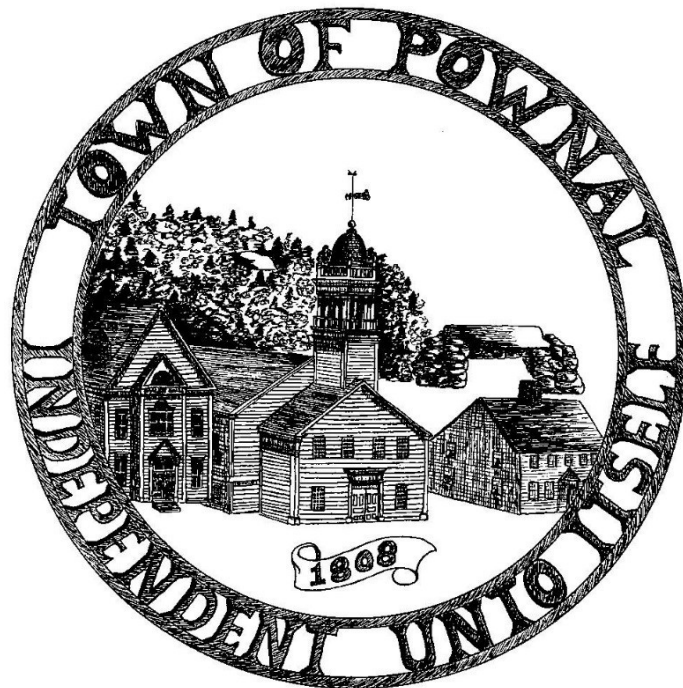


Town of Pownal

PERSONNEL POLICY



Effective Date: September 11, 2017

Amended July 1, 2019

Amended January 27, 2020

Amended July 12, 2021

Amended January 30, 2023

Amended October 15, 2024

Amended July 28, 2025

INTRODUCTIONS

101 WELCOME

Welcome to public service with the Town of Pownal. You have been selected to work with the Town as a result of your knowledge, experience and training in your chosen field. You are joining other dedicated employees who are providing consistently high levels of service to Town residents and taxpayers. It is critical to remember that with our mission of service to the public, we must continually strive for the highest levels of effort, performance and conduct.

Town employees form the core of the organization and are its most important resources. Accordingly, the Personnel Policy has been prepared and provided to guide you and your fellow employees in your daily activities, including your responsibilities, rights and benefits as a Town employee. We hope you enjoy the challenge of providing quality services to the Town and its residents and wish you great success in your future here.

102 PURPOSE

The Town of Pownal's Personnel Policy is hereby set forth to establish the current policies and procedures applicable to the Town's employees. Neither this policy nor any of its provisions are intended to be part of a contract between the Town and any employee, and this personnel policy does not constitute a written contract of employment with any individual or a promise or assurance of continued employment to any individual.

All employees of the Town contribute an essential element in its operation. This policy was developed and adopted to assist, guide and support each employee to know and execute their duties and responsibilities for the benefit of themselves, the Town and its residents.

Each position has been created to accomplish and maintain a level of service specified in response to the demands and concerns of Town residents. This service level is supported by property taxes and therefore we need to ensure that the residents of our town receive good value for their money.

The Select Board has chosen to adopt these policies governing the administration of the personnel program. The purpose of these policies is to facilitate efficient and economical public services and to establish a fair and equitable system of personnel administration in the Town's government. Pursuant to these goals, this policy sets forth the regulations of employment and defines the obligations, privileges and benefits of Town employees.

103 REVISIONS

This personnel policy sets forth some of the general procedures and policies currently in effect at the Town of Pownal. Personnel policies and benefits by their nature are constantly under review as they are affected by changes in applicable law, regulations, economic conditions, and the way the Town does business. The Select Board therefore necessarily reserves the right to change provisions of this policy when it deems the change to be in the best interest of the Town and its personnel.

104 OPERATING PHILOSOPHY

It is the Town's policy to maintain competitive salaries, provide the best possible working conditions, deal with employees fairly, equitably and honestly, consider and treat each employee as an individual, attract and retain qualified and conscientious personnel, and maintain a high level of morale and job satisfaction.

Each service department has a unique job to perform and special circumstances to contend with. For this reason, work schedules, work rules or procedures may vary from department to department. Every attempt is made by the Town to standardize procedures and treat all employees equitably. Any apparently inconsistent practices or inequitable work rules are expected to be brought to the attention of the Select Board.

105 ENFORCEMENT OF POLICY: NOT A CONTRACT

The Select Board and Department Heads are responsible for enforcing the provisions of this policy.

Violation of the work rules set forth in this personnel policy may result in disciplinary action ranging from reprimand to immediate discharge. This policy does not constitute the entire list of violations for which employees may be disciplined. Other rules are provided by statute. Additional work rules may be established by the Select Board to meet special requirements of departments or as circumstances require.

This personnel policy is not and shall not be construed as a contract for employment.

The Select Board reserves the right to alter, amend or make exceptions to the Compensation Policy on an individual basis for the benefit of hiring or retaining personnel. The Select Board reserves the right to alter, amend or make exceptions to the policy that is in the best interest of the Town as they deem necessary. *Amended 2024*

106 EQUAL OPPORTUNITY EMPLOYER

The Town of Pownal provides equal opportunity to its employees and applicants for employment, in compliance with all State and Federal regulations. This is without regard to race, color, sex, political affiliation, religion, age, and physical or mental disability (where the disability will not interfere with the employee's ability to perform the requirements of the position), ancestry, national origin, sexual orientation or any other status protected by law. The Town fills its job requirements by selecting from the available labor force those applicants best matched to perform the duties required.

As an indication of the Town's commitment to Equal Employment Opportunities, the Town's policy of nondiscrimination must prevail throughout every aspect of the employment relationship, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall and termination.

107 AMERICANS WITH DISABILITIES ACT (ADA)

The Town of Pownal is committed to providing accommodations to allow individuals with known disabilities who are otherwise qualified to perform the essential functions of the job as defined by federal and state law under applicable laws and regulations. The municipality's intent is to ensure that every request for an accommodation, due to disability, is promptly and properly reviewed. Town is committed to following the requirements of the ADA and all appropriate federal and/or state laws, rules and regulations.

All requests for accommodations are to be directed by the employee or Department Head to the Select Board or his/her designee for consideration and review. The review of the request may include an informal meeting, and may include an evaluation and determination of the scope of the disability and, if appropriate, requests for medical documentation, examinations and/or opinions.

- A. The employee or the employee's Department Head shall contact the Select Board or his/her designee for assistance in requesting an accommodation. No department or individual may grant any accommodation, except on a short term or emergency basis, without first receiving approval of the Select Board. If an employee's Department Head makes the request for accommodation on behalf of the employee, the employee must then work with the Select Board directly. Only that information absolutely necessary shall be shared with the employee's Department Head. The employee's Department Head should not act as an advocate or surrogate for the employee. The Select Board shall work with the employee in completing the ADA process in a timely and efficient manner.
- B. Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The Select Board shall make the determination of the need to know in consultation with the applicable department.
 1. If the nature and extent of the disability, and need for accommodation is not obvious, the Town may require the employee to present documentation from a health professional concerning the nature of the disability, its functional limitations relevant to the employee's job duties, and the need for reasonable accommodation.
 2. The employee shall be responsible for the expenses of providing documentation from his/her health professional, which may include the costs of necessary medical examinations needed to render a medical decision. If, upon review, the Select Board determines that an additional medical opinion is necessary, the Town shall be responsible for the additional costs.
 3. Failure to provide necessary medical documentation, and/or failure to submit to an independent medical examination may, result in denial of any request(s) for accommodation(s).
- C. The Select Board, after consultation and discussion with the employee, must make the following necessary determinations for each ADA accommodation request:
 1. Establishing the existence of a disability. If this is not apparent, it may require proof of actual diagnosis by an appropriate medical care professional, with appropriate documentation supporting the diagnosis.
 2. Whether, and to what extent the disability affects the ability of the employee to perform an

essential function(s) of the employee's position.

3. The job's function(s) that the disability impacts.
 4. The type of accommodation(s) that would be necessary.
 5. Whether the needed accommodation would be reasonable within the meaning of the law.
- D. The Select Board shall implement the decision through appropriate municipal procedures if the employee is to be accommodated.
- E. The Select Board shall issue a written response within a reasonable time after the request for accommodation. A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need(s) for additional medical examinations and/or opinions, and so forth.

108 SEVERABILITY

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

I. GENERAL PROVISIONS

201 CUSTOMER SERVICE & TEAM WORK

- A. Service: The Town of Pownal exists as a separate incorporated municipality to render services to its citizens. In order to render these services to the citizens of the Town, each employee and the force of employees collectively are charged with willingly, honestly, and effectively rendering the duties for which each one is employed. Employees are expected to provide uniform, quality service to all residents regardless of their race, religion, cultural, social position and political affiliation. The attitudes and actions of each individual reflect directly on the image and reputation of the Town of Pownal.

- B. Team Work: Each employee is a member of the Town team and that requires cooperation, communication and dedication to achieve our goals. Successful teamwork frequently requires self-sacrifice for the good of the team, such as pitching in to "get something done" which may not ordinarily be expected. The success of the team depends on how well employees come together to accomplish mutual goals. Attainment of these goals can be a mutually satisfying experience for all.

202 PERSONAL APPEARANCE

Employees shall dress appropriately for their position and maintain reasonable standards of neatness and cleanliness. Employees are expected to dress in a manner consistent with the nature of work performed. If there are questions as to what constitutes proper attire, employees should consult with the Select Board or their Department Head. Employees who are inappropriately dressed, in the opinion of supervisory personnel, may be sent home and required to return to work in acceptable attire. Under this circumstance, employees will not be paid for the time away from work.

203 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 the advantage of friends or acquaintances. Each employee is charged with the responsibility of directing all requests for information, as described under the "Right to Know" law, MRSA Title I Sections 401-410, to the town's Public Access Officer for processing.

204 PUBLIC AFFAIRS

When you take a municipal job, you become part of a formal structure of communication and supervision. All employees must always maintain a clear distinction in public expression, whether written or oral, between an individual's viewpoint and that of the Town's. First and foremost, the employee must make it clear that they are speaking as a citizen and that his/her statement is their own and that they are not representing any group or department of the Town. Public expressions cannot be used as justification to bypass authority.

205 POLITICAL ACTIVITY

While working for the Town of Pownal, employees may seek or accept nomination or election to any office in the Town government. Employees shall be placed on an unpaid leave of absence status from the date candidacy for a town elected position is announced or nomination papers filed until the completion of the election process. If the employee is elected then employment with the town will end.

Exception: The Town shall allow for Firefighters and or Emergency Medical Technicians to hold office as a Selectperson. Those holding the positions of Fire Rescue Chief, Captain or Lieutenant who choose to serve as a Selectperson, shall resign from their position effective immediately upon being elected to the position of Selectperson.

While on duty Town employees shall not circulate petitions or campaign literature for elective Town officials or be in any way connected with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the government of the Town.

Employees interested in seeking non-Town elective positions should consult with the Select Board to determine potential conflict of interest or impact of this political activity, if any, prior to actively seeking office.

This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, attending political organization meetings, expressing views on political matters, or voting with complete freedom in any election. Employees should avoid all potential conflicts of interest.

