permit, and upon such conditions as the Town Manager may determine.

Section 2.7: DISABILITY ACCOMMODATION

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act, and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

The Town will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. Furthermore, the Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and the Maine Human Rights Act.

Any individual with a disability who believes he/she has been subjected to discrimination on the basis of disability may discuss the complaint with a supervisor and/or may file a grievance with Human Resources. It is unlawful for the Town, its employees, contractors, or grantees to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Requests for additional information may be forwarded to the HR Director.

Section 2.8: VIDEO DISPLAY TERMINAL TRAINING POLICY

The Town of Gorham is required by a Maine training law enacted on July 1, 1989, and amended on July 17, 1991, to explain or describe the proper use of computer terminals and the protective measures that operators of VDTs should take to avoid or minimize symptoms (i.e., carpal tunnel syndrome) that may result from extended or improper use of these terminals.

This law requires that training be done orally and in writing to all VDT users annually. Included in the training is instruction on proper use of equipment (chairs, desks, terminal holders) and lighting. All new employees must receive the training within one month of their starting date as a VDT operator.

A VDT user can request, through the Town of Gorham Safety Committee, that a professional trained in the proper use of VDTs review the employee's work station and recommend any improvements. The Town of Gorham will make every effort to insure that each VDT user has the proper equipment to perform their job safely and effectively.

Section 2.9: SAFETY POLICY

Personal injury and property loss are needless waste and squandering of precious resources. Personal injury places the Town of Gorham at a disadvantage in its ability to provide the necessary services and functions to its citizens. Property losses place an undue burden on limited funds for services and general operations.

As an employer, the Town of Gorham is legally responsible to ensure that mandated safety regulations be enforced. It is the Town's policy that mandated safety regulations will be complied with by all town employees at whatever level. Employees will be disciplined for knowingly violating department safety procedures.

Where it is the responsibility of the Town to provide safety equipment, it shall also enforce its use. It is incumbent upon employees to utilize such equipment.

It is the responsibility of every town employee to ensure that a safe workplace is maintained and that personal injury and property loss are minimized and/or eliminated wherever possible. This will ultimately reap benefits for us all.

Section 2.10: ALCOHOL AND DRUG POLICY AND TESTING PROCEDURES FOR THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

Policy Statement and Authorization

The Town of Gorham has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Accordingly, the Town seeks to hire and employ workers requiring a Commercial Drivers License (CDL) who are free from the illegal use and abuse of drugs and alcohol, and to protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires that final applicants selected for the positions requiring a CDL undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Any applicant with a positive pre-employment test may be denied employment with the Town by reason of the positive test.

The use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those requiring a CDL, and may endanger the employee, co-workers, the public, the Town, and the public and private property. The Town seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Town or the public. The Town also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

This policy is designed to comply with the Omnibus Transportation Employee Testing Act of 1991 and with the Rules and Regulations under CFP 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CFR 49 Part 382, Substances and Alcohol Use and Testing (both published February 15, 1994) and related parts, and to provide guidance to town officials on the implementation of the requirements of the Act.

Section 2.11: DRUG AND ALCOHOL TESTING

The following circumstances shall require Drug and Alcohol Testing:

1. Pre-employment. Pre-employment Drug Testing shall be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Testing is also required when employees transfer to a safety-sensitive (driver) position. Pre-employment alcohol testing shall be required when or if the Federal Government requires it.
2. Post Accident. Post accident testing shall be conducted after accidents on drivers whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and all fatal accidents even if the driver is not cited for a moving traffic violation.
3. Reasonable Suspicion. Reasonable Suspicion testing shall be conducted when a trained supervisor has reasonable suspicions, based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors, that the employee has:
 - A. Unlawfully used illicit drugs and/or abused controlled substances; or
 - B. Report to work under the influence of or has illicitly ingested controlled substances or alcohol during work hours.
4. Random. Random testing shall be conducted on a random, unannounced basis just before, during or just after performance of as safety sensitive function. Fifty percent (50%) of employees in safety sensitive positions must be tested for controlled substances and twenty-five percent (25%) of employees in safety sensitive positions must be tested for alcohol on an annual basis.
5. Return to Duty and Follow-Up. Return to duty and follow-up testing shall be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after a driver returns to duty.

Responsibility

It is the responsibility of the Human Resources Director, under the direction of the Town Manager, to administer and enforce this policy and the procedures as outlined. Employment by the Town shall not be deemed to have been offered nor shall a perspective employee have the right to accept any offer or suggestion of an offer of employment until such time as a drug test evaluation has been received and cleared by the Human Resources Director. Any work performed by an individual for or in behalf of the Town prior to such approval shall not involve the operation of any Town equipment requiring a CDL prior to testing.

The Town of Gorham will contract for specimen collection, medical review, testing, and training for supervisors and employees. It is the responsibility of each department director, division head, supervisor or manager to administer applicable sections of this policy. It is the responsibility of the Human Resources Director and each Department Manager to see that supervisors are properly trained and that employees have notice of and are familiar with these drugs and alcohol policies and procedures.

Definition

Alcohol and Drug Test. A generally accepted and proven test methodology or methodologies as recommended by the Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CFR Part 382, Substances and Alcohol Use and Testing. This test method determines whether an individual has ingested or otherwise used the substance in question within a period of time before the test.

Applicant. A person who has applied for a position with the Town of Gorham, including past employees eligible for rehire, and present employees voluntarily seeking another position.

Medical Review Officer (MRO). Physician responsible for reviewing all test results for confirmation prior to communicating same to the employer. The MRO is required to protect the confidentiality of the individual involved.

NIDA. The National Institute on Drug Abuse.

Positive Test. Alcohol and Drug tests results that meet or exceed the standards outlined under CFR 49.

Random Testing. A scientific method used to select employees for testing at random. This method will occur throughout the year, and involve a minimum of fifty-percent (50%) employees/positions requiring a CDL selected for drug testing and minimum of twenty-five percent (25%) for alcohol testing. The minimum percent to be tested may decrease in subsequent years based on the number of confirmed positive test results.

Reasonable Suspicion. A determination made by a trained supervisor that an employee is in violation of the Omnibus Transportation Employee Testing Act of 1991 concerning alcohol or controlled substances. This determination must be based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech and body odors of the driver. Circumstances which may constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. Direct observation of drug or alcohol use;
4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
5. Any trained supervisor who has reasonable suspicion to believe that a violation has occurred must complete an "Observed Behavior-Reasonable Cause Record" form within twenty-four (24) hours of the observed behavior or before the results of the tests are released, whichever is earlier.

Substance Abuse. The use of alcohol, prescription or over the counter drugs, any of which impairs the ability of an employee to perform the job safely and effectively, or the use of illegal drugs or other controlled substances without a valid prescription.

Work-Related Vehicular Accident. Any reportable vehicular accident that damages property or involves injury to self or others for which a moving traffic violation citation is issued (does not include minor

personal injury not requiring transport to a medical facility or care beyond first aid). Any vehicular accident involving a fatality.

Conduct Prohibited

The following conduct or behavior is determined to be unacceptable and therefore is prohibited under this policy. Violation shall be cause for disciplinary action.

1. Reporting to or remaining on duty with a blood/alcohol concentration of 0.02 or greater. Any employee found to have a blood/alcohol concentration of at least 0.02 but less than 0.04 shall be immediately removed from the safety sensitive position and shall not be permitted to perform that function until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have blood/alcohol concentrations of greater than 0.04 may be subject to further disciplinary action.
2. Possessing alcohol on duty that is not manifested or part of a shipment.
3. Use of alcohol while on duty.
4. Use of alcohol for eight (8) hours after an accident that will require a post-accident test or until the test is performed, whichever occurs first.
5. Any use of alcohol within 4 hours of reporting to duty to perform a safety sensitive position.
6. Refusal to submit and properly participate in a required alcohol and/or controlled substances test. A refusal is defined as:
 - A. Failing to report immediately to the identified testing site, once notified, but in no case, more than two (2) hours after notification.
 - B. Failing to follow proper instructions or participate in the required testing procedures.
7. Reporting to or remaining on duty while using any controlled substance, except when used under the direct orders of a physician and the physician has informed the employee that the use will not affect the safety use and operation of the commercial vehicle.
8. Reporting to or remaining on duty after testing positive for any controlled substance under this Policy.

Testing for Job Applicants and Employees

1. Drugs to be tested for:

When chemical drug and alcohol screening is required under the provisions of this policy an CFR Title 49, a breath test and/or urinalysis test will be given to detect the presence of the following drug groups:

- A. Alcohol (ethyl)
 - B. Amphetamines
 - C. Cocaine
 - D. Opiates
 - E. Phencyclidine (PCP)
 - F. Marijuana
2. Applicant Testing: General Standard

Applicants for all classes of employment requiring a CDL will be required to undergo a chemical drug and alcohol test upon an offer of employment and prior to their final appointment to that position.

