

TOWN OF HOWLAND

PERSONNEL POLICY

I. PREAMBLE

The Howland Board of Selectmen hereby adopts the following Personnel Policy and rules for utilization by the Town Manager in the administration of the personnel activities of employees of the Town of Howland.

II. PURPOSE

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the people of Howland. This policy/system shall provide means to recruit, select, develop and maintain an effective and responsible work force and shall include policies and procedures for employee hiring and advancement, training and career development, classification, fringe benefits, discipline and other related activities. The Town of Howland is an Equal Employment Opportunity Employer. All appointments and promotions in the Town of Howland shall be made without regard to race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, age, veteran status, genetic information, political affiliation or any other status protected by law. The Town will make reasonable accommodations for qualified individuals in accordance with applicable law. A copy of this personnel policy shall be made available to any employee of Howland.

Except where deemed otherwise by law, employment by the Town is at-will and for no definite amount of time, meaning that either the employee or the Town may terminate the employment relationship at any time for any reason or no reason.

The personnel policies are not an employment contract and the Town reserves the right to delete, change, modify, revoke or amend any or all guidelines in the personnel policies from time to time.

III. DEFINITIONS

“Appointing Authority” means the Town Manager or Selectmen, in certain circumstances.

“Employee” denotes any person appointed or hired to a regular, full-time position by the Town Manager or Selectmen.

“Full-Time Employee” means an employee who is scheduled to work thirty-five or more hours per week.

“Part-Time Employee” denotes an employee who is scheduled to work less than a thirty-five hour week, or at intermittent, varying seasonal or on-call times during the work year.

“Work Week” for payroll purposes is a seven (7) day period, which begins on Saturday at 12:01 a.m. and ends the following Saturday at 12:01 a.m.

Administrative Employees shall work a minimum of thirty-five (35) hours per week. The normal workday will begin at 8:00 AM and end at 4:00 PM. Each employee will have one hour for lunch between the hours of 11:30 AM and 1:30 PM.

Public Works Employees shall work a minimum of forty (40) hours per week. Each employee will have one half-hour lunch between the hours of 11:30 AM and 12:30 PM.

Water/Waste Water Employees shall work a minimum of forty (40) hours per week. Each employee will have one half-hour lunch between the hours of 11:30 AM and 12:30 PM.

“Work Year” shall consist of fifty-two (52) calendar weeks commencing January 1st of the given year and ending December 31st.

“Coffee Break” will be limited to one (1) fifteen minute break per day in the AM.

IV. HARASSMENT AND UNLAWFUL DISCRIMINATION

Harassment in the work place is not only against the policies of the Town, but it is also against the law. The Town will not tolerate verbal or physical conduct by any employee (management and non-management), vendors, guests, or members wherever work or work-related activities are performed. All of us should be able to work in an environment free of illegal harassment and unlawful 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.

Examples of sexual harassment include:

1. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct.
2. Threats, demands, or suggestions that an employee’s work status is contingent upon the employee’s toleration of or acquiescence to sexual advances.
3. 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;
- verbal abuse of a sexual nature;
- graphic, verbal comments about an individual's body;
- sexually degrading words used to describe an individual;
- the display of sexually suggestive objects or pictures;
- unwanted hugs, touches or kisses.

We prohibit the illegal harassment of our employees in any form. Such conduct may result in disciplinary action up to and including suspension or dismissal.

Supervisors and managers are responsible for monitoring behavior that can be construed to be harassment or discrimination and for initiating necessary action to eliminate such behavior. Any employee who believes that he or she has been the victim of sexual harassment, or any other kind of harassment or discrimination, or who has knowledge of that kind of behavior, is urged to report such conduct immediately to your Department Head or the Town Manager.

We are committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. 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. Confidentiality will be maintained to the extent practical and appropriate under the circumstances. Upon completion of the investigation, the investigator will communicate the findings to the complainant and alleged harasser.