206 PERSONNEL RECORDS

Pursuant to MRSA Title 30-A, Section 503 the Select Board and or his/her designee are responsible for creating and maintaining centralized personnel files for all employees. The Select Board and or his/her designee will also retain files concerning applicants for Town positions and personnel files of former employees. Personnel files should include such records and information to document the employee's personnel actions during his/her employment with the Town.

Employee personnel files are considered confidential documents. Only those persons with the right to know or the need to know may have access to the personnel files. Any employee has the right to inspect his/her personnel file or to receive copies of his/her own file. An employee may not remove any item from the file. Requests to view or inspect centralized personnel files should be made in advance to the Select Board.

An employee has the right to compose a statement of disagreement with any item in the file.

207 JOB DESCRIPTIONS

All positions within the Town have a formal, written description of the duties and responsibilities required to perform the job satisfactorily. These descriptions are kept as current as possible, recognizing that minor changes in job assignments do not require constant updating and do not affect the overall pay grade value.

Each job description is reviewed annually by the Select Board and or the Department Head for relative pay levels and comparable jobs within similar government sectors. This results in the assignment of a specific pay grades that fit within the town's pay structure.

Every employee will receive a copy of the position description relative to their current assignment. These may be requested through your immediate supervisor.

208 USE OF TOWN PROPERTY

All employees are expected to exercise due care in the use of Town property and to utilize such property only for authorized purposes. Employees are expected to use Town supplies and resources prudently, properly, and economically. In cases of obvious misuse, employees will be subject to the provisions in this policy regarding disciplinary action.

Town property, issued to an employee, must be returned to the Town at the time the employee ends employment or when it is requested by the Select Board or Department Head.

Town telephones may be used for personal business only with a supervisor's permission. The Select Board or Department Head may restrict the use of personal communication devices during working hours. No employee shall engage in any activity or business other than his/her regular duties during work hours; these prohibitions exclude approved break periods.

Town postage shall not be used for personal mail.

209 TOBACCO FREE / SMOKING

The Town believes that a "tobacco free" work environment is beneficial to the safety and health of everyone. Smoking and use of "smokeless tobacco" is only permitted in designated smoking areas pursuant to 22 MRSA §1580-A. The smoking of cigarettes, pipes, cigars and other tobacco products is prohibited within municipal vehicles and facilities owned by the Town. Smoking is permissible outdoors only. All smoking materials are to be properly extinguished and disposed of in an appropriate receptacle.

210 CLOSING DUE TO EMERGENCY CONDITIONS

If the town department operations are shut down due to emergency conditions, employees will be paid for the day(s), and the time off will not be considered a vacation, compensatory time or sick day.

However, in the event that the town department operations are initially open and are subsequently shut down early due to emergency conditions, the employee has to have been present at work, at the assigned starting time, in order to be paid for the time the department operations are shut down. An employee will not be paid for the day(s) if the department operation is open but they cannot get to work. In this case, the time off will be considered a vacation day, compensatory time, or absent without pay.

The Town Administrator will inform employees and the Chairman of Select Board, if at all feasible, by 6:30AM if Town Department Operations will be shut down.

Should the RSU#5 shut down due to inclement weather the Town Office will be shut down as well. The Town Administrator will inform the Board of this closure. *Amended 1/27/2020*

The Select Board or his/her designee will notify residents of the emergency condition closing through the appropriate television and radio stations as well as utilizing all town resources of public communication.

II. CONDITIONS OF EMPLOYMENT

301 COMMENCEMENT OF EMPLOYMENT

The first day an employee reports for work is considered the employee's date of employment, and becomes the date of determining eligibility for employment benefits, except where insurance policies require a waiting period. Group health insurance coverage will begin the first day of the first full month following date of employment.

All new employees must, on their first day report to the Town Administrator or Department Head and complete employment processing and orientation before being placed on the Town's payroll.

Authorization from the Select Board must be obtained for all employees before being placed on the payroll and to become eligible to receive employee benefits. The Select Board or his/her designee will be responsible for maintaining all official employment records of each Town employee.

302 ATTENDANCE AND PUNCTUALITY

Employees are expected to report to work on time and to continue to work until the end of the assigned workday. Employees, who know they will be absent or late in advance, are expected to notify the Select Board or Department Head prior to their absence or lateness. Employees are required to telephone their Department Head at least an hour before their expected time of work, in the event of unforeseen absences or lateness.

303 EMPLOYEE SAFETY REGULATIONS

- A. Safety is a number one priority. It is the responsibility of both Management and all employees to work in a safe and responsible manner. This requires constant awareness of one's actions as well as those of your co-workers. It also requires a belief and adherence to safe working practices.
- B. Every municipal employee, regardless of their employment classification is required to participate in annual trainings determined by Town administration as recommended by the Maine Bureau of Labor Standards (MBLS), Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), and any other agency regulations that is or become applicable. These annual trainings, conducted by management, are to educate the employees of the safety policies and procedures adopted by the Town. Participation is a required condition of employment and employees who do not complete the requirement within the prearranged time frame may be subject to termination.
- C. Every employee of the Town shall be required to know and understand the safety regulations as outlined in the Town's Employee Safety Policy and manuals. All employees shall follow all Federal and State safety laws rules and regulations.
- D. Each municipal department may also have mandatory trainings, certification or licensures specific to that department. Employees who do not maintain current required trainings, certifications or licensures may be subject to termination.
- E. New employees must complete required training within the first sixty (60) days of employment.

304 COURTESY AND PROFESSIONALISM

The employees of the Town are public servants and the citizens must be treated with courtesy and consideration. Every employee should remember that he/she might be the only contact a citizen has with his/her local government. The impression that the employee makes will determine for a long time to come what the citizen believes of our Town Government. Failure of an employee to act with reasonable courtesy may result in disciplinary action.

Employees are expected to practice a high level of personal hygiene, dress appropriately and conduct themselves with a professional demeanor.

305 PROHIBITED CONDUCT

A Town employee is prohibited from engaging in any conduct including, but not limited to conduct described in this section, which could reflect unfavorably upon Town service. 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 entity, or losing complete impartiality in conducting Town business. Disciplinary action may result up to and including dismissal for the following prohibited conduct (see also Section VII. Corrective Action & Grievance):

- A. Receipt of Gifts: A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person who has or is seeking to obtain business with the Town of -, or from any person, within or outside Town employment whose interest may be affected by the employee's performance or non-performance of his/her official duties. Acceptance of nominal gifts such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials, e.g. pens, notepads, hats, cups, calendars, is permitted.
- B. Business Activities & Solicitations: No employee shall engage in any business other than his/her regular duties during working hours.
- C. Other Prohibited Conduct:
 1. Unacceptable performance while at work:
 - a. Insubordination, including disobedience, or failure or refusal to carry out assignments or instructions;
 - b. Loafing, loitering, sleeping or engaging in unauthorized personal business;
 - c. Unauthorized disclosure of confidential information or records;
 - d. Falsifying records or giving false information to other agencies or to employees responsible for record keeping;
 - e. Failure to provide accurate and complete information whenever such information is required by an authorized person;
 - f. Failure to comply with health, safety and sanitation requirements, rules and regulations;
 - g. Failure to perform assigned duties or unacceptable performance of assigned duties;

- h. Failure to report promptly or leaving before the scheduled quitting time, without the specific approval of the supervisor;
- i. Unexcused or excessive absenteeism;
- j. Failure to observe the time limits and scheduling of lunch, rest periods, and/or failure to notify the supervisor promptly of unanticipated absence or tardiness.
- k. It is the right of the Town to inspect lockers, desks, and other personal areas at any given time, when a safety hazard or a policy infraction is considered likely.

306 CONTINUED EMPLOYMENT

- A. Continued employment is dependent upon an employee's willingness to meet reasonable expectations as to conduct and performance.
- B. Discharged employees may be eligible for Retirement Fund benefits and may continue health insurance benefits through COBRA and are responsible for all payment of the appropriate premiums. Discharged employees are eligible for accrued vacation but not compensatory, sick leave or other severance pay.
- C. When the Select Board and or Department Head (as appropriate) contemplates terminating an employee who has completed their probationary period for a reason other than: resignation, retirement or layoff, the Select Board or Department Head will provide the employee with written notice by regular mail or hand-delivered of the proposed termination and schedule a time to meet with the employee to discuss the proposed termination.
- D. The employee may provide the Select Board and or Department Head with information which the employee believes supports their belief that the termination should not take place.
- E. After considering information which may have been provided by the employee, the Select Board or Department Head will inform the employee in writing of his decision. The decision will be sent by regular mail or hand delivered to the employee. Note: An employee may be suspended with or without pay pending the decision on the proposed termination.

307 SECONDARY EMPLOYMENT

Any full-time employee who engages in secondary employment shall notify the Select Board and or Department Head. The Select Board will determine whether an employee's secondary employment presents a conflict with his/her duties to the Town.

308 PRE-EMPLOYMENT - Physical Exam / Alcohol & Drug Testing / Background Checks

After a conditional offer of employment is made, the prospective employee may be required to complete a pre-employment physical exam and/or a drug or alcohol test to the extent permitted by law. Holders of CDL licenses may also be subject to random drug and / or alcohol testing per federal and state regulations. A criminal background check may also be required, depending upon the sensitivity of that position. All employment offers are contingent upon the successful completion of these exams.

309 ALCOHOL & DRUG POLICY AND TESTING

All employees required to obtain and maintain a Commercial Driver's License and other employees whose position requires alcohol and drug testing will be subject to the random testing procedures approved by the Select Board Alcohol and Drug Testing will be strongly adhered to.

The Town of Pownal is committed to a drug and alcohol-free workplace. In order to ensure the safety of its employees and the general public, as well as to comply with 49 CFR Part 382 and other pertinent federal laws.

- A. Program Administrator: The Select Board or his/her designee shall represent the Town as the Alcohol/Drug Testing Program Administrator. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may take the appropriate action to ensure compliance with this policy. In addition to their duties under this policy, the Program Administrator is also responsible for compliance with the Program Administrator Guidelines.
- B. Commercial Driver's License Drivers: This policy applies to all regular full-time, part-time, seasonal, on-call and temporary employees who are required to hold a Commercial Driver's License (CDL) for their position. All applicants for employment positions requiring a CDL are required to pass a drug test as a prerequisite of employment, prior to final hiring. Any applicant who fails a drug test shall not be hired, although may re-apply for employment in the future.

All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.

- C. Substances Tested: When drug and alcohol screening is required by this policy, a breath test and/or urine test will be given to detect the following:
 - 1. Alcohol
 - 2. Marijuana
 - 3. Cocaine
 - 4. Amphetamines
 - 5. Phencyclidine (PCP)
 - 6. Opiates
 - 7. MDMA (Ecstasy)
 - 8. 6 Mono-Acetyl Morphine (Heroin)
- D. Prescription Drug Use: Employees covered by this policy may use prescription drugs and "over the counter" medications provided that:
 - 1. The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
 - 2. The employee does not consume prescribed drugs more often than as prescribed by the employee's physician.
 - 3. Any employee who has been informed that the medication could cause adverse side effects while working shall inform their supervisor prior to using these substances. The Town at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Town

may notify the employee's doctor (with employee's permission) to determine if other medications are available which would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town may limit or suspend the employee's work activities to non-safety sensitive duties.