3. Current Employee Testing: General Standard

- A. The Town may require a current Town employee whose position requires a CDL to undergo drug and alcohol testing if there is reasonable suspicion by the immediate supervisor or other trained management personnel within the Department that the employee is under the influence of drugs or alcohol during work hours.
- B. Supervisors are required to document the specific facts, symptoms, or observations which formed the basis that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate Department Manager, and Human Resources Director. The "Observed Behavior-Reasonable Cause Record" form must be completed.
- C. The Town will require a current Town employee in a position requiring a CDL to undergo post-accident drug and alcohol testing if he/she is involved in a reportable vehicular accident or if there is a fatality.
- D. All current employees in safety sensitive positions requiring the use of a CDL will be subject to Random Testing.
- E. The availability of drug abuse counseling and referral services.

4. Record Keeping

- A. Records shall be maintained by the Department, and copies shall be forwarded to the Human Resources Director.
- B. Records shall be maintained by the Department documenting that employees have been provided with information required under this policy, and copies shall be forwarded to the Human Resources Director.

Testing Procedures

I. Notice and Consent

- A. Before a drug and alcohol test is administered, employees will be asked to sign a consent form authorizing the test and permitting the release of test results to those Town officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.
- B. All recruitment announcements for any position requiring a CDL, including in-hour recruitment and promotion, will disclose that a chemical, alcohol, and drug screening test will be required for the applicant.

2. Pre-employment Testing

- A. Before any Department Manager or other Town hiring authority makes a conditional offer of employment to an applicant, he/she will notify the Human Resources Director of the final or top applicant for the position. The Department Manager or designee will schedule a chemical, alcohol and drug screening test for the applicant.
- B. The applicant shall be given a copy of this policy, a consent form to complete and sign, and will be informed of the test appointment.

- C. The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss same prior to release of the information to the Town.
- D. The MRO will notify the Department Manager or designee of the test results and whether the test is negative or positive. The Department Manager or designee will keep this information confidential.

3. Reasonable Suspicion Testing

A supervisor may, upon reasonable suspicion, and after at least attempting to consult with the division or Department Manager, if available, ask any on-duty employee to submit to an immediate alcohol and drug test. The Department Manager or designee should be notified as soon as possible.

- A. The employee's Department Manager or designee shall immediately advise the Human Resources Director or designee of the determination of reasonable suspicion.
- B. The employee shall immediately be given a "Test Consent Form" to complete and sign.
- C. The employee will be immediately taken by the supervisor or another supervisor or management employee of the department to the appropriate medical facility/clinic for testing.
- D. If the employee is not able to be taken to the appropriate medical facility/clinic for testing, the supervisor shall immediately telephone the agency and primary medical facility (any time, day or night) and/or call medical personnel from the primary medical facility and request that they go to where the employee has been taken to acquire the drug and alcohol test samples.
- E. The employee shall be immediately removed from duty and assisted in getting home after the drug and alcohol test.
- F. When "reasonable suspicion" is the grounds for requiring a drug/alcohol test, the employee shall be placed on paid administrative leave until the test results are available and a preliminary administrative review has been conducted.
- G. An alcohol and drug test for reasonable suspicion will include the urinalysis test.
- H. Results from the alcohol and drug screen test will be given by the laboratory to the MRO who, after confirmation, will forward to the Public Works Director.

4. Random Testing

- A. This procedure will occur throughout the year and will initially involve a minimum of fifty percent (50%) of the employees/positions requiring a CDL for drug testing and twenty-five percent (25%) for alcohol testing selected at random and unannounced times throughout the year.
- B. If the test yields a positive result and the positive result is confirmed by the MRO, then the employee will be subject to disciplinary action.

5. Post-Accident Testing

- A. A post-accident test will be conducted on any CDL employee involved in a work-related motor vehicle accident if:
 - (1) The accident results in a loss of life.
 - (2) The operator receives a citation under local or State law for a moving traffic violation arising from the accident.

6. Return-to-Duty Testing

- A. Any employee returning to duty following a confirmed positive test must be subjected to a return-to-duty test following the same guidelines described in the Pre-employment section. The test must show a verified negative result prior to the employee returning to duty.

7. Follow-Up Testing

- A. An employee returning to work following a confirmed positive test and period of assistance/discipline will be subject to announcing testing for a period of not more than 60 months. There will be a mandatory minimum of 6 tests within the first 12 months.
- B. Follow-up tests may be used to determine whether or not any controlled substance is still being used.

Refusal To Consent

1. Applicants

- A. A job applicant who refuses to consent to a drug and alcohol screening test will be denied employment with the Town. If the applicant is a current Town employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without first attempting to discuss the impact of the refusal with the applicant.

2. Employees

- A. An employee who refuses to consent to a drug and alcohol screening test when selected for random testing, post accident, or when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the employee, Department Manager, Human Resources Director, and Town Manager.

Consequences of Confirmed Positive Test Results - Drugs and Alcohol

- 1. Applicants: Job applicants will be denied employment with the Town if their initial positive test results have been confirmed. Applicants who are current Town employees shall be denied employment in the position for which application was made. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be handled in accordance with Section 2 below.
 - A. The applicant will be provided an opportunity to discuss with the MRO the results of any positive test and seek a second confirmation test.
- 2. If an employee's positive test result has been confirmed for Drug or Alcohol use, the employee is subject to action as follows:
 - A. Positive Drug Test: The employee shall be referred to a Substance Abuse Professional through the Town Employee Assistance Program (EAP). The Substance Abuse Professional shall determine what assistance, if any, is needed to resolve problems associated with controlled substance abuse. In accordance with MRSA 26, Section 685, the Town is obligated to offer treatment assistance and limited financial assistance. Failure to comply with the recommended treatment, if any, however, shall be cause for disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include but are not limited to: employee's work history, length of employment, current job performance and existence of past disciplinary actions. No disciplinary action shall be taken against any employee who voluntarily identifies himself/herself as a substance abuser prior to the time that it is apparent that

the use has been detected. A second positive test or further violation of this policy following an initial positive test shall be cause for discharge.

Prior to any disciplinary action being imposed by the Town, the employee is entitled to a disciplinary hearing.

- B. Positive Alcohol Test. The employee shall be referred to a Substance Abuse Professional through the Town Employee Assistance Program (EAP). The Substance Abuse Professional shall determine what assistance, if any, if needed to resolve problems associated with alcohol abuse and shall make those recommendations to the employee. Notwithstanding any recommendations made by the Substance Abuse Professional, the Town may take disciplinary action up to and including termination. Factors to be considered when determining the appropriate disciplinary response include, but are not limited to: employee's work history, length of employment, current job performance and existence of past disciplinary actions. No disciplinary action shall be taken against any employee who voluntarily identified himself/herself as an alcohol abuser prior to the time that it is apparent that the use has been detected. A second positive test, should the employee continue to be employed following an initial positive test, shall be cause for discharge. Prior to any disciplinary action being imposed by the Town, the employee is entitled to a disciplinary hearing.

Consequences of a Controlled Substance Test Results (Drug Test)

1. An employee or job applicant whose drug test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.
2. If the second test confirms the positive test result, the employee or applicant shall be notified of the results by the MRO who will offer the employee an opportunity to discuss the results. The MRO will then notify the Public Works Director or designee in writing. The letter of notification shall identify the particular substance found and its concentration level.

Confidentiality of Test Results

1. All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant or upon subpoena. The results of a positive drug test shall not be released by the MRO until confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. All positive test results will be maintained by the MRO, and reported to the Public Works Director where they will be kept on file.

Privacy in Chemical Drug Testing

1. Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.
2. An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness (of the same gender) and not be required to disrobe and wear a hospital gown.

Laboratory Testing Requirements

1. All chemical drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the Town. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples.

Factors to be considered by the Town in selecting a testing facility include in addition to NIDA certification:

- A. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- B. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
- C. Chain-of-custody procedures which ensure proper identification, labeling and handling of test samples; and
- D. Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

2. Second Confirmation Test

- A. The applicant or employee may request from the MRO a second confirmation test of the same sample within 72 hours of notice that the first test was positive.
- B. The cost of the second confirmation test must be paid in advance by the applicant or employee. If the test is negative, the Town shall reimburse the applicant or employee for the cost of the test.
- C. The second confirmation test will be performed by a NIDA certified laboratory selected by the MRO.

Responsible City Official

The Human Resources Director may be contacted for further information about this Policy or its applicability.

Effective Date

This policy shall become effective January 1, 1996.

Section 2.12: PERSONNEL RECORDS

Personnel records are maintained for each employee of the Town. Any employee may review his/her files in the presence of the Human Resources Director between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday by appointment.

Chapter 3: Conditions of Employment

Section 3.1: EMPLOYEE CONDUCT AND PUBLIC RELATIONS

All employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient administration of the Town. All Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.

Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy and responsibility are the key elements of good service.

These policies and regulations are provided to assist the Management Team and all employees in functioning at peak efficiency with minimal cost to the taxpayers.

1. Receipt of gifts: All Town employees are prohibited from soliciting or accepting any gift, gratuity, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties. This does not include fund-raising efforts for the benefit of charitable causes or other departmental programs.

2. Business Activities or Solicitations are prohibited: No employee shall engage in any business other than his/her regular duties during work hours.

Section 3.2: CONFIDENTIALITY POLICY

Confidentiality: Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "right to know" law.

Section 3.3: CONFLICT OF INTEREST

No Town employee who is authorized to make purchases shall have any interest either directly or indirectly in any contract with the Town.