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

V. ADMINISTRATION

The Town Manager shall be the administrator of the Personnel Policy and rules. It shall be the duty of the Town Manager to:

- (a) encourage and exercise leadership in the development of sound personnel practices among the departments of the Town;
- (b) advise the Selectmen on manpower utilization;
- (c) foster and develop programs for the improvement of employee effectiveness, including training, safety, health, counseling, proper courtesy when dealing with the public and respect for municipal property;
- (d) establish and maintain records of all employees in the public service, in which there is set forth as to each employee the class, title, pay or status, sick leave, vacation time and other relevant and legally required data; and

- (e) apply and carry out this policy and to perform any act which may be necessary or desirable to carry out the purpose and provisions of this policy.

VI. EMPLOYMENT

1. The employment, dismissal and supervision of all non-elected Town officials and employees shall be the responsibility of the Town Manager, in accordance with the Town Manager Act, 30-A M.R.S.A. § 2636.
2. All applicants must submit a written application or resume for employment.
3. There is no arbitrary age limit for applicants for employment provided they are qualified to perform the work required. However, employees under the age of 18 may be required to provide evidence of eligibility to work.
4. All employees are considered probationary for the first six months of employment in all but appointed positions. If they are to be retained as regular employees for the purpose of figuring benefits, seniority, etc., the initial date of employment is considered the anniversary date of the individual.
5. Applicants must submit to various employment tests as required.

VII. OVERTIME AND CALL-OUT

When circumstances warrant, overtime work may be required. All non-exempt employees, when required to work more than the hours prescribed in an employees work week, as defined, will be paid time and one half for each additional hour worked. Overtime must be approved by the employee's Department Head and the Town Manager before the overtime is worked. Hours not worked but paid as vacation, personal days, sick leave, or other paid or unpaid leave of absence do not count as hours worked for overtime purposes. An employee may choose to take time off in lieu of overtime pay.

Employees required to work outside of their normal working hours or called in to handle specific situations or problems will receive a minimum of two (2) hours "Call in" pay at time and one half.

VIII. ATTENDANCE

Employees shall be at their respective places of work in accordance with the general or departmental regulations pertaining to the hours of work. All departments and divisions or sections thereof, shall post the regular hours of work for their respective groups in a conspicuous place. All departments shall keep daily attendance records and furnish to the Town Manager such periodic reports, as he/she shall request.

IX. ELECTRONIC COMMUNICATIONS POLICY

While the Town recognizes and promotes the legitimate business and educational use of our computer system, we are also concerned with maintaining network security and limiting our exposure to damage from external sources.

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. We reserve the right to monitor email, including those on personal email accounts and Internet use on school computers, and to disclose them to others.

Although the computer network is intended for business and educational 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 employees' job performance.
3. It does not interfere with or interrupt the services provided to or by the Town.
4. It does not involve personal business activities.
5. It does not involve amusement, entertainment or political activities.

Uses or practices that are strictly forbidden include:

1. Using the Internet or email for any illegal or unethical purpose, or in violation of our harassment policy.
2. Visiting Internet sites that contain illegal, obscene, pornographic or hateful content.
3. Sending obscene, defamatory or harassing emails or other electronic communications.
4. Initiating or forwarding chain letters of any kind.
5. Making or posting indecent remarks, proposals, or materials by email or by way of other electronic communication.
6. Uploading, downloading, copying or otherwise transmitting commercial software or any copyrighted materials without the approval of the system administrator.
7. Downloading software from the Internet without prior approval of the system administrator.

All access to our computer system is controlled by user ID's and passwords. Passwords must be kept strictly confidential and not shared with others except as authorized.