- E. Tests Required: All employees subject to this policy shall be tested for alcohol and/or controlled substances in the following circumstances:
- F. Pre-Employment: Drug tests will be conducted when an offer is made to hire an employee for a CDL position. The offer for employment is contingent on the applicant passing these tests. This includes existing employees who are applying for CDL positions.
- G. Random: Drug and alcohol tests will be conducted on a random, unannounced basis. The Town has entered into an agreement with a third-party administrator (TPA) to randomly select the CDL employees for testing. Testing will be conducted at least once each quarter.
- H. Post-accident: As soon as is practicable after an accident, the employee shall be tested for alcohol and drugs if:
1. The accident involved the loss of human life; or
 2. The employee received a citation for a moving traffic violation arising from the accident; or
 3. The Town vehicle had to be towed by an outside contracted company, due to operator error or negligence.
- I. Reasonable Suspicion: All employees who exhibit to a trained supervisor signs and symptoms of alcohol and/or drug abuse while on the job, prior to reporting to work, or just after work will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form.

NOTE: Do not allow an employee to drive him/herself to the testing facility for a reasonable suspicion test. Instead, the supervisor or another employee should provide transportation to the testing facility.

- J. Return to Duty: An employee who engaged in prohibited conduct must submit to an alcohol test and drug test to return to duty. The results of a drug test must be negative to return to duty, and the results of an alcohol test must be less than 0.02 to return to duty.
- K. Follow-up: An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.
- L. Drug Testing: Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of custody document is completed in the presence of the employee, and the specimen is shipped to a laboratory which is certified in accordance with DHHS guidelines or equivalent guidelines.
1. All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both

98-specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

2. During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over the counter medications are not reported as positive results.
3. If the analysis of the primary specimen results is a confirmed positive test, the employee may within seventy-two (72) hours request that the split specimen also be tested at a certified laboratory of his choice. The second test is at the employee's expense unless the test result is negative, in which case the Town would reimburse the employee.
4. All test results are reviewed by a Medical Review Officer (MRO) prior to results being reported to the Town. The MRO shall be an independent party who has been contracted by the Town to perform the necessary reviews. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative. If the MRO is unable to contact the employee, then the employer will be contacted and requested to advise the employee to contact the MRO.
5. Urine samples shall be provided in a private test room, stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. 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.
6. 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. Alcohol Testing: Alcohol testing will be conducted using an evidential breath testing (EBT) device. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of EST and alcohol testing procedures. Under certain circumstances, post-accident tests conducted by law enforcement personnel or medical personnel will be acceptable. Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentrations is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

M. Prohibited Conduct for all CDL Employees:

1. Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol while on duty;
3. Use any alcohol on duty;
4. Use any alcohol within four (4) hours before going on duty;
5. Use any alcohol within eight (8) hours after an accident for which the CDL employee must be tested for alcohol concentration;

6. Refuse to submit to the following alcohol and/or controlled substance tests: random test, reasonable suspicion test, post-accident test. or follow-up test;
 7. Report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL\employee in writing that the use will not affect the safe operations of a commercial vehicle. In the case of a written warning by the physician, the employee shall report this to their supervisor immediately;
 8. Report to or remain on duty if the employee tests positive for controlled substances. Failure to comply with these rules is a violation of this policy and may result in disciplinary action and shall result in referral to a substance abuse professional.
- N. Refusal to Test: An employee's failure to submit to testing may result in disciplinary action up to and including dismissal and is also grounds for referral to a substance abuse professional.
1. Failure to submit to a test by an applicant will result in denial of employment. Specifically, the following circumstances may be considered a refusal to test:
 2. Failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test.
 3. Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined unable to do so.
 4. Engaging in conduct that clearly obstructs or delays the testing process.
- O. Alcohol Concentration: Provided that the employee has not violated Section (G), any employee whose alcohol test results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety-sensitive function for at least twenty-four (24) hours following the test. The employee will not be paid for work-time lost as a result of this section unless he/she works in another capacity for the Town during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04, nor will a return-to-duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.

NOTE: This section applies only in limited situations. For example, if an employee last consumed alcohol more than four (4) hours before work, but still has a blood/alcohol level of .03 when he/she shows up for work, he/she is not in violation of Prohibited Conduct (G) but is subject to this Section.

- P. Notice and Consent: Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those 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.

All recruitment announcements for any CDL position, including in-house recruitment and promotion, will disclose that a drug screening test will be required of the applicant.

- Q. Consequences of Violation: Any employee who violates Sections G or H of this policy shall be immediately removed from the safety-sensitive function and will be advised by the Town of the

resources available for evaluating and resolving drug and alcohol abuse problems. The employee is required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's cost unless otherwise agreed by the Town. An employee shall not be allowed to return to the safety sensitive function until he/she has a return-to-duty alcohol test result of less than 0.02 or a return-to-duty drug test with a verified negative result"

In addition, any employee who violates Section G or H of this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment or dismissal is imposed following a confirmed positive drug test, the employee shall have the opportunity to participate for up to six (6) months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by the Town'. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: Employee's work history, length of employment, current job performance and existence of past disciplinary actions. Disciplinary action is imposed by municipal policy; it is not required by federal law.

Under State law, if part or all of the costs of drug abuse rehabilitation are covered by a group health insurance plan which includes the employee in question, then such insurance may be used by the employee for that purpose, see 26 M.R.S.A. § 685 as amended by 1995 PLc.344.

Further grounds for discipline or dismissal under municipal policy include, but are not limited to:

1. Refusal to submit to a rehabilitation program after testing positive.
2. Failure within six (6) months to successfully complete a rehabilitation program after commencing the program or failure to pass a return-to-duty drug or alcohol test.
3. Evidence that the employee has substituted, adulterated, diluted or otherwise tampered with their urine sample.
4. Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.
5. During the period the Town is awaiting an employee's test result for a post-accident test, reasonable suspicion test, or return-to-duty test, the Town may transfer the employee to another position with or without a reduction in payer benefits.
6. The Town also reserves the right to place an employee on paid or unpaid suspension to reduce any possible safety hazard. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based on, but is not limited to: who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions.
7. Action taken by the Town under this subsection is a matter of municipal policy and is not imposed by federal law.

R. Employee/Applicant Rights and Responsibilities:

In the event of a confirmed positive test result, employees and job applicant shall have the

opportunity to present an alternative explanation for the test result by contacting the Select Board. This shall be done within seventy-two (72) hours after notification of the confirmed result. No further action will be taken if there is a justified explanation, or there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

Any employee with a positive test result may upon written request to the DER have the right to any information relating to the test result and procedures. A job applicant may request information concerning the test result within sixty (60) days after the decision on their employment application.

Upon successfully completing a rehabilitation program (within 6 months after it commences) and upon passing a return-to-duty drug test, the employee is entitled to return to their previous job with full pay (but not back pay) and accrued benefits, unless conditions unrelated to the employee's previous test make the employee's return impossible or inappropriate. The rehabilitation or treatment provider in consultation with the DER shall determine whether the employee has successfully completed the rehabilitation program. The Town is not required to hold the employee's job open for more than six (6) months after the employee commences a rehabilitation program. The employee may apply accrued vacation and sick leave, if any, against any time period where he/she is unavailable for work due to drug abuse rehabilitation.

- S. Confidentiality Of Information: Unless the employee or applicant consents, all information acquired by the Town in connection with the testing processes is confidential and may not be released to any person other than to the employee or applicant who is tested, the DER, officials with a need to know, and the rehabilitation provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or lawsuit relating to the imposition of the test or the use of the test results.
- T. Documents Provided: The Program Administrator will provide each person subject to this policy a copy of the policy. The Program Administrator will also provide printed material which describes the effects of alcohol and/or controlled substances on the individual's health, work and personal life, as well as information on the signs and symptoms of alcohol or controlled substances and methods of treatment or intervention for drug or alcohol abuse.

310 COMPUTERS & INTERNET USE

- A. Uses that have no legitimate business purpose are limited. Illegal or unethical use is prohibited, and can be grounds for disciplinary action including termination and legal sanctions under federal, state or local laws.
- B. Computer users should understand that email and Internet activities on our network are not private. All messages on the email system are considered the property of the Town of -. We reserve the right to monitor email, including those on personal email accounts and internet use on workplace computers and disclose them to others.
- C. Computer and internet use regulations apply to all employees, contractors, volunteers, town officials, and other individuals who are provided access to the Town's email and or computer systems. The following shall be adhered to:
 - 1. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive another person's email messages without proper authorization.

2. The Town, through its Select Board and Department Heads, reserves the right to review the contents of employee email communications, computer files and faxes to determine compliance with this policy.
 3. Department Heads are responsible for the implementation and adherence of this policy within their departments.
 4. The Select Board or his/her designee may be assigned the duties of the network administrator if an independent contractor has not been hired to do so.
- D. Passwords: Passwords shall be provided by the network administrator(s). While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, the network administrator(s) has full access to all files, nor does it suggest that email is the property right of the employee. The use of the e-mail system is for town business. Passwords will be periodically changed to ensure security of the e-mail system. Users should not share their passwords with anyone else, other than as his/her supervisor or the network administrator(s) may require.
- E. Internet: The use of the Internet system for access and dissemination is intended to serve town business. Internet messages are capable of being forwarded without the express permission of the original author. Therefore, users must use caution in the transmission and dissemination of messages, and must comply with all state and federal laws.
- F. Incidental Personal Use: Although the computer network is intended for business use, incidental personal use of email and the Internet while at work is permissible so long as:
1. It does not involve more than a trivial amount of time and system resources.
 2. It does not interfere with your job performance or the productivity of other employees.
 3. It does not interfere with or interrupt the services provided to Town and its citizens.
 4. It does not involve personal business activities.
 5. It does not involve political activities.
- G. Prohibited Uses: Uses or practices that are strictly forbidden, include but are not limited to:
1. Using the Internet or email for any illegal or unethical purpose, or in violation of this policy.
 2. Visiting internet sites that contain illegal, obscene, pornographic or hateful content.
 3. Sending obscene, defamatory or harassing e-mails or other electronic communications.
 4. Initiating or forwarding chain letters of any kind.
 5. Participating in "Chat Groups" not related to work.
 6. Making or posting indecent remarks, proposals, or materials on the Internet in e-mail or by way of other electronic communications.
 7. Uploading, downloading, copying or otherwise transmitting commercial software or any

copyrighted materials without the approval of the system administrator.

8. Downloading software from the Internet without prior approval of the system administrator.
 9. Changing system files or initialization files.
 10. Performing any work on the computer which does not directly relate to the individual's job and adversely affects the computer.
- H. Retention of Email: Depending on the content of the email message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. As such, these email messages are similar to printed communication and should be written with the same care. Note that e-mails have been classified as "public" documents, and obtainable through the Freedom of Access Act (FOAA). Employees should categorically archive their town related email messages as soon as possible after reading.
- I. Rights: Employees who leave employment with the town have no rights to the contents of their email messages or other files and shall not be allowed access to the email or computer system. The Select Board and or Department Head may access an employee's town email and all other forms of town communications and records at any time with notification.
- J. Misuse: The misuse of the internet or email privileges may be considered sufficient cause for discipline in accordance with this policy and for other applicable rules or laws. In addition, violations of this section or misuse of the email system may be referred for criminal prosecution.