Section 3.4: ATTENDANCE AND LATENESS

Employees shall be at their respective places of work in accordance with the general or departmental regulations. In the event of necessary absence because of illness or any other cause, it is the responsibility of employees to see that their Department Manager is advised of the reason for absence prior to the start of the work day and on each subsequent day so he may adjust the daily schedule of work as necessary. Similarly, if you are going to be unavoidably detained for some reason, phone your Department Manager and let them know you will be late and when you expect to arrive at the work place.

Section 3.5: TOWN PROPERTY

Employees must not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities. Town telephones, cell phones, computers, etc. may be used for personal business only on an emergency basis. Any personal long distance telephone calls must be charged to your home telephone number.

Section 3.6: OUTSIDE COMPENSATION

Any employees receiving payment for services, from non-Town sources, rendered during his/her normal work day and for which work day Town compensation was given, shall turn the entire amount of that compensation over to the Treasurer, Town of Gorham. This provision does not apply to activities outside the work day or during periods of vacation.

Section 3.7: OUTSIDE EMPLOYMENT

A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their department supervisor of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town or affects the employee's efficiency, the Town Manager shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be expected to effectively perform their regular duties with the Town first.

The Town shall in no respect be liable nor grant sick leave or disability leave in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment.

Section 3.8: POLITICAL ACTIVITY

While employed by the Town of Gorham, employees may not accept appointment or election to any Town of Gorham elective office (i.e., Town Council or School Board). While on duty, employees may not engage in political activity. For purposes of this Section, political activity means to advocate expressly for or against any candidate for any County, State, Federal or Town of Gorham elective office or political cause; to communicate, organize, assist or advocate for or against any candidate for any County, State, Federal or Town of Gorham elective office or political cause; and/or to knowingly solicit or receive a political contribution for any candidate for any County, State, Federal or Town of Gorham elective office or political cause. Employees may not use Town facilities, equipment or supplies or use the influence of his or her employment capacity for purposes of political activity regardless of whether he or she is off duty.

This Section is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending meetings of political organizations, from donating personal time or resources to a political cause, from expressing their views on political matters, from voting with complete freedom in any election, or from carrying out the duties and responsibilities of an employee's position.

Section 3.9: DISCIPLINE AND CORRECTIVE ACTION

Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action.

The Town generally follows the principles of progressive discipline. However, the supervisor has the right to determine the appropriate level of discipline, taking into consideration the particular incident and any local, state, and federal laws, rules and/or guidelines.

Disciplinary action may consist of the following:

- 1) Verbal Warning.
- 2) Written Warning
- 3) Suspension, withholding or deferring pay increase, or demotion
- 4) Dismissal

Dismissal shall only be done with the prior knowledge of the Town Manager. Notice of such action shall be given in writing to such employee, with a copy to the Town Manager. Such notice shall specify the action taken, the reason therefore, and the extent and duration of the penalty. This notice shall be given to the employee at the time of the disciplinary action.

Any employee who feels that he/she has been treated unfairly shall have access to the grievance procedure as outlined in these rules and regulations.

Section 3.10: GRIEVANCE PROCEDURE

The term "grievance" means any dispute between an employee and management concerning the effect, interpretation, application or claim of breach of violation of Town of Gorham Employment Rules and Regulations.

Excluded from consideration of grievance are those matters pertaining to: hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal performance evaluation.

Every attempt should be made to resolve any dispute as soon as possible to the satisfaction of all parties.

Steps in the grievance procedure shall be as follows:

- 1) Every reasonable effort should be made for an oral agreement between the individual and his/her supervisor or Department Manager.
- 2) If an oral agreement is not reached, the aggrieved may within five (5) working days file a written complaint to the supervisor or Department Manager. The Department Manager or supervisor shall make a careful inquiry of the facts and circumstances of the complaint and shall make a determination of the merits of the complaints and give a written reply within five (5) working days.
- 3) If the individual is dissatisfied with the Department Manager or supervisor's written decision, the aggrieved may, within five (5) working days, make a formal written appeal to the Town Manager. The Town Manager will, upon receipt of the written appeal, return a formal written decision within five (5) working days. In all cases the decision of the Town Manager will be final and binding.

Section 3.11: POLICY ON HARASSMENT

It is the policy of the Town of Gorham 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. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

Any employee who engages in discrimination or harassment based upon race, color, sex, sexual orientation (including gender identity and expression) physical or mental disability, religion, ancestry, national origin, age, genetic pre-disposition, pregnancy status, status as a veteran, status as a whistleblower, or any other status protected by law will be subject to disciplinary action, up to and including termination of employment.

A. Discrimination:

Discrimination is the treatment of an employee differently or less favorably than other employees on the basis of a factor that is protected by law such as race, age, etc.

A. Sexual Harassment:

1. Sexual harassment is the attempt to control, influence or affect the career, salary, or job of an individual in exchange for sexual favors. Sexual harassment can also be conducted which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his/her job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

2. Specific conduct which is prohibited includes, but is not limited to:

- a. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
- b. Unwelcome sexual flirtations, advances or propositions;
- c. Verbal or written abuse of a sexual nature;

- d. Graphic verbal comments about an individual's body;
 - e. Sexually degrading words used to describe an individual; or
 - f. The display in the workplace of sexually suggestive objects or pictures.
3. Any employee who believes he/she has been the subject of sexual harassment should report all alleged acts to their Department Manager, HR Director, or the Town Manager.
 4. Any Department Manager or employee who is found after appropriate investigation to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

B. Verbal Harassment

Derogatory or vulgar comments regarding a person's race, color, mental or physical disability, national origin, genetic pre-disposition, sex, religion, age, ethnic origins, physical appearance, or any other status protected by law or the distribution of written or graphic materials having such an effect, are prohibited. Any employee who believes he/she has been the subject of such harassment should report the alleged conduct to their Department Manager, HR Director, or the Town Manager. Any Department Manager or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

Effective October 19, 1991, the Maine Legislature passed a new law regarding Sexual Harassment in the Workplace. In compliance with this law, the Town of Gorham is required to provide annual written notification to all employees regarding sexual harassment. The Town of Gorham is also required to provide training to all new employees on sexual harassment before their first anniversary of employment. In addition, new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints.

Section 3.12: INFECTIOUS DISEASE AND EXPOSURE CONTROL_POLICY

I. Purpose

This is to establish the policy of the Town of Gorham for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing his/her job as a Town employee or volunteer, should immediately reference their respective Department's Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Recreation Departments.

II. Policy

1. It is the policy of the Town to assure to the extent possible a safe and healthful work environment.
2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Manager.
4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.

5. The Town of Gorham shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up. Please reference the respective department's Exposure Control Plan for detailed information on necessary procedure to follow.

III. Procedures

1. The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
2. Where allowed by law, the Town retains the right to test employees for infectious diseases.
3. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individual or organizations unless required by law.
4. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Human Resources Director, and to carry out his or her assigned duties if reasonable accommodations can be made.
5. Upon notification by an employee that an infectious disease diagnosis has been confirmed and is a threat to the public health, the Human Resources Director will:
 - a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
 - b. Assist in the identification of reasonable accommodations to be made, if any.
 - c. Assist individual departments, if necessary, in complying with this policy.
6. The Town will treat all occupational infectious disease injuries or illnesses according to state law.
7. The Town will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
8. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
9. An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

IV. Accidental Needle Stick Procedure

Police, fire, and rescue personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

1. Wash the puncture site thoroughly with soap/disinfectant and water.
2. Report the incident to your supervisor.

3. Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
4. Complete Incident and/or Workers Compensation forms.
5. Establish your potential exposure risk to infectious diseases.
6. Notify your Department Manager to establish your: (1) tetanus status, (2) Hepatitis B status, and (3) HIV exposure.
7. Seek further medical attention if necessary.

V. Procedure for Exposure to AIDS Infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

1. Wash the exposed areas thoroughly with soap and water. Clean any spills with a one (1) part bleach to ten (10) parts water solution.
2. Report the incident to your supervisor.
3. Complete the Incident and Workers Compensation forms.
4. Notify your Department Manager as soon as possible to schedule an appointment for a voluntary blood test.
5. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
6. If all three specimens are negative, you are considered not to be infected.
7. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
8. Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town of Gorham.
9. Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

Section 3.13: ALCOHOL & DRUG USE AND ABUSE

The possession, sale, or use of alcohol or illegal drugs on the employer's premises is strictly prohibited and is grounds for immediate dismissal. If an employee is unable to effectively perform his duties or causes disruptions in the workplace due to the influence of drugs or alcohol, disciplinary action may be taken.

Pursuant to Public Law 100-690 Title V, Subtitle D, the Town of Gorham has established the following policy:

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town of Gorham's workplace. As a condition of employment with the Town of Gorham, all employees will abide by the terms of the policy and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Town of Gorham, within 30 days of receiving notice, with respect to any employee who is so convicted, will take one of the following actions:

1. taking appropriate personnel action against such an employee up to and including discharge; and/or
2. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

Section 3.14: SMOKING AND TOBACCO USE POLICY

1. Purpose

The purpose of this policy is to comply with Maine's Workplace Smoking Act and to establish clear guidelines with regard to the use of other tobacco products.