X. GRIEVANCE PROCEDURES

Any employee who deems himself or herself aggrieved will have recourse to a strictly impartial hearing providing the procedure is followed in the following manner:

- Step 1. Within seven (7) days of the event leading to the grievance, present your grievance to your Department Head orally or to your immediate supervisor. In the event the grievance is not resolved at this level within ten (10) days, the employee may then refer to Step 2. The employee must request referral of the complaint within seven (7) days following the non-resolution of the grievance.
- Step 2. The unresolved complaint may be referred, in writing, to the Town Manager through the employee's immediate supervisor. Within ten (10) days, the Town Manager, Department Head and employee will meet to discuss the grievance and the Town Manager will make a determination as to the resolution of the grievance.
- Step 3. Providing the grievance is not resolved to the employee's satisfaction at this point, the employee may request in writing within seven (7) days to the Town Manager that the grievance be referred to the Board of Selectmen for a hearing. The Board of Selectmen will hear the grievance within thirty (30) days of referral and make a final determination with regard to the grievance.

XI. RESIGNATION

All employees resigning from the service of the Town are asked to give reasonable written notice.

XII. DISCIPLINE, SUSPENSION AND DISCHARGE

The Town Manager shall have the right to discipline, suspend or discharge any employee whose work performance or conduct justifies such action. When the Town imposes discipline, it will consider the nature, frequency and seriousness of such action. The Town may implement any of the following actions:

1. verbal counseling;
2. letter of reprimand;
3. suspension; and
4. dismissal.

It is not a requirement that disciplinary action be applied in any particular sequence. The employment relationship may be terminated at will without following any system of discipline or warning. Notice of disciplinary action shall be given in writing to the employee not later than the effective date of the action. Such notice shall contain the reason or reasons for the action and shall specify the penalty.

XIII. LEAVE OF ABSENCE

A full-time employee may be granted a leave of absence without pay by the Town Manager for a period deemed necessary by the employee for the purpose of the leave, but not to be in excess of two (2) months cumulative. The employee is expected to return to work upon expiration of a granted leave or to have arranged for an extension of the leave prior to its expiration. Failure on the part of the employee to return to work on the expiration of a granted leave without having arranged for an extension of leave may be deemed a resignation from the job.

No employee shall receive a salary from the Town while on leave of absence. Employment and leave of absence shall terminate if the employee accepts other employment. When computing length of service for any person, time spent on a leave of absence will not be counted. In effect, this changes the anniversary date of the employee for salary increases and other benefits.

An employee may continue their health insurance at their own expense during a leave of absence.

Reserve Service Leave: Full-time permanent employees who are members of the organized military reserves and who are required to perform field duty will be granted reserve leave in addition to vacation time, but not to exceed two weeks in any calendar year. For any such period of reserve service leave, the Town will pay the employee the difference between service pay and the employee's regular compensation, to total the employee's regular pay.

XIV. BEREAVEMENT LEAVE

An employee may be excused from work for up to three work days because of death in his/her immediate family, as defined below, and shall be paid his/her regular rate for the scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral.

Immediate family is defined to mean:

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| 1. Spouse | 10. Grandchildren |
| 2. Domestic Partner | 11. Mother-in-law |
| 3. Parents | 12. Father-in-law |
| 4. Children | 13. Brother-in-law |
| 5. Children of
Domestic Partner | 14. Sister-in-law |
| 6. Brother | 15. Mother, Father, Brother or
Sister of Domestic Partner |
| 7. Sister | 16. Step-father |
| 8. Grandfather | 17. Step-mother |
| 9. Grandmother | |

And any other relative living in the same household of the employee.

XV. HOLIDAYS

All permanent, full-time employees, including those on probation, who have served at least thirty (30) days, shall be entitled to holidays as follows:

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| 1. New Years Day | 7. Columbus Day |
| 2. Martin Luther King | 8. Veterans Day |
| 3. Washington's Birthday | 9. Thanksgiving Day |
| 4. Memorial Day | 10. Day after Thanksgiving |
| 5. Fourth of July | 11. Christmas Day |
| 6. Labor Day | |

XVI. VACATIONS

Vacation privileges are available only to full-time employees. Each full-time employee shall earn vacation with pay on the following basis:

1. One week shall be earned after completion of one full year of employment.
2. Two weeks shall be earned after completion of five years of employment.
3. Three weeks shall be earned after completion of ten years of employment.
4. Four weeks shall be earned after completion of fifteen years of employment.
5. No Employee shall be allowed to earn more than four weeks of vacation time during their employment with the Town.