III. EMPLOYMENT PROVISIONS

401 EMPLOYMENT

Recruitment of persons for departmental positions with the Town shall be the responsibility of the Select Board and or the Department Heads. It is the policy of the Town of Pownal to evaluate and employ the most qualified individuals, evaluating candidates from both internal and external sources and in the most cost effective and expedient manner.

402 EMPLOYEE DEVELOPMENT

It is management's intention to encourage leadership and development of Town personnel. Included is the desire to foster and develop programs for the improvement of employees with respect to training, safety, health, counseling and proper courtesy in dealing with the public.

403 JOB OPPORTUNITIES

It is the policy of the Town of Pownal to employ the most qualified individuals. Promotion from within may be given priority whenever possible to provide for growth, advancement, and increased responsibility for Town employees. Within the Town is an opportunity for current employees to indicate their interest in the open position and to apply for consideration based on the same criteria afforded external candidates. It is usually a promotional issue and designed to utilize internal talent already available to the Town. Employees are encouraged to take advantage of job postings.

404 EMPLOYMENT CLASSIFICATIONS

- A. Probationary Employee: The first six (6) months of employment in any Town employment position. Newly hired employees will be evaluated upon the completion of the probationary period.
- B. Level I Regular Employee: Employee who has completed the probationary period and is scheduled to work 36 or more hours a week or who is designated with an exempt status.
- C. Level II Employees: Level II employees are defined as those employees who are scheduled to work between 21 (twenty-one) to 35 (thirty-five) hours per week on a year-round basis, fixed or unfix schedule. Level II employees are eligible for benefits as outlined in the chart on page 30.
- D. Seasonal Employee: Employee who is hired for a specific period or for a specific project of limited duration being no longer than six (6) months. Seasonal employees are not eligible for benefits.
- E. Acting Authority: When an employee leaves employment with the Town or takes a leave of absence, and it is desirable for that position to be filled immediately, particularly supervisory positions, an employee from another position may be temporarily assigned to the vacant position until the employee on leave returns or the recruitment procedure is completed and a regular employee is hired. Compensation for assuming an acting position shall be appropriately adjusted.
- F. On Call / Per Diem Employee: Employees in this category are Firefighters and or Emergency Medical Technicians of the Town's Fire Rescue Department and are compensated consistent with the Town's emergency services wage scale.

- G. Department Heads: The following positions are defined as Department Heads: Town Administrator, Road Commissioner, Fire Rescue Chief, and Code Enforcement Officer. The designation of a Department Head is subject to change under the direction of the Select Board.
- H. Exempt Employee: The Fair Labor Standards Act (FLSA) is a federal law which provides an exemption from both minimum wage and overtime pay for executive and administrative employees.

Being paid on an "exempt" basis means an employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work.

Subject to exceptions listed below, an exempt employee must receive the full salary for any work week in which the employee performs any work.

The following deductions are permissible; absence for one or more full days for personal reasons other than sickness or disability; absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan providing for compensation; to offset amounts employees receive as jury or witness fees or military pay; for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance; or for leave under the FMLA.

It is the Town's policy to comply with the salary basis requirements of the FLSA. Therefore, the Town prohibits all managers from making any improper deductions from the salaries of exempt employees. If an employee believes that an improper deduction has been made, they should immediately report this information to the Select Board or his/her designee. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred the employee will be promptly reimbursed for any improper deduction.

A salaried employee, as designated by the Select Board, shall not be prohibited from receiving additional benefits under a separate policy, agreement or contract.

405 HOURS OF WORK

An employee's basic weekly wages and eligibility for overtime compensation shall be based on a forty-hour/week work schedule. The Select Board shall establish the regular work week, including the starting time and location. Full-time, part-time, and seasonal work schedules are determined by the Select Board and or Department Head.

The Town has the right to adjust the employee's schedule to compensate for any extra time worked on a case-by-case basis in accordance with the Fair Labor Standards Act so as not to exceed payment of their regularly scheduled hours for that pay period. All such incidences shall be discussed with the supervisor.

406 MEAL & REST BREAKS

Employees are entitled and encouraged to take meal and rest break periods at times and under conditions prescribed by supervisory personnel. Unpaid meal breaks of at least thirty (30) minutes shall be provided for all full-time, part-time and seasonal employees working at least an eight (8) hour

period. The meal should be taken not more than six (6) hours after the start of the employee's workday. The employee will be relieved entirely of duty during the meal period.

Work demands may preclude the granting of rest breaks in cases of emergency in which there is danger to property, life, public safety or public health.

407 PERFORMANCE EVALUATIONS

The purpose of the annual performance evaluation is to bring about good employee performance by identifying an employee's strengths, identifying areas in which the employee's performance is not satisfactory or needs to be improved, and generally providing the employee with feedback on his/her performance. In addition, the performance evaluation will be used as a tool to communicate performance goals set by management and to make certain that the employee's work plan accomplishes these goals.

It is the Department Head's responsibility to see that performance evaluations on all of employees are completed on an annual basis under his/her direct supervision. The Select Board shall be responsible for completing all Department Head evaluations as well as those employees who are not assigned to a specific department.

Each Department Head shall annually evaluate each permanent full and part time employee within his/her department on an annual basis as directed by the Select Board. The performance evaluation shall also be used to establish a work plan for the coming year. The employee shall be given a copy of the performance evaluation form in advance of his/her meeting with the Department Head and or Select Board. A copy of the performance appraisal shall be placed in the employee's personnel file.

The performance evaluation shall be discussed in detail with the employee and the employee shall be given an opportunity to participate fully in the performance evaluation, including the development of the work plan.

408 EXPENSE REIMBURSEMENT

Reimbursement for expenses incurred in the conduct of official Town business is subject to approval by the Select Board. Reasonable and necessary registration fees, meals, room and transportation expenses to attend prior approved meetings, trainings, and conferences will be paid by the Town. Payment will be processed upon submission of receipts verifying allowable expenses.

- A. Personal Vehicles: When utilizing personal vehicles for approved business-related travel, an eligible employee shall be reimbursed at a rate set by the Federal IRS Mileage Rate. Employees requesting payment under this sub-section must submit the required information on the prescribed form. Travel other than routine travel in the ordinary course of the employee's job, must be approved in advance by the Select Board.
- B. Memberships: The Town recognizes that employee membership in certain technical and professional organizations can be of benefit to the Town. All memberships, if paid by the Town, must be reviewed and approved by the Select Board.
- C. Clothing Allowance: Employees may be required to wear a department specific uniform as part of their work expectations, and in that event, the Town shall provide said uniforms at no expense to the employee.

409 EDUCATION AND TUITION REIMBURSEMENT

Department Heads and selected employees (as determined by the Select Board) are encouraged to attain and maintain a high degree of professionalism in the performance of their job. In order that the employees may keep abreast of new methodology, technology and changes that affect their areas of responsibility to the Town, the Select Board may authorize the following:

- A. Leaves with or without pay for professional development purposes.
- B. Reimbursement of tuition and books for job-related college level courses or courses required toward the attainment of a job-related degree.
- C. Employees, as a condition of employment, shall attend and participate in such training programs and courses as may be directed by the Select Board for which the Town assumes the cost.
- D. Reimbursement of tuition and books shall not be made unless funds for such reimbursement have been authorized in the budget for the fiscal year in which the course was completed.
- E. The employee receives a minimum-passing grade of C for undergraduate courses and a minimum-passing grade of B for graduate courses.

410 FIRE RESCUE EMERGENCY RESPONSE

It is the intent of the Town to encourage its employees to participate in emergency response whenever they can. Employees, who are also members of the Fire Rescue Department, may respond to calls during the time they are working for the Town in other departments under the following standards:

- A. Employee will make a reasonable attempt to gain their supervisor's permission before leaving for a call.
- B. Employee will not leave the workplace/work scene unsecured in order to respond.
- C. Employee will make every effort to return to work as soon as possible in order to continue the normal workplace activities.
- D. Employee returning to work place will notify their immediate supervisor of their arrival back to work.
- E. Pay for the response coverage during an employee's normal working hours shall be paid at the employee's normal per hour wage amount. Pay for the response coverage after normal working hours shall be calculated based on the Fire Rescue Department's wage scale.
- F. Employees working in the dual role of emergency services provider and a Town department employee, when having to do work that requires the use of out on emergency department equipment then that employee shall be paid at the higher rate of pay only for the amount of time that is required.

411 PROMOTIONS

- A. Competitive Selection Process: All full-time positions will be filled by the competitive selection process. The Town shall always seek the best matched person for the particular job. Where a Town employee and outside applicants have equal qualifications, the Town employee will be given preference. Department Heads shall have the authority to recommend promotions, subject to the approval of the Select Board. Promotion shall mean when a Town employee moves to a position in a higher pay range and/or increased responsibilities.
- B. Increased Responsibility: If an employee is advanced to a position of increased responsibility, his/her compensation level may advance to the entry level of the new position to which the employee was promoted as approved by the Select Board.
- C. Advanced Pay Grade: Advancement from one pay grade to a higher pay grade shall be considered a promotional increase, granted for the assumption of significant additional responsibilities and subject to a satisfactory performance review rendered by the employee's Department Head.
- D. Higher Rated Position: When an employee is promoted to a higher rated position, he/she may enter it at the minimum rate for the position, or his/her present rate, whichever is higher or a mutually agreed rate between the Town and the employee.
- E. Reclassification: On occasion, the title or rank given to a particular position is not appropriate for the tasks being performed. In these cases, a reclassification may be necessary. A reclassification shall mean the change of title or rank of a position with no change or no substantive change in job duties (job description). This may or may not involve a pay change.

412 SEPARATION OF EMPLOYMENT

- A. General Provisions: An employee shall provide at least two (2) weeks written notice to the Department Head and or Select Board, of their effective date of resignation in order to be deemed having "resigned in good standing". The Select Board at his/her sole discretion may waive any or all of this notification period. Employees are encouraged to give as much advance notice as possible to assist in a smooth replacement procedure.
 - 1. Prior to termination the employee shall be offered an opportunity to meet with the Select Board to execute an exit interview.
 - 2. Employees, who anticipate retiring from the Town of Pownal, should contact the Select Board within six (6) months of the scheduled retirement date to provide an easy transition.
 - 3. At the discretion of the Select Board, when deemed in the best, long-term cost interest of the Town may negotiate a severance package for an employee who is asked to resign.
 - 4. When advised by an employee of his/her resignation or intention to terminate employment, the Select Board may immediately end the employment of said employee, collecting keys and restricting access to Town records or funds. This provision shall be effective for any employment position.
 - 5. The Select Board has the authority to terminate the employment of any Town employee when necessary for the good of the Town, and nothing in this section or in this

personnel policy shall be deemed to modify or limit the authority of the Select Board under the requirements of Maine state law (just cause / due process).