2. Policy

In accordance with the provisions of the Workplace Smoking Act of 1985 and M.R.S.A. 1541-1545 enacted by PL 1993, Chapter 342 and effective January 1, 1994, the Town of Gorham adopted a Smoking Policy prohibiting smoking in all Municipal buildings and vehicles.

It is the policy of the Town of Gorham to provide a safe and healthful place of business for Town employees and citizens. Therefore, smoking will be strictly prohibited within all Town owned and operated buildings including offices, hallways, waiting rooms, lunch rooms, meeting rooms, community areas and vehicles and equipment. Smoking outside on Town property is prohibited within 20 feet of any entryway, vent or doorway. This Policy applies to all employees, citizens, guests and other visitors.

In conjunction with the Smoking Policy, the Town recognizes that smokeless tobacco products, such as chew, dip, and electronic cigarettes can adversely affect employees and visitors. The personal use of such tobacco products can create an unclean and unsanitary work environment for others. Thus, with smoking, the use of smokeless tobacco products is prohibited within all Town owned and operated Municipal buildings and vehicles.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers with regard to the smoking policy. Smokers have an obligation to keep designated smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the grievance process. Employees who violate this policy may be subject to disciplinary action.

This Policy is required to be communicated to all employees and posted at all Town owned and operated facilities.

Section 3.15: RESIGNATIONS

An employee may resign from Town service in "good standing". "Good standing" shall mean the submittal of a written notice 14 calendar days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist. The resignation should be accompanied by a statement by the Department Manager as to the resigning employee's service performance and pertinent information concerning the cause of resignation. The effective date of the employee's termination with the Town is considered to be the last day actually worked.

Upon separation from service in "good standing", the Town shall pay all wages owed as well as earned and/or pro-rated vacation pay and accumulated sick time due to the employee per schedule in the Sick Leave Section of the Personnel Policy, if any on the next regular pay day.

Section 3.16: WORK SCHEDULES

Normal Work Hours

A. The normal working days in the work week shall be Monday through Friday. However, it is necessary, owing to the variations in the different services provided by the Town, that there be variations in the hours and days of work per week within different departments. The hours of work, the starting and quitting time, and 30 minute lunch periods will be established within each department with the Town Manager's approval. The hours of work, the starting and quitting time, or the scheduling of lunch periods may be changed by mutual agreement of the Department Manager and department employees, subject to approval by the Town Manager.

B. It is understood, however, that salaried employees who are exempt employees and not entitled to overtime pay shall accomplish the work assigned to the position regardless of the hours required to do the work. It is the responsibility of each Department Manager to insure that the department's work hours are adhered to by all employees.

Section 3.17: OVERTIME

A. Any time actually worked in excess of 40 hours of a work week shall be compensated for by overtime pay at a time and one-half rate or compensatory time if they so desire except for Firefighter/Paramedics who shall be paid overtime in accordance with the Labor contract. Sick leave and other forms of paid leave shall not be counted as time worked. Holidays and vacation days shall be considered work days.

B. Any time worked on a Holiday, regardless of what occurs during the rest of the regular work week, shall be compensated for by overtime pay at a time and one-half rate. In addition, the employee still receives his Holiday pay.

C. When an hourly paid Public Works employee has left work after the regular workday and then is called into work, he/she shall be paid a minimum of three hours pay. If and when time worked, for each particular call-in, exceeds three hours, he/she shall be paid for the actual hours worked.

D. The Town will make every responsible effort to distribute overtime equally among employees and their respective departments.

Section 3.18: COMPENSATORY TIME

A. With approval of the department manager, an employee who earns overtime may be granted compensatory time in lieu of overtime pay. An employee may accumulate up to 40 hours of comp time, after which all overtime shall be paid as wages. In order to take comp time, an employee must make a request at least one (1) day in advance and must receive written permission from the department manager.

B. With the approval of the Department Manager and the Town Manager, employees who earn excessive overtime because of a single storm event or because of a series of repeated storm events, and who have already accumulated the 40 hours of compensation time allowed in Section 3.18 Paragraph A, may accumulate up to an additional 40 hours of compensation time, in a separate account called "Storm Event Comp", for an combined total of 80 hours of compensation time. The total amount of an employee's compensation time must be reduced to no more than 40 hours by the following October 1 or the employee will be paid for the balance of comp hours in excess of 40 hours. In order to use this additional compensation time, an employee must make a request at least one (1) day in advance and must receive written permission from the Department Manager.

C. Exempt employees shall not be eligible to accumulate compensatory time.

D. Department Managers and other FLSA-exempt employees occupy positions of responsibility, accountability, and discretion. They may be required to work outside the normal schedule of working or office hours and are compensated, in part, on the basis of accomplishing the tasks demanded of the position without regard for the specific number of hours worked. They are also expected to be accountable for their time, be available to the public and other staff, and generally to conform with normal operating hours. Exempt employees may take discretionary time off without charging such time off to sick or vacation leave:

1. When it does not interfere with the operations of their department or office.
2. When there are no other priorities which should be completed which, if not completed, might interfere with the operations of another department, and
3. For separate absences of more than one-half a work day, when the employee receives the permission of his/her Department Manager; or, in the case of Department Managers, the Town Manager.
4. Absences of one-half day or less may be taken at the discretion of the employee, subject to the review of the Department Manager; or, in the case of Department Managers, the Town Manager.

Section 3.19: INCELEMENT WEATHER/UTILITY FAILURE POLICY

Inclement Weather

Municipal facilities are made available with public funds to provide services to the public, our customers. It is the intent of the Town to remain open and maintain regular operating hours during most storm events. Employees are advised to be prepared for Maine weather events and are expected to report to work during storm events including most snowstorms. In the event of a particularly significant storm event, the Town Manager is authorized to use his/her judgment and may close appropriate facilities.

1. When the Town Manager closes facilities because of a storm event employees will be paid their regular wages for the remaining balance of their workday.
2. Employees who become concerned with travel conditions, may request permission from their supervisor to absent themselves from work and Department Managers may grant or deny permission subject to the following conditions.
 - a. It is the responsibility of the Department Manager to ensure that sufficient personnel remain at work to provide adequate service to the public and may limit the number of employees who may leave to accomplish this goal.
 - b. Employees who absent themselves pursuant to this paragraph (2) must use accrued vacation time or unpaid leave for the balance of their regular workday regardless of whether the office is closed or not.

Utility Failure/Emergency Event

In the event of an inability to operate because of a utility failure, emergency event or some other condition, the Town Manager may establish temporary facilities at some other location or may declare appropriate facilities temporarily closed. In instances where facilities are closed and employees are asked to not report to work, employees will receive their regular wages during the closure.

Section 3.20: PERSONAL USE OF TOWN VEHICLES BY TOWN EMPLOYEES

The Town recognizes that certain employees are required to be "on-call" during off-duty hours. This policy is intended to assure that these employees are able to have the vehicles at their disposal necessary to fulfill the duties of their positions while at the same time ensuring only those uses authorized by the Town are permitted.

POLICE DEPARTMENT

Marked Vehicles: Employees whose positions require that they be available during off-duty hours to respond to stakeouts, surveillance sites, fires or emergency calls, may with the prior approval of the Town Manager or the Town's Police Chief, use the Town's marked police vehicles while "on-call" during off-duty hours, even if such use involves personal matters.

Marked police vehicles used during off-duty hours shall be used exclusively within the Town's municipal boundaries, except those employees who live outside the Town's municipal boundaries may also use such vehicles to travel to and from the employee's home but for no other use outside the Town's municipal boundaries.

Unmarked Vehicles: This provision applies only to the Town's law enforcement officers who, for purposes of this provision, include the Town's full-time police detectives and other law enforcement officers who satisfy all of the following requirements: are involved in investigatory or crime prevention work, are authorized to carry firearms and regularly do so, execute search warrants, and are authorized to make arrests (other than merely a citizen's arrest). All such full-time law enforcement officers whose positions require that they be available during off-duty hours to respond to stakeouts, surveillance sites, fires or to emergency calls may, with prior approval of the Town Manager or Police Chief use the Town's unmarked law enforcement vehicles while "on call" during off-duty hours, even if the use of the vehicle involves personal matters.

Unmarked law enforcement vehicles used during off-duty hours may be used both within and outside the Town's municipal boundaries while the employee is off-duty but "on call". Any personal use of an unmarked law enforcement vehicle by an employee at a time when he/she is off-duty and not "on call" is prohibited unless the prior approval of the Town Manager or Police Chief is obtained, in which case the employee must maintain a legible daily log book that tracks the extent to which the vehicle is used for personal use during off-duty hours when the employee is not "on call" other than for commuting to and from work. The Town's Finance Director shall provide the employee with the form of the logbook to be used, and the employee shall return a complete photocopy or the original logbook to the Town's Finance Director at the end of each calendar year. Based on the daily logbook maintained by the employee, the Finance Director shall report the employee's personal use of the vehicle while not "on call" as a taxable fringe benefit to the Internal Revenue Service and the Maine Bureau of Taxation. If the employee fails to maintain a legible daily log book of his or her off-duty use of an unmarked law enforcement vehicle, then all of such off-duty use of the vehicle, whether "on call" or "off call", will be deemed to be personal use that is reportable as a taxable fringe benefit.