Vacations shall be granted at such time or times as shall be mutually agreeable to the employee and the Town Manager. Due consideration should be given to an employee's seniority in regard to scheduling vacation.

Vacation time that is accrued in the current year that has not been used as of the anniversary of the Employees hire date shall be lost except by specific authorization of the Town Manager or by the Board of Selectmen in the Manager's absence.

An employee, upon resigning, is entitled to all unused vacation time accrued in the year of the Employees resignation.

An employee shall not be allowed to work and be paid double his/her Wage during his/her vacation period, unless approved by the Board of Selectmen.

XVII. SICK LEAVE

Each employee shall be given *four (4) days* per year as sick leave. Unused sick days shall accumulate to a maximum amount of fifteen (15) days. Sick leave may be used only in the following cases:

1. Personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position or incapable of performing any duties of his/her position. If requested, the employee shall furnish the Town Manager a certificate from his/her attending physician.
2. Absence for a fraction or part of a day are chargeable to sick leave in accordance with this section, shall be charged proportionately.
3. Sick leave usage shall be recorded regularly on the payroll. The Town Manager shall review all sick leave records periodically and shall investigate any cases which indicate abuse of the privilege. Willful abuse of the sick leave will result in a loss of pay for the ineligible days the first time and immediate dismissal the second time the employee is abusing sick leave. Employees are eligible for workmen's compensation for a work related injury and may elect to take earned sick leave in addition to compensation to the extent that it provides full regular pay and no more to the extent of earned sick leave credit.

XVIII. PERSONAL DAY

Employees will be given two (2) personal days per year. If personal days are not used the employee loses them.

XXI. PROMOTION

The Selectmen desire that employees be given maximum opportunity for advancement in the service. Present employees shall be given first consideration in filling a vacancy and may be given training opportunities to qualify for promotion. It is recognized that, from time to time, the good of the service will require that a vacancy be filled from outside the department. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

XX. JURY PAY

The Town shall pay an employee called for jury duty, the difference between his/her regular pay and his/her juror's pay upon presentation of an official statement of jury pay received. Employees excused from jury duty must report back to work during their normal shift hours.

XXI. EMPLOYEE BENEFITS

The Town offers a competitive insurance plan which will be fully detailed to all employees at time of hire. Insurance coverage is available to employees immediately upon their full-time employment with the Town. Insurance benefits may change from time to time at the discretion of the Town.

XXII. SAFETY

All accidents to personnel, no matter how minor, occurring at work must be reported immediately to the Department Head and the Town Manager and a written report will be made on forms for that purpose.

All employees suffering an accident will be sent to a doctor for examination at the Town's expense. Time lost because of accidents incurred while on duty will not be deducted for any reason when computing length of service.

XXIII. WHISTLEBLOWER PROTECTION

It is illegal for the Town to fire you, threaten you, retaliate against you or treat you differently because:

1. You reported a violation of the law;
2. You reported something that risks someone's health or safety;
3. You have refused to do something that will endanger your life or someone else's life and you have asked the Town to correct it; or
4. You have been involved in an investigation or hearing held by the government.

You are protected by this law ONLY if:

1. You tell the Town Manager or the Board of Selectmen about the problem and allow a reasonable time for it to be corrected; or
2. You have good reason to believe that the Town will not correct the problem.

To report a violation, unsafe condition or practice or an illegal act at the Town, contact the Town Manager or the Chair of the Board of Selectmen.

XXIV. SUGGESTIONS

We hope that this policy covers all aspects of employment but the Town Manager and Board of Selectmen welcomes constructive suggestions from employees which might help to overcome issues as they arise in the workplace. Suggestions are also welcome which might render better service to the taxpayers or help cut down unnecessary labor and supply costs.

Revised this 5th day of July, 2017 by the Howland Board of Selectmen:

Michael Harris

Glenn Brawn

John Neel

Tami Colbath

Michael Sereyko

Attest:

_____ Town Clerk