- B. Resignations: Resignation is defined as voluntary termination of employment initiated by the employee. At the time of resignation, the employee is eligible for payment for accrued compensated absences, vacation and unused sick time. No sick leave shall be paid to an employee during the last two weeks of employment unless such sickness is verified by a physician.
- C. Automatic Resignations: An unreported and unauthorized absence of more than two (2) days may result in the employee's automatic termination of employment. In such cases, no severance payments will be made and vacation pay will be prorated and paid only for that part of the year which was accrued.
- D. Retirement: Many employees are covered by a retirement plan. The specific plan defines eligibility for retirement, including age and years of service. Retirement is considered a termination of employment Please contact the Select Board's office for details of all plans.
- E. Death: Upon the death of an employee, payment will be made for any accrued vacation and sick time to the beneficiary of the group life insurance policy, or to the estate of the deceased employee.
- F. Layoffs: When there is to be a reduction in the number of employees employed by the Town, within a department, or in a particular position(s), the Select Board will make a thorough analysis of the situation, and consult with the of the affected Department Head to determine which position(s) shall be eliminated in the order of need for the service provided by the position(s).
 1. Where two or more employees are in the same job description and not all of the employees in that job description are to be laid off, then the employee with the least seniority shall be laid off first.
 2. In the event of a reduction in force, the laid off person may transfer to an equal or lesser vacant position within the Town which the employee is qualified to perform, as determined by the Select Board and the Department Head. If more than one laid off employee is qualified for said vacant position, the senior employee shall be given preference for that position.
 3. Laid off employees shall have no displacement rights.
 4. Employees shall be notified by the Select Board in writing at least two weeks before the effective date of termination due to layoff. Reasons for the layoff must be given in writing to the terminated employee. Employees who have given satisfactory service to the Town and who are laid off will be eligible for re-employment in positions for which they are qualified.
 5. Employees whose position or classification has been abolished shall be given preference for any vacancy that may occur in the Town within one (1) year of layoff, provided that the laid off employee is qualified for said vacant position, as determined by the Select Board and the Department Head.
 6. Laid off employees who are reinstated within one (1) year of the date of last employment with

the Town shall retain their original date of hire and continue to be eligible for benefits that may exist at the time of rehire. Where more than one laid off employee is qualified for reinstatement, the employee laid off last shall be reinstated first.

7. Upon layoff, all Town paid benefits will terminate immediately. Continued health insurance is available to all employees at their expense.

IV. COMPENSATION

501 EQUITY

All jobs are graded in relation to other jobs in the Town and the municipal market place, to assure employees receive equitable compensation. The requirements, initiative, responsibility, and conditions of each job are considered through the use of position descriptions.

502 WAGE SCALE

The Town Administrator with the approval of the Select Board shall develop and maintain a wage scale that addresses the compensation minimum, median and maximum for each position within the Town's employment.

503 STARTING SALARIES

The starting salaries of new employees shall be set within the limits established by the appropriate wage scale. The Select Board may place new employees above the lower end of the wage scale when he or she determines that experience, training, and market forces make it necessary in order to attract and retain good employees.

504 PAY PERIODS / TIME WORKED

- A. The payroll year is made up of 52 weekly payroll periods which correspond to the calendar year. The work week starts on Monday at 12:01AM and ends on Sunday of the following week at 12:00AM.
- B. Pay days are weekly with employee time sheets, timecards and departmental payroll submitted by 8 am Monday (or 8 am on Tuesday if Monday is a holiday) for the preceding week pay period. Payroll is processed through Bangor Payroll and direct deposits are posted on Wednesday each week (Thursdays if Monday is a holiday).
- C. Full and part time employees shall submit time cards to their supervisor at the start of the workweek for the preceding week pay period. Employees shall indicate the use of anytime used such as sick, vacation, or holiday time. If a signed card is not turned in on time, the Select Board or his/her designee may not authorize the issuance of a payroll disbursement. Timecards are to be reviewed by Department Heads prior to submission. The Select Board or his/her designee shall review all payroll submissions for accuracy prior to processing.
- D. On call / per diem employees are paid for time earned at the end of each quarterly period. These employees shall submit their time cards to their supervisor for processing the weeks preceding the processing of the last quarterly payroll. Quarterly payrolls are on or about 9/30, 12/31, 3/31 & 6/30 depending on the generation of the regular payroll cycle.

505 OVERTIME PAY

- A. Non-exempt regular employees receiving an hourly wage shall receive compensation the form of overtime at the rate of time and one-half (1½) for all hours worked over the standard forty (40) hour work week.

- B. Overtime work shall be limited to the minimum necessary requirements for Town operations, and must be authorized by the Department Head, after consultation with the Select Board. Department Heads may authorize emergency overtime.
- C. Overtime pay shall be in accordance with the provisions of the Fair Labor Standards Act (FLSA) and related federal regulations.
- D. Overtime shall be assigned whenever practicable to volunteers. In emergency situations, any and all employees may be required to work overtime. Overtime will be equitably distributed whenever possible. Employees shall be given as much advance notice of overtime work as practicable.
- E. Non-exempt employees required to work on a Town holiday shall be compensated at one and one-half (1½) hours or by receiving a day off at the equivalent one and one-half (1½) hours.
- F. Paid sick and vacation time, excluding holidays, will not be used in calculating hours worked for overtime purposes.

506 COMPENSATORY TIME

Compensatory time may be granted. It shall be referred to as “Comp Time” and is limited to time worked and requested to be deferred to “Comp Time.” Comp time shall be earned at a rate of one and one-half hours for each overtime hour worked. Regular, full time non-exempt employees may accrue up to 81 hours (54 hours worked). Any unused Comp Time is to be paid out to the employee at the end of the fiscal year. When Comp time is used in lieu of PTO it shall be granted at such time or times to be mutually agreeable to the employee and their supervisor. Special consideration should be made in making sure there is adequate department coverage. *Amended 2023*

507 WAGE INCREASES

Each wage increase is calculated based on the Select Board’s review of annual salary and benefits comparable to positions in other relevant municipalities that may include but are not limited to a combination of the cost-of-living index, competitive pay and the individual employee’s satisfactory performance review.

Annually, permanent employees, full or part-time will be eligible for a wage increase effective with the first day of the first pay period of the new fiscal year according to a predetermined wage scale.

508 ACTING PAY

Any employee who is temporarily assigned to work of a higher classification shall receive compensation at the minimum of the higher pay grade or ten percent above their current rate of pay, whichever is higher. This provision is intended to apply when a vacancy exists, during leave of absence, or other unusual situations. Acting capacity pay will not be granted when an employee is covering for an employee who is on vacation or is using normal sick leave.

509 TEMPORARY INCREASE OF RESPONSIBILITIES

The Town recognizes that the nature of an employee's job may change over the course of time. For example, an employee may acquire added responsibilities in his/her job, without a corresponding change in job classification. Hence, that employee's job classification and compensation level may no longer accurately reflect the relative value of the work being performed. Accordingly, the compensation levels of all employees may be reviewed by the Select Board to ensure that compensation levels are

kept commensurate with type and value of the work being performed.

The change in responsibility cannot be part of the natural evolution every position goes through as demands, expectations and technology change.

510 EMERGENCY CALL BACK PAY

All full time, hourly employees called back into work by the Select Board or their designee, or by the employee's individual Department Head, shall be paid a minimum of three (3) hours for each call back. The rate of pay for any emergency call back work shall be at the employee's normal hourly rate. All hours worked as emergency call back shall count in any overtime calculation. Any hours annexed to the beginning or ending of the work shift shall not be considered emergency call back.

511 COMPENSATION POLICY (Originally adopted on March 10, 2003) (Amended Town Meeting 2008) (Amended Town Meeting 2011) (Amended Town Meeting 2014) (Amended Town Meeting 2019) (Amended Special Town Meeting 2022)

Purpose:

The purpose of the Pownal Compensation Policy, and of subsequent amendments thereto, is to provide for:

- 1. Compliance of town employment practices with applicable laws and regulations;*
- 2. Fiscal responsibility in identifying and meeting town staffing needs;*
- 3. Competitiveness in recruiting and retaining skilled and motivated employees;*
- 4. Consistency of operations to allow for rational planning; and*
- 5. Fairness in meeting the needs of taxpayers and employees.*

Employee Classification for Benefit Eligibility

Level I

An employee who works (or is expected to work) on average at least thirty – six (36) hours per week for the town is eligible for "Level I" benefits. The term "work" means time spent on town business for which the individual receives monetary compensation. The hours worked will be based on the records of the town's payroll system. The "average" will be based on a rolling full three (3) months average as determined at the end of each month. For this calculation, any Employee Benefit Time taken within these guidelines will be considered as "work" time.

Level II

An employee who works (or is expected to work) less than the hours needed to meet the definition of Level I but works an average of at least twenty (20) hours per week using the same method as outlined under Level I Benefits for measuring hours worked is eligible for "Level II" benefits.

Level III

An employee who works for the town and receives compensation but does not otherwise meet the criteria for Level I or Level II benefits is "Level III" and ineligible for any benefits. **Fire and rescue personnel shall be considered Level III employees regardless of number of hours worked.**

Details of Benefits

Primary Healthcare Plan

Pownal should shift from offering MMA Traditional Point of Service Health Care Plan to the MMA Point of Service POS 200 Plan as of January 1, 2014.

Benefit Eligibility

Recommended Benefit & Effective Date	Level I Employee	Level II Employee
Healthcare Insurance MMA POS Plan B (Payroll deduction to begin April 1, 2003 for implementation effective May 1, 2003)	Town pays 100% of Single Person premium. Town pays 80% of Family premium.	Town pays 75% of Single Person premium. The employee can elect to contribute to Family Plan. * <u>in which event the cost shall be withheld weekly from the employee's pay.</u>
Companion Plan (Effective April 1, 2003)	Retired employee can elect to contribute to employee or family plan. There is no cost to the town.	Retired employee can elect to contribute to employee or family plan. There is no cost to the town.
Dental Insurance MMA Plan A	Town is to pay no premium.	Town is to pay no premium. Employee can elect to contribute to employee or family plan, <u>in which case the cost shall be withheld weekly from the employee's pay.</u>
Vision Insurance	Town is to pay no premium for Single Person.	Town is to pay no premium. Employees can elect to contribute to employee or family plan, <u>in which case the cost shall be withheld weekly from the employees pay.</u>
Short Term Disability (Effective April 1, 2003)	Town is to pay no premium. Employee can elect to contribute to employee or family plan, <u>in which case the cost shall be withheld weekly from the employee's pay.</u>	Town is to pay no premium. Employee can elect to contribute to employees or family plan, <u>in which event the cost shall be withheld weekly from the employee's pay.</u>
Long Term Disability (Effective April 1, 2003)	Town is to pay no premium. Employee can elect to contribute to employee or family plan, <u>in which event the cost shall be withheld weekly from the employee's pay.</u>	Town is to pay no premium. Employee can elect to contribute to employee or family plan, <u>in which event the cost shall be withheld weekly from the employee's pay.</u>
Life Insurance Basis (1 x pay) Supplemental Dependent Life (Effective April, 1, 2003)	No charge w/ Health Insurance Employee pays 100% Employee pays 100%	No charge w/ Health Insurance Employee pays 100% Employee pays 100%
Pension Plan Contribution Eligibility Vesting	Town to contribute 6% of annual Basic Gross Pay, including Overtime Pay. Town to contribute at the end of each month based on the Town's payroll records. Employee is eligible to participate after 90 days of service as a Level I employee. Employee's interest in Town contribution vests 20% for each year of service. Employee is 100% vested after 5 years of service. Applies to employees hired after 5/1/08. Any employee hired before 5/1/08 are grandfathered under earlier vesting schedule. If employee terminates, non-vested portion reverts to Town.*	Employees may elect to defer pay into the pension plan but there will be no Town contribution. <u>If the employee elects to contribute, the contribution will be withheld weekly and paid to the pension plan on a monthly basis.</u> Employee is eligible to participate after 90 days of service as a Level II employee. Not applicable.