FIRE DEPARTMENT

Marked Vehicles: Employees whose positions require that they be available during off-duty hours to respond to fires or emergency calls, may with the prior approval of the Town Manager or the Fire Chief, use the Town's marked fire vehicles while "on call" during off-duty hours, even if such use involves personal matters.

Marked fire vehicles used during off-duty hours shall be used exclusively within the Town's municipal boundaries, except those employees who live outside the Town's municipal boundaries may also use such vehicles to travel to and from the employee's home but for no other use outside the Town's municipal boundaries.

PUBLIC WORKS DEPARTMENT

The Public Works Director is authorized to take home a Town vehicle to allow the Director, during off-duty hours, to respond to calls which require an inspection of road conditions or responding to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. The \$3.00 per day

will be included in the Director's gross income, quarterly, based on the number of workdays for the quarter. Any other personal use of the Public Works vehicles during off-duty hours is strictly prohibited.

The Public Works Deputy Director and Roads Foreman are also authorized to take home a Town vehicle to allow them, during off-duty hours, to respond to calls which require conducting an inspection of road conditions or responding to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. The \$3.00 per day will be included in their gross income, quarterly, based on the number of workdays for the quarter. Any other personal use of the Public Works vehicles during off-duty hours is strictly prohibited.

TOWN MANAGER

The Town Manager is authorized to take home the Town's unmarked vehicle to allow the Town Manager, during off-duty hours, to respond to emergency calls or attend meetings and functions when acting as the Town's representative. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. The \$3.00 per day will be included in the employee's gross income quarterly based on the number of workdays for the quarter. Any other personal use of the Town vehicle during off-duty hours is strictly prohibited.

If the Town Manager decides to receive a travel stipend instead of using an unmarked Town vehicle, then these payments must be treated as a taxable fringe benefit and will be paid through payroll, subject to all employment taxes.

OTHER

Except as stated in this policy, Town employees shall not be permitted to use the Town's vehicles for any other purpose while off-duty.

WORKING CONDITIONS BENEFITS POLICY

A working condition benefit is any property or service provided to an employee to the extent that, if the employee paid for the property or service, the payment would be allowable as a trade or business deduction under Internal Revenue Code Section 162, or as a depreciation deduction under Section 167. In order to qualify as a working condition benefit that is excludable from an employee's income, the employer must require the employee to:

1. use the payment for expenses in connection with specific or pre-arranged activity for which a deduction is allowable under Internal Revenue Code Section 162 or Section 167;
2. verify that the payment is actually used for such expenses; and
3. return to the employer any part of the payment not so used.

If all three conditions are satisfied, the payment to the employee is not subject to payroll and income taxes.

Examples of working condition benefits include an employee's use of a Town vehicle for business and job-related education provided to an employee.

Uniform Allowances and Clothing Reimbursements

Clothing reimbursements and uniform allowances, in order for the amounts to be nontaxable, must meet the accountable plan rules:

1. be specifically required as a condition of employment;
2. not be adaptable to general usage as ordinary clothing; and
3. not worn for general usage.

It is not enough that an employee wear distinctive clothing, the Town must specifically require the clothing. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of regular clothing.

Example: The cost and upkeep of work clothes for firefighters and law enforcement officers would be nontaxable to the employee since the above criteria have been met.

If clothing does not qualify as a deductible expense (i.e. is a uniform) then, according to IRS Regulations, these payments must be treated as a taxable fringe benefit and will be paid through payroll, subject to all employment taxes.

Example: A detective's suit jacket and related clothing, since they are suitable for everyday wear, do not qualify as a uniform and would be taxable to the employee.

Protective Clothing

Protective clothing reimbursements are nontaxable if for such items as safety shoes or boots, safety glasses, hard hats, and work gloves.

3.21: MOTOR VEHICLE OPERATORS' POLICY

1. Purpose

The purpose of this policy is to make certain that Town employees who drive, whether regularly or sporadically as part of their jobs, have a valid Maine Driver's License and acceptable driving records.

2. Policy

The Policy will be enforced jointly by Human Resources and Department Managers of those areas where employees drive as part of their job responsibilities. Driving records will be checked as follows:

- The appropriate Department Manager, with assistance from Human Resources as requested, will maintain a list showing the names and dates of birth of each employee who operates a motor vehicle as part of his/her job.
- Human Resources will provide these lists to the appropriate state agency, such as InfoME, who will conduct a motor vehicle records check of all names provided. A monthly report which shows the status and/or change to the status of employees' driving record will be generated and provided to the Human Resources.
- Department Managers will meet with employees as necessary to discuss driving records and, if appropriate, any driving restrictions.

Other:

Driving records will be checked for any new hire that is expected to drive as part of his/her job responsibilities.

Any employee who drives as a part of a municipal job and who is convicted of a criminal motor vehicle violation or has his/her driver's license suspended will report the incident immediately to their Department Manager. The Department Manager will gather the facts and discuss the circumstances with Human Resources so that a determination regarding future driving can be made.

3.22: REIMBURSEMENT OF EXPENSES

Travel Expenses. Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official Town business. Such reimbursement shall be made in accordance with current approved rates upon submission of a standard expense sheet, signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between employee's home and the Town office.

Requests for reimbursement of meals, parking fees, lodging and registration fees must be accompanied by receipts of same whenever possible.

Section 3.23: INTERNET AND ELECTRONIC MAIL POLICY

I. Purpose

Electronic mail, Internet and telecommunication access are resources made available to Town employees to communicate with each other, other governmental entities, companies and individuals for the conduct of business and the benefit of the Town of Gorham.

II. Policy

The Town of Gorham's Electronic Mail System (e mail) and Internet connection is designed to facilitate any Town business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

The e mail system is Town property and intended for Town business. It must be understood that use of this system is a privilege, which may be limited or removed if the privilege is abused at any time or for any reason, at the sole discretion of the Town of Gorham. The system is not to be used for employee personal gain or to support or advocate for non-Town activities or business purposes. All data and other electronic messages within this system are the property of the Town of Gorham. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content.

In addition, the Town, through its managers and supervisors, reserves the right to review the contents of employee's e-mail communications when necessary for Town business or performance purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

The Town of Gorham owns and administers the necessary software and licenses to provide access to e-mail and Internet services. Employees may not rent, copy or loan the software, or its documentation. The Town has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town system. All Department Managers are responsible for the implementation and adherence of this policy within their departments.

III. Procedures

A. General Information on Passwords

While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that the e-mail is the property right of the employee. The use of the e-mail system is for Town business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their passwords with anyone else, other than as his or her supervisor may require.

B. Internet Use

The Internet provides the Town with significant access and dissemination of information to individuals outside the Town. The use of the Internet system for access and dissemination is intended to serve Town business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Internet messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the town and must comply with all state and federal laws.

C. Prohibited Uses

The Town's e-mail and Internet systems may be used only for lawful purposes. When sending e-mail messages, appropriateness and good judgment should be used. The following are examples (but are not limited to this list) of Internet and e-mail uses which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening.
- Communications of sexually explicit images or messages or that constitutes child pornography.
- Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs.
- Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting.
- Communications that encourage conduct that would constitute a criminal offense or give rise to civil liability.
- Any other use that may compromise the integrity of the Town of Gorham and its business in any way.

D. Retention of E-Mail

Generally, e-mail and other electronic messages are intended to be temporary communications which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to the Town's record retention schedules. These e-mail messages are similar to printed communication and should be written with the same care. Each Department Manager is responsible for establishing and maintaining department retention schedules for the information communicated through the e-mail system.

However, employees should be aware that when they have deleted a message from their workstation mailbox, it may not have been deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that e-mail has been classified as "public" documents, i.e. available to the media and general public. Keep that in mind when you create or store e-mail.

E. Applicability to Employees, Part-time Employees, Contractors, and Other Users

This internet and e-mail policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the Town's system. Third parties should only be provided access to the e-mail system as necessary for their business purpose with the Town, and only if they abide by all applicable rules.

F. Employee Termination, Leave of Absence, Vacation, and Other

Employees who leave employment with the Town of Gorham have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors or management may access an

employee's e-mail if employees are on leave of absence, vacation, sick leave or otherwise absent and it is necessary for the Town's business purposes.

F. Penalties

The misuses of the Internet or e-mail privileges may be considered sufficient cause for discipline, up to and including discharge of employment, in accordance with the Town of Gorham's Personnel policy and/or other applicable rules or laws. In addition, in the event of suspected, alleged or actual illegal activity, the Town may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

IV. Acceptance

The Town may require employees to read and accept the terms of this policy before making electronic systems available.

Section 3.24: SOCIAL MEDIA POLICY

I. Purpose

The Town endorses the secure use of social media to enhance communication, collaboration, and information exchange, as well as to streamline processes and foster productivity. This Policy establishes the Town's position on the utility and management of social media by employees and provides guidance on its use, administration, and oversight. This Policy is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

II. Scope

Generally, the guidelines set forth in this Social Media Use Policy will be applied to any online medium where information may reflect on the image of the Town of Gorham or its employees. This Social Media Use Policy applies to all forms of social media including, but not limited to: blogs, Facebook, MySpace, Wikipedia or other wikis, Twitter, LinkedIn, Instagram, You Tube, and Pinterest. These guidelines may also apply to comments Town employees may leave on others' blogs or Facebook/MySpace pages, edits to wikis, responses to tweets, postings on message boards/forums, opinions on online polls or any product/services Town employees may authorize.

The Town recognizes that some of our employees may choose to express themselves by posting personal information on the internet through personal websites, social networking sites, blogs, or chat rooms by uploading content, or by making comments at other websites or blogs. We value our employees' creativity and honor your interest in engaging in these forms of personal expression on your own time, should you choose to do so.

III. Guidelines

- A. Employees are responsible for what they write or present on social media. Information is backed up often and repeatedly. Posts in professional or personal forums may be replicated through trackbacks and reposts or referenced. This creates an avenue for outside parties to link employees' personal writings to those created in a professional capacity.
- B. Maintain confidentiality. Do not write, post, or link to information covered by HIPPA, Attorney-client privilege, or proprietary information of the Town and its citizens, which employees may have access to by virtue of their employment. Employees shall not transmit or otherwise disseminate confidential information, including photographs or videos, to which they have access to as a result of their employment without permission from their Department Manager or the Department Manager's designee.

- C. Do not use social media to post or display comments about coworkers or supervisors or the employer that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the Town's workplace policies against discrimination, harassment, or hostility based on age, race, religion, sex, sexual orientation (including gender identity and gender expression), ethnicity, nationality, disability, or other protected class, status, or characteristic.
- D. Employees may not make any statements, speeches, appearances, and endorsements, or publish materials that could reasonably be considered to represent the views or positions of the Town without express authorization. Employees are requested to voluntarily include the following disclaimer when discussing anything about the Town, its employees, citizens, vendors or other affiliates when using social media: *The views and opinions presented here are my own and not necessarily shared by my employer.*
- E. If a negative post or comment is found online about the Town or an employee, do not counter with another negative post. Instead, seek assistance from your supervisor in defusing these types of situations. Town employees should be aware that they may be held personally responsible for their writings, posting, or comments on social media and may be subject to civil liability for any that are determined to be defamatory.
- F. All social media accounts, blogs, web pages and related content carrying the Town brand identity are and will be owned and licensed by the Town as appropriate. Only authorized individuals may speak on behalf of the Town. Use of the Town's logo and/or related marks require prior, express, written consent.
- G. Employees have no expectation of privacy when using the Town's electronic equipment. For more information, refer to the Town's Internet and Electronic Mail Policy.
- H. The Town will not apply this policy to restrict or prohibit employees from communicating about the terms and conditions of employment or engaging in protected concerted activity.
- I. Where appropriate, Town policies and procedures shall always apply. Refer to the Employee Personnel Policy for more information and general guidance on Employee conduct and reporting.

IV. Procedures for Town Sponsored Social Media

- A. Determine Strategy.
 - 1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Town's presence on the social media channel.
 - 2. Where possible, the page should link to the Town's official website.
 - 3. Social media page(s) shall be designated for the target audience and shall be professionally appropriate.
- B. Town social media sites are subject to State of Maine Freedom of Access and Records Retention Laws. Any content maintained in a social media format that is related to Town business may be public record and subject to disclosure and/or records retention schedules. Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure and records retention law. Public disclosure requests must be directed to the Freedom of Access Officer.
- C. The Town reserves the right to restrict or remove any content that is deemed in violation of this Social Media policy or any applicable law.
- D. For each social media tool approved for use by the Town Manager, the following documentation will be developed and adopted:

1. Operational and use guidelines.
2. Standards and process for managing accounts on social media sites.
3. Town and Departmental branding standards.
4. Standards for the administration of social media sites.

V. Definitions

Blog: A self-published diary or commentary on particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “web log”.

Online: Connected to, served by, or available through a system and especially a computer or telecommunications system (as the Internet or cell phone). Connected to a computer, a computer network, or the Internet.

Page: The specific portion of a social media website where content is displayed, and Managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social network site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo and video sharing sites (Flickr, YouTube, Instagram), Wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-Generated content, rather than static web pages. Some use this term interchangeable with social media.

Wiki: Web page(s) that can be edited collaboratively.

Section 3.25: CELLULAR PHONE USE POLICY

I. Purpose

The purpose of this policy is to establish guidelines for employee cellular telephone usage. This policy outlines the appropriate use of Town owned and personal cellular phones while at work and the safe use of cellular phones while operating Town vehicles and equipment.

II. Policy

The use of handheld cellular telephones, including text messaging, while operating a Town vehicle or equipment is prohibited. The use of hands-free cellular phones is not in violation of this policy. Employees may be responsible for reimbursing the Town for the costs associated with personal calls and/or text messaging on a Town owned cellular phone beyond reasonable expected usage.

Although we allow employees to bring their personal cell phones to work, we expect employees to keep personal phone calls and text messages to a minimum. While occasional, brief phone calls are acceptable, frequent or lengthy personal calls and texts can affect productivity and disturb others. For this

reason, it is expected that employees make or receive personal phone calls and text messages during non-work time.

Employees who willfully violate this policy are subject to progressive disciplinary action for flagrant or continuous non-compliance to include having cellular phone privileges revoked while working.

Chapter 4: Benefits

Section 4.1: HOLIDAYS

The Town of Gorham observes the following holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving and following Friday
Memorial	Christmas
Independence Day	

If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the preceding Friday, unless otherwise regulated by law.

A person on unpaid family medical leave, leave of absence, and/or extended sick leave shall not be entitled to holiday pay.

Holiday pay is considered a normal day's wages.

Temporary and seasonal employees shall not be entitled to paid holidays.

Section 4.2: VACATION

Each regular employee who works 20 or more hours per week shall earn annual vacation time with pay in proportion to the hours worked in accordance with the employee's current term of continuous employment and in accordance with the following schedule:

Date of Hire to completion of five year's service (0-5) - 10 working days.

Starting with the 6th year through the 11th year (6-11) - 15 working days.

Starting with the 12th year to separation (12+) - 20 working days.

Request for vacation time must be made on properly completed Vacation Request Sheets. Scheduling of vacations shall be done by the employee's immediate supervisor and in accordance with operational needs. In case a holiday falls within the vacation period, the vacation will be extended to compensate therefore. It is the responsibility of the Department Manager to insure that the employee has adequate earned vacation hours available to cover the vacation period requested. Vacation time may be granted only for time already accumulated. Only under special circumstances to be determined and approved by the Town Manager will employees be allowed to "borrow" on future earned vacation hours.

Any absence from duty for which sick leave is paid or for official leaves of absence shall not constitute a break in the record.

Unused vacation days for regular full-time employees may accrue from one year to the next a maximum of 150 hours for employees with less than six (6) years of continuous service, 225 hours for an employee with six (6) years of continuous service but less than eleven (11) years of continuous service and 260 hours for employees with eleven (11) or more years of continuous service. Unused vacation days for regular part-time employees who work 20 or more hours per week may accrue to a maximum of 80 hours for employees with less than six (6) years of continuous service, 120 hours for employees with six (6) years of continuous service but less than eleven (11) years of continuous service, and 138 hours for employees with eleven (11) or more years of service.

No vacation of more than two (2) weeks duration will be allowed unless approved by the Department Manager and the Town Manager.

Vacation leave will be accounted for on an hourly basis. Earned vacation time will be accumulated as the employee earns it and will reflect available time on the paycheck stub.

Any employee who has successfully completed their probationary work period may begin using accrued vacation leave in accordance with these policies.

Vacation leave shall not accumulate after an employee has been absent due to a Workers Compensation injury for one year from the first date of absence.

Accumulated vacation leave, subject to the maximum allowed, shall be paid to an employee upon separation or upon death, to his or her beneficiary. The payment will be made in one lump sum.

Section 4.3: SICK LEAVE

Paid sick leave for each regular employee, and each regular part-time employee who works 20 or more hours per week, is earned at the rate of one day for each calendar month of service in proportion to the hours worked and may accumulate to not more than 180 days.

Sick leave may be granted for any of the following reasons:

1. Personal illness or injury of an incapacitating nature sufficient to justify absence from work;
2. Personal medical or dental appointments which cannot be scheduled during other than working hours.
3. Employees may use accrued sick leave in accordance with Family Medical Leave as specified in the Family Medical Leave section.
4. For family medical needs, employees may use up to 40 hours of accrued sick leave in any 12 month period to attend to the employee's child, spouse, domestic partner or parent who are ill and require care by the employee, unless otherwise covered by Family Medical Leave which shall be used first.

An employee is required to contact the Department Manager, or in the case of the Department Manager's absence, the Department Manager's designee, prior to the start of the employee's regularly scheduled workday but no later than 15 minutes after the start of the regularly scheduled workday unless specific department policy requires otherwise. In the case of an emergency situation, i.e. hospitalization, the employee will make every effort to notify the Department Manager or designee as soon as possible. Failure to report within this time frame will result in disallowance of sick pay for that day.

All employee absences due to illness must be reported on the appropriate Request for Leave form and given to the Supervisor for approval.