Paid Time Off

Only Level I employees are eligible for paid time off based on the schedule below. The time off is to be used for
Town of Pownal Personnel Policy

Vacations, Illness, Bereavement, Doctor visits, etc. If an employee terminates having taken time off prior to the accumulated accrual time, such employee will owe any such wages back to the Town.*

Time Worked for Town	# of Annual Paid Time Off Hours	Weekly-Accrual Rate
30 Days- 4 full years of employment	120	2.3076 hours
5-9 full years of employment	160	3.0769 hours
10 + full years of employment	200	3.8461 hours

Unused paid time off may accrue to the next fiscal year, however unused paid time off may not be “cashed in” with the employee collecting that unused paid time off while continuing to work his/her regular schedule and being paid for that time. It is the desire of the Town of Pownal that earned paid time be used for its intended purpose of providing rest and vacation time to the employee.

Level II employees accumulate PTO based on the Maine Earned Leave Law. Accumulation is 1 hour for every 40 hours worked with a max accumulation of 40 hours per calendar year. Level II employees must be employed for 120 days before eligible to use any accumulated PTO. Level II employees can carry over up to 40 hours from one defined year to the next.

When a holiday observed by the Town falls within an employee's vacation period, the day will be considered holiday pay and not charged against vacation leave.

When an employee terminates employment, an adjustment will be made in the final paycheck for any vacation time to which the employee may be entitled. Vacation for partial years of service will also be prorated. A payroll deduction, if appropriate, will be made from the last paycheck for used but unearned vacation time.

Time spent on leave of absence without pay shall not be counted in determining rates of annual leave accrued.

Vacations shall be granted at such time or times as shall be mutually agreeable to the employee and their supervisor. Department Heads shall inform the Select Board of staff vacations. Special consideration should be made in making sure only one employee is granted vacation at any time.

- A. Accumulated Vacation: Level I employees can accumulate a maximum amount of 480 hours at which time accumulation will stop until an employee has used some PTO and reduced their balance. Level I employees can roll the full amount from year to year.
- B. Outstanding Vacation Leave: At time of separation if the employee leaves in good standing the town will pay out any unused portion of PTO for Level I & II employees based on the following chart:

0-5 years employment	25%
5-10 years employment	50%
10-15 years employment	75%
20+ years employment	100%

Amended 2023

HOLIDAYS

The Town recognizes the following thirteen (13) days plus one (1) floater holiday for full-time Level I employees paid at straighttime. The holiday must fall within the regular schedule agreed upon at commencement of employment for Level II employees in order to receive holiday pay: The Town recognizes the following State holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day

Patriot's Day
 Memorial Day
 Juneteenth
 Independence Day
 Independence Day

Thanksgiving Day
 Day after Thanksgiving - Floater
 Christmas Eve - ½ Day
 Christmas Day

If a holiday falls on a Friday or Saturday, the preceding Thursday shall be deemed a holiday. If a holiday falls on a Sunday, the following Monday shall be deemed a holiday. Certain employees, due to the nature of the position may be required to work during a holiday. Level I non-exempt hourly employees will receive holiday pay of time and a half or receive a day off at the time and a half equivalent.

RELIGIOUS HOLIDAYS

The Town respects the right of each employee to worship as his/her faith dictates. Any employee wishing to observe religious holidays other than those included above may use part of their earned vacation hours on an hour for hour basis or make other arrangements with the Department Head.

SICK LEAVE

- A. Medical Verification: At any time the Select Board or Department Head has the authority to ask the employee to provide verification of illness from a physician.
- B. Return to Work: An employee who has been absent from work due to injury/illness may be required to provide return to work clearance in writing from a qualified medical professional. The Town also reserves the right to have the employee undergo a fit for duty examination by an occupational health provider at the Town's expense.

Wages, Salaries and Stipends

Wage and Salary Scales for Hired Positions

A wage/ salary scale is maintained for each active position. The scale defines the value to the town of that position and its structured to show its minimum and maximum levels of compensation. New hires are offered an amount within that range as proposed by the department supervisor and approved by the Select Board. Each employee's compensation is reviewed annually in accordance with the performance review process, but may not increase beyond the upper limit set by the scale for his or her position.

Each wage and salary scale is based on a market analysis, and is established as of the 2004 town meeting or, thereafter, when a new position is created. Each market analysis is updated every three years, beginning in 2004 and the revised scales are approved by a town vote in the same year (e.g. 2004, 2007, 2010, etc.). The market analyses are the joint responsibility of the Select Board and the Budget Committee. The result of the market analyses will be maintained in the town records and be available for inspection by the taxpayers.

Performance Evaluation and Compensation Adjustment Process

Employee	Supervisor/ Evaluator
Town Administrator, Road Commissioner & Fire Chief	Select Board
Administrative Office Staff	Town Administrator
Public Works Crew	Road Commissioner
Public Safety	Fire Chief

The Select Board shall adopt, and supervisors shall use, a performance evaluation process that is consistent with established best practices. Because economic conditions may limit the town's ability to provide appropriate financial rewards and incentives, the evaluation process must function to provide employees with effective non-financial support and recognition for effort and achievement.

In addition to promoting employee retention and professional growth, the evaluation process shall create an objective basis for determining adjustments in employee compensation from year to year. To allow incorporation of evaluation results into the budgeting process, the process shall make use of a five point rating scale (1-5), which shall be linked to target compensation adjustments according to the following schedule:

Overall Rating from Performance Evaluation	Resulting Wage & Oversight Change
< 3.0	No wage change; Corrective Action Plan
= > 3.0 - < 3.5	Wage increase according to CPI ¹
= > 3.5 - < 4.0	Wage increase = CPI plus 1%
= > 4.0	Wage increase = CPI plus 2%

1. CPI = Consumer Price Index

Compensation adjustments may be less than these targets in response to economic conditions. The extent to which those economic conditions impose limits is based on: (1) changes in the non-compensation portion of the municipal budget or (2) the growth limit prescribed by the LD 1 formula. To determine actual compensation adjustments, the following method will be employed:

1. Supervisors conduct annual evaluations and establish an overall rating for each employee. Preparation, approval, and delivery of the performance appraisal should be completed in time to be included in the town's budget preparation process.
2. Select Board review all evaluations to determine that procedures and standards have been applied consistently across departments and levels of responsibility. Any concerns about consistency are worked out with supervisors before the evaluation results are shared with employees. Contents of individual evaluations, other than the final overall rating, are maintained confidential and are not shared with any person other than the employee, the supervisor and the Selectmen.
3. The Town Administrator computes the target compensation change for each employee and totals any individual increases to determine the Aggregate Target Increase for compensation for the coming year.
4. For purposes of computing compensation, the budget lines are divided into three categories:
 - a. Operations (non-compensation items)
 - b. Compensation (wages, salaries, & stipend)
 - c. Contingents (payroll taxes & benefits)
5. The Budget Committee and Selectmen prepare their recommendations for the non-compensation budget lines – the Operations portion of the budget and calculate the percentage change from the previous year. They also compute the increase in the Operations budget targeted under the LD1 formula.
6. The lesser of the two percentage from step #4 is applied to the previous year's Compensation budget to create an amount funds to be made available for increase in compensation – the Compensation Pool.
7. If the size of the Compensation Pool is larger than the Aggregate Target Increase, each employee receives the target adjustment.
8. If the size of the Compensation Pool is smaller than the Aggregate Target Increase, each employee's adjustment is prorated according the this formula"

$$\text{Actual Adjustment} = \text{Target Adjustment} \times \frac{\text{(Compensation Pool)}}{\text{(Aggregate Target Increase)}}$$

9. If the operations budget is smaller than the previous year, compensation is frozen at the previous level for all employees.
10. Contingents are calculated last

Elected Positions

Annual pay is to be recommended by the Budget Committee for each elected position and approved each year by the voters at Town Meeting.*

Other Guidelines(Effective April 1, 2003)

- There will be a 30-day waiting period before any new employee is eligible for benefits.
- If an employee falls outside the eligibility requirements, the benefit will cease unless employee falls outside of eligibility due to a Short Term Disability event, then up to 3 months of the event is excluded from the rolling average of hours worked.
- Stipends are to be paid as follows:
 - If stipend is \$1,000 or less, then paid semi-annually on June 30th and December 31st of each year
 - If stipend is more than \$1,000, then paid in 12 equal monthly payments **in the payroll week that contains the 20th of the month.**

- For eligibility purposes, hours works for stipends are calculated as follows:
 - Annual Stipend / \$1,000 x 2.0 = Weekly Hours Worked
 - Stipend - \$2,000
 - Weekly Hours Worked = \$2,000/\$1,000 x 2.0 = 4 Hours
- Any recommendations that do not adhere to this policy must have justification provided at Town Meeting in the Warrant.
- The Budget Committee ensures proper execution of the performance evaluation and compensation adjustment process.

V. EMPLOYEE BENEFITS

602 HEALTH INSURANCE

The Town of Pownal is committed to offering Group Health Insurance coverage to all full-time employees. This commitment needs to be balanced with the financial impact this benefit imposes on the Town.

- A. In setting this policy, management is aware that the Town’s ability to offer good benefits to its employees acts as an employee recruitment and retention tool.
- B. The Health Insurance Plan offered to the employees by the Town is the Maine Municipal Employees Health Trust Baxter Plan- Anthem.
- C. If a Level I or Level II employee can document that they have coverage from another plan, they may opt out of having coverage through the Town. Upon opting out the employee shall receive quarterly payments paid through payroll in the months of March, June, September and December equal to 25% of the annual benefit cost that would have been paid by theTown. The payment shall not be considered part of compensation for purposes of retirement, life insurance and computing hourly wage.

Town and employee obligations are broken down on page 30.

603 DENTAL INSURANCE

The Dental Insurance Plan offered to the employees by the Town is the Maine Municipal Employees Health Trust Delta Dental Plan.

- A. Level I & II employees can elect to contribute to Single or Family Plan. The Town is to pay no premium.

604 LIFE INSURANCE

Term life insurance for Level I & II employees is provided as part of the Health Insurance Coverage through Maine Municipal Association at no cost to the employee. The amount of the insurance is one (1) times the employee's annual base pay. The Town is to pay no premium.

605 INCOME PROTECTION

Income Protection Insurance, covering non-occupationally incurred disabilities, is available to Level I & II employees upon commencement of their employment. The Town is to pay no premium.

606 VISION CARE PLAN

A Vision Care Plan covering eye glasses, contact lenses, hearing aides and additional eye insurance coverage is available to Level I & II employees upon commencement of their employment., The Town is to pay no premium.

The Town of Pownal has a 30-day waiting period for commencement of benefits.

607 RETIREMENT PLAN

The Town offers a 457B retirement plan with Mission Square. Both the Town and the employee may contribute to this deferred retirement plan. The Town contributes a six percent (6%) of the gross wage Level I employees including overtime. The Town does not contribute to Level II employee plans. Employee contributions to the fund are voluntary. Information on the fund and program is available from the Select Board or his/her designee.