Department Managers shall notify the Town Manager or HR Director of absences from work of one or more days.

An employee is required to call the Department Manager or the Department Manager's designee each day of the absence unless previous arrangements have been made between the employee and the Department Manager. In the event that an employee fails to call the Department Manager or Department Manager's designee the day of the absence, and the day of the absence falls before a holiday, the employee will not receive holiday pay for that holiday period.

The Town Manager may, after 3 days, as a condition precedent to continuance of sick pay, require a certificate of a qualified physician certifying the condition of the employee to be such as to justify the continued absence from employment.

Probationary employees shall not be entitled to paid sick leave until they have completed ninety (90) days employment. At the completion of ninety (90) days employment by probationary employees, cumulative sick leave days shall be computed from the original date of employment.

After any extended sick leave it may be required by the Department Manager that the absent employee obtain a physician's statement, at his or her own cost, that he or she is physically capable to return to normal duty. It shall be the responsibility of the Department Manager to insure that this requirement is appropriately followed before the employee is allowed to return to his or her regular duties.

At the time of separation from employment by the employee, accumulated sick leave, subject to the maximum allowed, shall be paid to the employee as follows:

Start of Employment through the 5 th year	no payment
Beginning with the 6 th year through 10 years of service	25%
Beginning with the 11 th year of service or over	50%

In the event of an employee's death, the Town will pay all accumulated sick leave benefits, subject to the maximum allowed, to the employee's family.

Section 4.4: FAMILY MEDICAL LEAVE (FML)

The Town's Family Medical Leave Policy is established to integrate the provisions and entitlements of the Maine Family Medical Leave Act (MFMLA) and the Federal Family Medical Leave Act (FMLA). These laws are collectively referred to as "FML".

An employee who has been employed by the Town of Gorham for at least twelve (12) months (this does not need to be consecutive) and who has worked at least 1,250 hours during the prior twelve (12) months preceding the start of the leave is entitled to a family medical leave of up to twelve (12) weeks in a 12 month period measured forward from the date family medical leave begins for the birth of the employee's child or the employee's domestic partner's child, adoption of a child 16 years of age or less with the employee or with the employee's domestic partner, or serious illness of the employee, child, a domestic partner's child, spouse, domestic partner, or parent, and the death or serious health condition of the employee's spouse, domestic partner, parent or child of the spouse, domestic partner, parent or child as a member of the State military forces, as defined in 37-B.M.R.S.S. § 102, or the U.S. Armed Forces, including the National Guard Reserves, dies or incurs a serious health condition while on active duty. Serious illness means an accident or disease or condition that: (1) poses imminent danger of death; (2) requires inpatient care in a hospital, hospice, or residential medical care facility; or (3) any mental or physical condition that requires constant in-home care. Please see the Human Resources Director for further details or clarification.

- A. To be eligible for a family medical leave, the employee must give at least 30 days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Town Manager's office.
- B. The Town may require certification from a physician to verify the amount of leave requested by the employee. Recertification from a physician, along with any information to clarify or authenticate a certification, may be required after leaves of 30 days.
- C. Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Gorham will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave; said period not to exceed twelve (12) weeks during a single 12 month period measured forward from the date family medical leave begins. The employee's share of medical insurance, life insurance, income protection and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

- D. The employee may use accrued holiday, vacation, and sick leave in accordance with the policies concerning such leaves, to cover absences related to Family Medical Leave; however, the total amount of family medical leave may not exceed twelve (12) weeks in a single 12 month period measured forward from the date family medical leave begins.
- E. Vacation, sick leave and holidays do not accrue during an unpaid leave period.
- F. Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevent the restoration to the same or equivalent position.
- G. An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, his/her termination date will be the last day she/he was entitled to group coverage.
- H. An employee may request to take leave on an intermittent basis or by working a reduced schedule by completing a preprinted form available in the Town Manager's Office.

There may be situations where an employee is eligible for leave under the Maine Family Medical Leave Act (MFMLA) and/or the Federal Family Medical Leave Act. Requests for family medical leave will be analyzed under both Maine and Federal FMLA. If not eligible for Federal FMLA as described above, an employee may qualify for leave under the MFMLA. Under this law, an employee who has worked for the Town for 12 consecutive months is eligible for up to 10 work weeks of unpaid FML during any two year period for the employee's serious health condition, the birth or adoption of a child, including a domestic partner's child, the serious health condition of a child, domestic partner's child parent, domestic partner or spouse, or sibling, or the death of the employee's spouse, domestic partner, parent, sibling or child who is a covered service member who dies while on active duty.

Section 4.5: MILITARY FAMILY LEAVE

A. Qualifying Exigency Leave.

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

B. Military Caregiver Leave.

Eligible employees are allowed to take up to 26 weeks of leave to care for a covered service member during a single 12-month period measured forward from the date family medical leave begins. A covered service member is:

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*;
Or
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes Family Medical Leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

* *The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FML definition of "serious health condition".*

- C. The employee may use accrued holiday, vacation or sick time in accordance with the policies concerning such leave.

Section 4.6: EXTENDED SICK LEAVE

A regular employee may be granted extended sick leave by the Town Manager. Extended sick leave will be considered under the following provisions:

- A. The employee provides to the HR Director, no later than three weeks prior to the conclusion of his or her 12 weeks of Family Medical Leave, satisfactory medical certification from his or her physician, that an extension of sick leave is necessary.
- B. The employee has a sufficient amount of accrued sick time available to use during paid medical leave.
- C. The employee periodically reports to their supervisor during approved extended sick leave, at least every 5 days, regarding the status of his/her medical condition and intent to return to work. Employees may be required to provide satisfactory medical evidence substantiating their need for continued leave.
- D. The employee will not accrue sick and vacation time during any portion of extended sick leave. An employee will also not be eligible for holiday pay during extended sick leave.

Section 4.7: UNPAID LEAVE OF ABSENCE

A regular employee may be granted a leave of absence without pay by the Town Manager on recommendation of the Department Manager, with such leave not to exceed one year in length. Such leave shall only be granted when, it appears, because of the past record of the employee or because of the purpose for which the leave is granted, to be in the Town's best interest to grant the leave. Prior to receiving the leave of absence, the employee must first utilize all leave benefits they are entitled to such as vacation, comp time, and sick time. During an unpaid leave of absence, employees will be responsible for paying 100% of the cost towards their employee benefits, and the Town will discontinue its contribution towards an employee's retirement account. The granting of the leave shall protect the employee's existing continuous service for the leave period but shall not count as service time for Maine State Retirement or the future accrual of sick leave and vacation, nor will the employee receive pay for municipal holidays.

Employees may not perform any work while on an unpaid leave of absence. This includes use of company e mails and work-related calls.

Section 4.8: MILITARY LEAVE

Full-time regular and regular part time employees who are members of the organized military reserves and who are required to perform field duty will be granted a maximum of two weeks reserve service leave, in addition to normal vacation leave, per fiscal year. For any such period of reserve service leave, the Town will pay the difference (if any) between service pay, and the employee's regular pay, provided that the employee on military leave furnishes their Department Manager an official statement by military authorities giving his/her rank and pay.

Section 4.9: JURY DUTY

An employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his or her regular rate of pay, if the service occurs during a work day. Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probation period who give notice of such absence.

Section 4.10: BEREAVEMENT LEAVE

Special leave with pay shall be granted to regular employees for up to three days for absence caused by the death of a member of the immediate family. "Immediate family" means parents, spouse, domestic partner, brother, sister, child, stepchild, grandmother, grandfather, mother-in-law, and father-in-law. Special exceptions to this rule may be made by the Town Manager. Employees who need more than the initial 3 days of paid leave and who have accrued sick leave may also use up to 2 additional days of sick leave.

Employees who have accrued sick leave may use up to 1 day of sick leave to attend the funeral of an Aunt, Uncle, Niece or Nephew.

Section 4.11: HEALTH INSURANCE AND LIFE INSURANCE

Regular employees working 30 hours or more are eligible to participate in the Maine Municipal Health Trust Plan or equivalent. Employees should see the HR Director to obtain information about the amount employees must pay towards the cost of health and life insurances. Participants in the Health Insurance Plan currently receive Basic Life Insurance equal to one year's salary at no cost. Participants may purchase Supplemental and Dependent coverage at their expense. Insurance will start at the first of the next month following employment. Regular employees working 20 hours or more may purchase Health Insurance and Basic, Supplemental, and/or Dependent Life Insurance coverage at their expense from the Maine Municipal Employees Health Trust.

Section 4.12: DENTAL INSURANCE

Regular full-time employees and regular part-time employees working 20 hours or more a week are eligible to participate in the Maine Municipal Health Trust Dental Plan at their expense, provided a minimum number of employees participate in the program to meet program requirements. Employees who are interested should obtain more information and carefully evaluate the details before deciding whether to participate.

Section 4.13: FLEXIBLE REIMBURSEMENT BENEFITS ACCOUNTS (IRS SECTION 125 PLANS)

The Town offers a flexible benefits program to regular full-time employees. Employees who voluntarily choose to participate may elect to make biweekly deductions into their accounts to reimburse them for up to \$5,000 in annual Dependent Care expenses and for up to \$2,500 in annual medical expenses on a tax-free basis.