608 BEREAVEMENT LEAVE

- A. In the event of the death of an employee's spouse, domestic partner, parent, stepchild, or child, pay will be continued for up to five (5) working days.
- B. In the case of the death of other members of the immediate family, pay will be continued for three (3) working days. The immediate family is defined as sister, brother, grandchild, grandparent, parent-in-law, sister-in-law, brother-in-law, daughter-in-law, son in-law, guardian, former guardian or other relative if living in the same household as the employee.
- C. Personal emergency leave of up to three (3) days shall be taken without pay or deducted from vacation, compensatory or sick leave accrued hours Department Heads shall be notified in advance of use of personal emergency leave, if possible, but not later than one (1) day after departure from work.

- D. When required and approved in advance, additional time off may be deducted from accrued vacation or sick leave time.

609 JURY DUTY LEAVE

Employees called for jury duty will immediately advise the Department Head who should notify the Select Board. The employee will endorse jury payment checks to the Town and in return receive their regular wages for time lost (not including travel time or meals). For overtime purposes, time served on jury duty will not count as time worked.

610 MILITARY DUTY LEAVE

In accordance with applicable federal and state laws, employees called to active military duty or to Reserve or National Guard training, or who volunteer for such duty or training will be granted military leave, in addition to vacation leave, but not to exceed two weeks in any calendar year. In order to properly plan for our staffing needs, employees should provide the Town with as much advance notice as possible of the need for the military leave.

The Town will pay the employee the balance between service pay and the employee's regular compensation, the total equaling the regular pay of the employee had they been in service of the Town. In addition, employees must provide the Select Board with a copy of the orders that detail the beginning and the concluding of their particular military training or service along with giving their rank and allowances. Employees returning from military leave are eligible for reinstatement in accordance with all state and federal requirements.

611 DOMESTIC VIOLENCE LEAVE

The Town will grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A. Prepare for and attend court proceedings;
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse, domestic partner; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.
- D. The leave must be needed because the employee or the employee's daughter, son, parent, or spouse or domestic partner is a victim of violence, assault, sexual assaults under Title 17-A, sections 251 to 258, stalking, or any act that would support an order for protection under Title 19-A, sections 4001 to 4014. The Town will not punish or retaliate against an employee or deprive an employee of pay or benefits for requesting Domestic Violence Leave.
- E. The Town may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.
- F. Leave may not be granted if:
 - 1. The Town would sustain undue hardship from the employee's absence;

2. The request for leave is not communicated to the Town within a reasonable time under the circumstances; or
3. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the Town.

612 LEAVE OF ABSENCE

Leave without pay may be granted due to personal or unusual circumstances. Such leave is granted on the assumption that the employee will be available to return to regular employment when the conditions necessitating the leave permit. Leaves up to five (5) working days per twelve (12) months per employee may be granted by the Select Board. Additional time must be approved by the Select Board.

Illness or off duty injury requiring recuperation longer than accumulated sick leave will fall under this category. The Town makes available disability insurance for off duty injury or accident for all eligible employees to assist in wage continuation.

613 FAMILY & MEDICAL LEAVE ACT

The Family & Medical Leave Act (FMLA) is defined as unpaid leave, which an employee may be entitled to use under certain conditions as defined by federal and state law. Should an employee be eligible for Family & Medical Leave, use of this leave, as specified below, ensures the Town will protect the employee's job while on the Medical or Family Leave.

All employees may request Family & Medical Leave Act.

- A. Eligible employees who request or where employee absence is determined by the Town to be FMLA leave; are granted/assigned Family and Medical Leave, may take up to twelve (12) weeks of Family Medical Leave in a twelve (12) month period. This may be paid or "unpaid" leave depending on the availability of paid leave. The Town will require concurrent use of paid sick leave with FMLA leave.
- B. The employee desiring a Family & Medical Leave of absence must apply to the Select Board or his/her designee and provide appropriate documentation for the request.
- C. The Select Board or his/her designee will review and authorize all completed requests for the leave of absence and process the requests according to the policy provisions and the applicable laws governing this plan.
- D. Family and Medical Leave provisions apply only to an employee who has been employed by the Town for at least twelve (12) months (this does not need to be consecutive), and who has worked for at least 1,250 hours during the preceding fifty-two (52) week period.
- E. FMLA entitles qualified employees up to twelve (12) weeks of either unpaid or paid leave, which will run concurrently with the FMLA leave. The Town of Pownal uses the "measured forward" method for determining the twelve (12) month period in which the twelve (12) weeks of FMLA entitlement occurs. The twelve (12) month period will be measured forward from the date an employee's first FMLA leave begins. Specific Purposes:
 1. The birth and first year care of a child;

2. Adoption or foster placement of a child in the employee's home (use of a licensed adoption agency is not required. Foster placement requires State action rather than merely an informal arrangement to care for another person's child);
 3. The care of a spouse, domestic partner as defined in MSRA 19-A§4002.4, child or parent with a serious health condition; or
 4. The serious health condition of the employee that makes the employee unable to perform the functions of his/her position.
 5. FMLA shall be used by an employee in conjunction with sick leave.
- F. Employees will continue to accrue vacation and sick leave benefits as long as the employee is receiving vacation leave or sick leave benefits. However, holiday pay will not be paid during any leave of absence. After an employee has exhausted their vacation and or sick leave, they will not accrue any additional vacation or sick leave while on leave of absence.
- G. Employees are responsible for arranging payment for any supplemental or voluntary deductions such as disability, life, and dental insurances.
- H. Intermittent or reduced leave schedules are subject to employer approval unless medically necessary.
- I. The Town must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. Such employer paid coverage will continue until the employee either returns to work or is terminated.
- J. An employee who is not eligible under the FMLA may be eligible for FMLA leave under state law or may be eligible for a general leave of absence. Please see the Select Board or his/her designee for more information.

VI. CORRECTIVE ACTION & GRIEVANCE

701 CORRECTIVE ACTION

- A. Corrective action may be initiated for any infraction based on the good of the Town as determined by the Select Board and/or Department Heads.
- B. Corrective action will normally be initiated in the following manner: verbal warning; written warning; suspension; and termination. Depending on the nature of the offense, the Town has the right to impose the discipline the Town considers warranted based upon the nature and gravity of the offense and is not under a duty to follow all the progressive steps of discipline in every case. For more severe offenses, the process may be accelerated by skipping the oral warning or written reprimand.
- C. Department Heads when exercising the disciplinary policy of this Chapter, shall document the disciplinary action taken. The Select Board shall be advised, of any disciplinary action taken by the Department Head and shall be advised in writing if the disciplinary action taken involves employee safety, Town liability, sensitive information or other legal ramifications.
- D. Infractions which may be subject to disciplinary actions including those discussed throughout this personnel policy and may also include, but are not limited to, the following:
 - 1. The employee has been convicted of a felony or of a misdemeanor involving moral turpitude or which is related to the Town or the employee's job.
 - 2. The employee has violated a Town and / or departmental policy and/or procedure, or failed to obey any proper direction made and given by the Select Board and or Department Head.
 - 3. The employee is offensive in conduct or language in public or towards fellow employees.
 - 4. The employee fails to satisfactorily perform the duties and responsibilities required and recognized in the job description.
 - 5. The employee is careless or negligent with the moneys or other properties of the Town.
 - 6. The employee exhibits recurring absenteeism and / or tardiness.

702 GRIEVANCE PROCEDURE

- A. A grievance may be any concern of an employee relating to work requirements or the conditions under which work is performed.
- B. Each employee of the Town will be provided opportunity to understand and resolve matters affecting his/her employment that the employee believes have been carried out in violation of these policies. Employees may present their grievances without fear of reprisal.
- C. It is the Town's policy and practice to treat all employees fairly, equitably and justly, and to ensure all concerns are addressed in a timely manner on a staff-wide or individual basis, as may be appropriate.

- D. The Town's goal is to find equitable solutions at the lowest possible grievance level. To help ensure equality and fairness, proceedings will be kept as informal and confidential as possible.

The following procedure is available to employees who have successfully completed their probationary period.

1. The employee shall, within ten (10) working days of the date of the event which gave rise to the grievance, or within ten (10) working days of the date he/she could reasonably be expected to have knowledge of the event, present the grievance in writing to his/her Department Head. The Department Head shall, within ten (10) working days, meet and discuss the grievance with the employee and reply in writing within ten (10) working days.
2. In the event that the decision of the Department Head is not satisfactory to the employee, the employee may, within ten (10) working days of the Department Head's decision, request that the entire written record be advanced to the Select Board for review with the employee and Department Head. After meeting with the Select Board, the Department Head will once again meet with the employee to render the final decision within ten (10) working days.
3. In the event a Department Head has a grievance, the Department Head shall file the grievance(s) with the Select Board in writing. Within ten days of receipt of such a grievance, the Select Board shall meet with the aggrieved Department Head to discuss their concerns. The decision of the Select Board with regard to the grievance shall be rendered within ten (10) working days and shall be final.
4. Working days is defined as Monday through Friday. Holidays occurring during this period will not be counted as a working day.

703 FRAUD POLICY

Financial accountability is the top priority of the Town of Pownal. The Town's fraud policy formalizes the expectations of personal honesty and integrity required of Town officials and employees. The Town of Pownal is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub-constructors, agents, intermediaries or its own officials or employees, to gain by deceit, financial or other benefits. This policy prohibits fraud or misuse of the Town of Pownal's assets and sets forth specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

STATEMENT OF POLICY

The Town of Pownal has adopted a zero-tolerance policy regarding fraud. No employee of the Town, Town of Pownal resident, Town of Pownal property owner who resides outside of Town limits or any other person shall remove any Town of Pownal asset from the property, misuse any Town asset for one's personal gain, or willfully misappropriate any Town of Pownal asset. Any evidence supporting fraud, theft or embezzlement of Town of Pownal assets and equipment may be subject to the following actions including but not limited to: suspension, termination, restitution, and criminal charges. Any utility fraud (theft or misuse of Town utility services) by the public will be subject to restitution and possible criminal charges. Any fraud, theft or embezzlement by an independent contractor, consultant and/or agent retained by the Town may result in an action by the Town to immediately terminate any contractual relationship without prior notice or as permitted by law.

PROHIBITED ACTS

Fraud and misuse of Town of Pownal assets are prohibited. Examples of fraud and misuse of Town assets include but are not limited to:

1. Embezzlement
2. Misappropriation, misapplication, misuse, destruction, removal, or concealment of Town of Pownal property.
3. Alteration or falsification of documents.
4. Theft of any asset (money, tangible property, etc.)
5. Authorizing or receiving compensation for goods not received or services not performed.
6. Authorizing or receiving compensation for hours not worked.
7. Misrepresentation of fact that results in a loss or misuse of Town assets.