Full-time Employees who are eligible to participate in the program after six months of employment should obtain more information from the HR Director and carefully evaluate the details before deciding whether to participate.

Section 4.14: WORKER'S COMPENSATION

The Town of Gorham provides Worker's Compensation Insurance coverage for all employees. When an on-the-job accident occurs the affected employee is to report it immediately to his or her direct supervisor or Department Manager. The Department Manager shall notify the Human Resources Director within 24 hours of the injury or on the next following work day of the accident.

A. Preferred Provider Program

The Town of Gorham encourages safety in our work environment. We are concerned about employee well being and take an active role to assist the employee with a proper recovery.

Because of our interest in employees, we have coordinated a preferred provider program for work-related medical services. For information on who the Town's preferred providers are, please see either your Department Manager or the Human Resources Director.

It is required that all employees, unless it is an emergency situation, seek medical treatment through one of the Town's preferred providers. Initial medical treatment is to be obtained from the Town's preferred provider and is authorized by law under the Maine Workers' Compensation Act of 1992, Title 39-A, M.R.S.A., Section 206.

All initial medical treatment is to be obtained from one of the Town's preferred providers and will be scheduled through the Department Manager who in turn will notify the Human Resources Director.

We look forward to working together to maintain a safe, healthy work environment, as well as provide opportunities for a proper recover.

B. Benefits

For employee compensation there is a seven day waiting period. Employee compensation for the first seven days of the absence, this will be charged to employee sick leave, between eight and thirteen days the insurance carrier provides compensation; fourteen days and over all compensation is retroactive to day one by the insurance carrier and the employee's sick leave shall be credited back to the Town upon payment by the employee to the Town for the seven days. Firefighters (by law) are excluded from the waiting period and must receive compensation from the date of incapacity.

C. Transitional Work Program

In the case of an employee out of work due to a work-related injury, the Human Resources Director will coordinate a transitional work program with the employee, employee's doctor and Department Manager. This program may be in the employee's department, in a different department or spread over several departments and is designed to provide less strenuous work or modified work tasks to those employees able and approved by their doctor to return to work in some capacity. Transitional work may start at a reduced schedule with a gradual increase in hours or may include a full time work schedule as coordinated by the physician, employee and Town. The Town reserves the right to discontinue the transitional work program or any employee's participation in this program consistent with the provisions of the Workers Compensation laws.

In some instances worker's compensation payments may be held up. If this occurs, the Town will continue to pay the employee by charging his time to sick leave, of which the employee must buy back from the compensation paid by the insurance carrier. Employees, in addition to receiving workers' compensation, may use accumulated sick time to bring them up to full net wages.

If a worker is receiving worker's compensation he/she must continue to pay his/her share of life, income, protection, dental and medical insurances.

Section 4.15: RETIREMENT

Social Security - Any person who becomes a regular or temporary employee of the Town must participate as a condition of employment.

ICMA Retirement Corporation

- A. All regular employees who work 30 hours or more a week and grandfathered regular part-time employees are eligible to participate in this option retirement plan. Eligible employees can join the retirement program at any time during their employment with the Town.
- B. Currently, the program offers various investment options. However, due to the complexities of the program and to changes that are made from time to time, employees should refer to current available literature for information.

- C. Employees may begin making contributions to the program commencing with their first day of employment. However, for the first six months of employment, the Town will not make contributions on behalf of the employee. After six months of employment the Town matches contributions made by regular employees who work 30 hours or more a week and grandfathered regular part-time employees up to a maximum amount equal to seven and one-half percent (7.5%) percent of an employee's salary. For example, if Employee A contributes two percent (2%) of his salary, the Town will match the employee's contribution with two percent (2%). If Employee B contributes seven percent (7%), the Town would contribute seven percent (7%).

Employees may contribute more than seven and one-half percent (7.5%) of their salary. However, the Town's matching contribution will not exceed seven and one-half percent (7.5%).

- D. Effective January 1, 1997 any regular part time employee who works less than 30 hours a week and who is not considered a grandfathered employee may participate in the ICMA 457 Retirement Plan by making contributions from the employee's salary. The Town of Gorham does not match or contribute to an employee's retirement under this paragraph
- E. Withdrawal of funds from this program is strictly regulated by the Internal Revenue Service, and improper withdrawals may violate IRS Regulations. Request for withdrawals will be sent to I.C.M.A. Retirement Corporation for a determination of conformity with I.R.S. regulations. The Town will not overrule an I.C.M.A. Retirement Corporation determination.

Maine State Retirement System

Effective January 7, 1997, the Town of Gorham is not a member of the Maine State Retirement System. Newly hired employees will not be eligible to enroll in M.R.S.A.

Section 4.16: INCOME PROTECTION

An income protection plan is available for those regular employees who work 30 hours or more per week. The amount of income protection insurance available is either 40%, 55% or 70% of employee's salary. Cost of this coverage is at the expense of the employee. The maximum coverage available is \$1,000 per week.

Section 4.17: EMPLOYEE ASSISTANCE PROGRAM

- A. The Town of Gorham recognizes that alcohol and drug problems are problems for which there is effective treatment and rehabilitation in the majority of cases. Employment assistance is designed as a means of helping employees seek the necessary treatment to alleviate problems affecting job performance. Therefore, the Town of Gorham will establish an Employee Assistance Program (EAP) to service employees in dealing with drug or alcohol problems. EAP services offer resources to maximize productivity and meet the challenges of daily life. For more information, please contact your supervisor or the HR Director.
- B. Employees may receive assistance from the EAP through self-referral or supervisory referral.
 - 1. Self-referral is a referral in which an employee initiates contact with the EAP directly.
 - 2. Supervisory referral is a referral in which the supervisor strongly suggests to the employee that he/she seek consultation with the EAP. Supervisors may refer employees to the EAP when deteriorating skills or job performances do not respond to normal supervisory action.
- C. Employees who seek help through the EAP or who are referred to the EAP by a supervisor will be referred for diagnosis and/or evaluation by an Employee Assistance Counselor. The Employee Assistance Counselor is a person who has a Master's Degree (or similar certification) in counseling, human services or social work who will provide counseling or refer the employee to appropriate diagnosis, evaluation and/or treatment. The Employee Assistance Counselor will be designated by the Town.

- D. An employee who refuses help or demonstrates little or no effort to perform satisfactorily is subject to normal disciplinary actions. Employees participating in the EAP are expected to meet existing job performance standards and establish work rules.
- E. All EAP records are confidential and maintained separately from other personnel records. These records will be protected from disclosure to the fullest extent possible and existing State and Federal regulations.
- F. In the case of a supervisory referral, the Employee Assistance Counselor will ask the employee to sign appropriate release forms so that the Counselor can have contact with the supervisor and the referral agent, if applicable.
- G. The Counselor will be responsible for keeping a record of the diagnostic evaluation and the treatment recommendation which will be kept confidential.
- H. The Counselor will inform the supervisor as to whether the employee kept the appointment with the Counselor and whether the employee was willing to follow through the treatment plan. The Counselor will follow-up with the employee as treatment progresses.
- I. If the employee's performance or attendance shows no improvement within a reasonable time frame (mutually agreed upon if possible), the employee will be subject to appropriate disciplinary action.

Section 4.18: RIGHTS OF EMPLOYEES UTILIZING THE EMPLOYEE ASSISTANCE PROGRAM

- A. Employees using the EAP have the right to confidential services. EAP records do not become part of any personnel records and release of EAP records can only be made with the written permission of the employee.
- B. EAP information cannot be shared with supervisors without the employee's written consent.
- C. If the employee is using the EAP as a result of a supervisory referral, the Counselor will only provide the following information to a supervisor, unless the employee signs a written consent agreeing to the release of additional information:
 - 1. Whether the employee made and kept the appointment;
 - 2. Whether the Counselor assesses there is a problem (specifics will not be discussed); and
 - 3. Whether the employee is open to recommendations made by the Counselor.
- D. Employees have the right to have access to their records, the right and relevant information regarding their treatment and referrals, and the right to any and all information regarding benefits.

Section 4.19: MILEAGE REIMBURSEMENT

The Town shall reimburse employees who use their vehicles for approved municipal purposes at the rate established by the IRS. Employees must provide appropriate documentation for reimbursement.

Section 4.20: TUITION REIMBURSEMENT POLICY

Employees may apply for job related courses or training. The Town will reimburse each employee 75% of the tuition cost only upon satisfactory completion of the course. This reimbursement will be approved for up to 12 credit hours per fiscal year upon prior recommendation of the Department Manager and approval of the Town Manager.

Reimbursement may be requested following each approved 3 credit course or program by submitting a tuition receipt and evidence of satisfactory completion to the office of the Town Manager. To insure proper budgeting for tuition reimbursement, employees shall notify their Department Manager and the Town Manager by April 1 of each year when possible concerning anticipated course work or training.

PERSONNEL POLICY ACKNOWLEDGMENT

This is to acknowledge that I have received a copy of the Town of Gorham Personnel Policy adopted October 7, 2008 and amended June 2, 2015.

Print Name

Signature

Date

**PLEASE SIGN AND DATE ACKNOWLEDGEMENT AND
RETURN TO YOUR DEPARTMENT MANAGER**