COMPLAINT PROCEDURE

1. Employees shall read and it is recommended that residents, independent contractors, consultants and agents of the Town of Pownal should read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective supervisor or to the Select Board. If the employee has reason to believe that their supervisor may be involved, the employee shall notify a Selectman. Suspected or known fraudulent acts by independent contractors, consultants and agents should be reported to any supervisor, Department Head or the Town Administrator.
2. Supervisors shall:
 - a) Communicate the provisions of this policy to all staff
 - b) Take no action without consulting the Department Head
 - c) Recommend appropriate temporary disciplinary action when there is evidence of wrong-doing
 - d) If suspension or termination is recommended, consult with the Labor Relations representative.
3. Supervisors and/or Department Heads shall communicate any suspected or known fraudulent act to the Select Board. The Select Board may initiate internal investigative actions or the suspected act. The internal investigation may include but is not limited to surveillance, either electronic or visual, and inspection of Town property, offices and computer equipment. Document research may include, but is not limited to, cash terminal journal rolls, ledgers, and accounting records.
4. All participants in a fraud investigation shall keep the details and results of the investigation confidential to the extent required or permitted by law.
5. No employer or person acting on behalf of an employer shall dismiss or threaten to dismiss an employee; discipline or suspend or threaten to discipline or suspend an employee; impose any penalty upon an employee; or intimidate or coerce and employee because the employee has acted in accordance with the requirements of the policy. Any violation of this section may result in disciplinary action up to and including termination of employment.

PREVENTION

Each department will maintain an internal control environment to protect the department and the Town from loss or other damage as a result of a fraudulent act.

FALSE ALLEGATIONS

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

CORRECTIVE ACTIONS AND DISCIPLINE

Appropriate and timely action will be taken against those proven to have committed a fraudulent act. These remedial actions may include, but are not limited to, any combination of:

1. Disciplinary action (up to and including immediate termination of employment).
2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
3. Forwarding information to the appropriate authorities for law enforcement investigation and/or criminal prosecution.
4. Institution of Civil action to recover losses.
5. Where the Town of Pownal elects to take corrective or disciplinary action, it will proceed under the procedures in place under policy or under any collective bargaining agreement for the respective employment classification.
6. The Town of Pownal may take corrective or disciplinary action without awaiting the resolution or criminal or civil proceedings arising from the fraudulent conduct.
7. Appropriate actions to void, rescind and/or cancel any contractual relationship with any offending independent contractor, consultant and/or agent of the Town.

CONFIDENTIALITY

All investigations will be conducted in confidence insofar as reasonably possible. The name or names of those communicating information about a fraudulent act and the name or names of those suspected of a fraudulent act will only be revealed when required by law in conjunction with the investigation or legal action.

DEFINITIONS

As used in this policy, the terms listed below have the following definitions:

Embezzlement: is any loss resulting from the misappropriation of Town of Pownal assets.

Misappropriate: is to take or make use of any item without authority or right.

Loss: is defined as the Town of Pownal losing possession or control of any type of asset through fraudulent activities.

Fraud: is the intentional misrepresentation or omission of facts for personal gain.

Employee(s): refers to all Town of Pownal employees, temporary and seasonal workers, officials and officers. This policy, where applicable, also applies to independent contractors, consultants, and agents retained by the Town.

Assets: refer to the entire property of the Town. Assets include, but are not limited to, all Town vehicles, building properties, real estate, computers and software, cash receivables, accounts, wages and benefits, and all tools, equipment and materials purchased by the Town, including the unauthorized use of Town property and equipment for personal and/or non-Town purposes.

Equipment: is defined as a fixed asset that is not consumable or expandable; it is movable, even though sometimes attached to other objects or buildings; and its removal does not create a readily observable physical impairment or deterioration. Examples include, but are not limited to: Office equipment including desk cabinets, printers and scanners, any electronic data processing equipment, training/educational equipment, medical supplies, and furnishings, audio-visual, cameras and recording devices. It also includes, but it not limited to, all construction and maintenance equipment, air conditioners, fire-fighting equipment and tools, rescue equipment and tools.

VII. WORK PLACE ENVIRONMENT

801 HOSTILE WORK ENVIRONMENT / HARASSMENT

Harassment and discrimination is an extremely serious matter. All employees should be able to work in an environment free from all forms of illegal harassment and discrimination. While harassment affecting employment is most commonly thought of as sexual, it can also relate to an employee's race, color, physical or mental disability, religion, age, ancestry, national origin, sexual orientation, or other status protected by law. Harassment is illegal and prohibited against employees in any form. In the event it is determined that harassment or discrimination has occurred, appropriate disciplinary action will be taken which may include suspension, demotion or termination of employment.

Any employee, who believes he or she has been the victim of harassment or discrimination, or who has knowledge of that such behavior, is urged to report such conduct immediately to the Select Board and or the Department Head. No employee will be subject to any form of retaliation for pursuing in good faith a harassment or discrimination complaint or for participating in the investigation of any such complaint.

The Town is committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. The Select Board and Department Heads are responsible for monitoring behavior that can be construed to be harassment or discrimination and for initiating necessary action to eliminate such behavior. The Select Board or his or her designee is responsible for investigating any reports of complaints and communicating with the affected employee the outcome of the investigation. If the concerns relate to actions or inactions of the Select Board, the Department Head, in consultation with the Chair of the Select Board, will conduct and/or oversee the investigation. Confidentiality shall be maintained to the extent practical and appropriate under the circumstances.

802 SEXUAL HARASSMENT

Sexual Harassment is defined as 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 conduct which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his/her job.

Examples of Sexual Harassment include:

- A. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct.
- B. Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration or acquiescence to sexual advances.
- C. Other sexually harassing conduct in the workplace, whether committed by a supervisor, co-worker, vendor, or other person. This may include offensive sexual flirtations, advances, or propositions, such as:
 - D. Verbal or written abuse of a sexual nature;
 - E. Graphic, verbal comments about an individual's body;
 - F. Sexually degrading words used to describe an individual;

- G. The display of sexually suggestive objects or pictures;
- H. Unwanted hugs, touches or kisses.

The Town is committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. The Select Board and Department Heads are responsible for monitoring behavior that can be construed to be sexual harassment and for initiating necessary action to eliminate such behavior. The Select Board or his or her designee is responsible for investigating any reports of complaints and communicating with the affected employee the outcome of the investigation. If the concerns relate to actions or inactions of the Select Board, the Department Head, in consultation with the Chair of the Select Board, conduct and/or oversee the investigation. Confidentiality shall be maintained to the extent practical and appropriate under the circumstances.

No employee will be subject to any form of retaliation for pursuing in good faith a sexual harassment complaint or for participating in the investigation of any such complaint.

803 DRUG FREE WORK PLACE

- A. Employees and the Town have a mutual obligation to ensure a safe and healthy work environment. It is recognized that the consumption of alcohol or drugs, which impairs an employee from performing their jobs safely and effectively, cannot be tolerated. Therefore, the Town has a "Zero Tolerance" policy toward drug and alcohol use. No prohibited substances may be consumed during the workday, which includes shift and lunch breaks.
- B. It is recognized that drug and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation.
- C. Employees, whose jobs may involve operating machinery or motor vehicles, or whose jobs involve regular and direct contact with the public, must inform their Department Head and or the Select Board before reporting for work if they are taking any substances, including nonprescription drugs, which may affect their judgment or performance.
- D. Regulations for possession and use of alcohol or illegal drugs:
 - 1. No employee may bring alcoholic beverages or alcohol or illegal nonprescription drugs to his/her work premises at any time;
 - 2. Work premises include motor vehicles owned or leased by the Town;
 - 3. No employee may drink alcoholic beverages during his/her working hours, including meal periods, breaks or other authorized interruptions of work occurring during his/her working hours. This includes overtime periods;
 - 4. An employee who brings alcohol onto the premises or who drinks alcohol during working hours is subject to immediate discipline, including discharge;
 - 5. An employee whose use of alcohol outside of working hours of off-the-job impairs his/her job performance and fitness for duty, or jeopardizes the safety of other employees, the public, town property or the Town 's reputation, is subject to immediate discipline, including discharge;

6. No employee may illegally use, sell or possess narcotics, drugs or controlled substances of any kind while on the job, on work premises, or during an employee's working hours, Any employee violating this paragraph is subject to immediate discipline, including discharge;
7. An employee who is convicted of off-the-job drug related activity may be in violation of this policy and subject to discipline, including discharge. In deciding what action is to be taken, the Town will consider the nature of the charges, the employee's present job assignment, the employee's record with the Town and other factors relevant to the impact of the employee's arrest upon the conduct of the Town's services.

804 WORKPLACE THREATS AND VIOLENCE

The safety and security of employees of the Town of Pownal and also the public who conducts business in the various municipal buildings is of paramount importance to the Town. Therefore, threats, threatening behavior, or acts of violence against or by employees, visitors, guests, or other individuals on Town property will not be tolerated. Violations of this policy may lead to disciplinary action of employees, which may include dismissal, and may lead to arrest and prosecution of employees or others.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property will be removed from the premises as quickly as safety permits the Town will initiate any actions necessary to ensure that employees and the public are safe on Town property.

All Town personnel are responsible for notifying the Town representative designated below of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent when that behavior is job related or might be carried out on a Town- owned site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the designated Town representative is not available, personnel should report the threat to their supervisor or the Select Board.

All individuals who apply for or obtain a protective or restraining order which lists any Town location as being a protected area must provide to the designated Town representative a copy of the petition and declarations used to seek the order, a copy of any temporary or permanent protective or restraining order.

The Town of Pownal understands the sensitivity of information regarding threats or threatening behavior and will recognize and respect the privacy of the reporting employee(s) or citizen(s), to the extent permitted by law.

The designated Town representative is the Select Board.

805 WORK PLACE INJURY

Employees who sustain injury on the job and are eligible for workers' compensation benefits shall not be paid sick leave and shall only receive the benefits allowed under the Workers' Compensation Act, if their incapacity continues for more than fourteen (14) days. Sick leave may be used during the first fourteen (14) days of incapacity. Employees may use sick leave to cover lost income during those first fourteen (14) days. If after fourteen (14) days of incapacity and the employee is covered by workers' compensation retroactive to the date of injury, then the employee will return to the Town from

their workers' compensation payments, the equivalent of the number of days of sick leave paid.

Immediately after the occupational injury or illness, the employee is required to report to his/her Department Head. The Department Head must ensure that a Town of Pownal Occupational Illness and Injury Report and First Report of Injury are completed within twenty-four (24) hours of the occupational injury or illness. The employee will be required to comply with all requirements of the Workers' Compensation Act.

When receiving workers' compensation, the employee will continue to accrue seniority and, for a maximum of twelve (12) months, the Town will pay its share of health insurance premiums for the employee in accordance with the terms of these policies.

806 RELEASE FOR WORK AFTER INJURY

In all cases of injury requiring the services of a physician, it is the responsibility of the employee to obtain from a physician a return-to-work release authorization form. The release shall indicate the date upon which the employee may return to work. No employee shall be allowed to return to work without a properly signed release from a physician.

807 VEHICLE ACCIDENT

- A. All motor vehicles accidents involving Town owned or personally owned vehicles on Town business shall be reported to the law enforcement immediately.
- B. Do not make statements pertaining to responsibility to anyone except your Department Head and investigating officers. Report the accident immediately to your Department Head.
- C. If an employee or other person is injured, call for emergency medical assistance immediately.
- D. Personally Owned Vehicles - The Town of Pownal does not ensure personal vehicles for damages sustained while conducting Town business. The Town of Pownal does offer a deductible reimbursement up to \$1000 for use of personal vehicle.