



PERSONNEL POLICY

FOR THE TOWNS OF MAPLETON, CASTLE HILL AND CHAPMAN

**AMENDED AUGUST 25, 1997
AMENDED DECEMBER 20, 1999
AMENDED MAY 22, 2000
AMENDED AUGUST 13, 2008
AMENDED JANUARY 13, 2014
AMENDED JANUARY 11, 2016
AMENDED JANUARY 9, 2017
AMENDED JANUARY 16, 2018
AMENDED MAY 7, 2018
AMENDED DECEMBER 9, 2019
AMENDED MAY 18, 2021
AMENDED OCTOBER 19, 2021**

Sandra L. Fournier, Town Manager

I. EEO POLICY

The Towns of Mapleton, Castle Hill and Chapman provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, gender identity, national origin, age, disability, marital or veteran status, those who sought and received an order of protection from abuse, or any other legally protected status under state and/or federal law. This policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

The Towns prohibit harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace. This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, and during Town-related or –sponsored trips (such as conferences or work-related travel). This policy also provides protection to Town employees who are unlawfully harassed during working hours by individuals who are not employed by the Towns, such as elected officials, members of the community, and vendors.

All applicants for employment by the Towns of Mapleton, Castle Hill and Chapman shall complete an employment application and provide a copy of their Social Security card, birth certificate, and other forms of identification as required by Federal Law.

Top qualified applicants will be interviewed by the Town Manager, Department Head and or Committee. Requirements of the position will be explained, wages will be reviewed, and fringe benefits will be explained.

Prior to being hired for regular employment, the successful applicant will have a complete physical examination and drug test, if required by job description, by the Towns' physician or an approved physician. In addition, the applicant's driving record will be checked with the State Police and the applicant will submit to a clearance check with the State Police, if applicable.

II. PROVISIONAL/INTRODUCTORY PERIOD OF EMPLOYMENT

During this period, the employee is considered to be in training and under observation and evaluation by the supervisor. Evaluation of the employee's work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives the employee an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if the employee's knowledge, skills and abilities are a successful fit to the requirements of the position. It is also an opportunity for the employee to determine if employment with the Towns meets their expectations. At or before the end of the introductory period, a decision about the employee's employment status will be made. The Towns will decide whether to: (1) extend the introductory period; (2) continue the employee to regular, full-time or regular, part-time status; or (3) terminate the employment. During the probationary period the employee may be removed or demoted at any time with or without cause. Such removals or demotions shall not be subject to review or appeal.

This period is anticipated to last for six months. During this probationary period, the employee will not be able to use any earned vacation time. The employee will be entitled to holiday pay. No sick leave or sick leave accrual will be paid for anyone leaving during the probationary period. After a 30-day waiting period following the first day of the month after the date of hire, the employee will be eligible for Hospital-Medical-Surgical coverage, term life insurance, and Income Protection, as outlined by the Personnel Policy.

III. CLASSIFICATION OF EMPLOYEES

REGULAR FULL-TIME EMPLOYEES: Any employee who works at least five (5) 8-hour days per week for twenty-six (26) consecutive weeks (the 6-month probationary period).

REGULAR PART-TIME EMPLOYEES: Any employee who works less than eight (8) hours per day and/or less than forty (40) hours per week, but works at least twenty (20) hours per week on a regularly scheduled weekly basis.

TEMPORARY EMPLOYEES: Any employee who works less than twenty-six (26) weeks per year and or less than 20 hours per week per year or works on an unscheduled basis.

EXEMPT EMPLOYEES: The Town Manager and Road Commissioner are exempt employees and exempt from overtime pay provisions.

NON-EXEMPT EMPLOYEES: All other employees are non-exempt and subject to overtime pay provisions.

IV. SICK LEAVE PROCEDURES

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods, when required to leave on authorized Town business, or other extenuating circumstances, and perform the work assigned to or requested of them. In the event of necessary absences because of illness or any other cause, it is the responsibility of the employees to notify the department supervisor or Town Manager prior to the time the employee is required to report for work.

Sick Leave time provided by the Towns is designed to allow for income continuation in the event of illness, injury, care for an ill/injured family member, or medical/dental appointments. It is the responsibility of the employee to notify their supervisor when circumstances prevent reporting to work in a timely manner. Employees shall be required to present a doctor's certificate to justify absence and qualify for payment of sick leave time when sick leave extends beyond two consecutive work days.

1. Sick Leave Accrual

- a. One (1) year to fourteen (14) years of continuous service receive one (1) day per month with a maximum of sixty (60) days that may be accumulated.
 - b. Fifteen (15) years and thereafter of continuous service receive two (2) days per month with a maximum of seventy-two (72) days that may be accumulated.
 - c. Regular part-time employees working a minimum of twenty (20) hours per week shall earn sick leave prorated to those earned by regular full-time employees for the same continuous service length.
2. Employees may begin earning sick leave after one (1) month of employment and for each full month of employment thereafter.
3. Employees will accrue sick leave during their probationary period, but generally are not permitted to utilize such leave until completion of the probationary period. However, the Town Manager may authorize sick leave pay at their discretion during the probationary period.
4. Sick leave pay shall be equal to the hourly rate received by the employee.
5. Records of sick leave accrual and current balances shall be maintained on a monthly basis by the Towns and shall be made available for employee review upon request.
6. For employees hired prior to August 13, 2008, the following policy upon separation from employment applies:
 - a. Upon the fifth (5th) year anniversary date through the completion of the ninth (9th) year, each employee will be paid twenty-five percent (25%) of their unused sick leave days at the time of separation, providing separation is in good standing. Payment will not exceed fifteen (15) days out of sixty (60) unused earned sick days. Upon the tenth (10th) year anniversary date and thereafter, each employee will be paid fifty percent (50%) of their unused sick leave days at the time of separation, providing separation is in good standing. Payment will not exceed thirty (30) days out of sixty (60) or thirty-six (36) days out of seventy-two (72) unused earned sick days.
 - b. No payment for unused sick leave days will be made to employees whose employment is terminated involuntarily.
7. For employees hired after August 13, 2008, the following policy upon separation from employment applies:
 - a. A thirty percent (30%) payment of sick leave earned will only be made if the employee is retiring and has reached the age of 59 and ½ years.

- b. No payment for unused sick leave days will be made to employees whose employment is terminated involuntarily.
- 8. A Sick Leave Bank is in place for employees who may need sick leave. Recipients must have exhausted all accruals (sick, vacation, compensatory time) prior to drawing from the sick leave bank.
 - a. Each employee may donate one (1) day per year or employees who have fifteen (15) years of continuous service may donate two (2) days per year to the Bank.
 - b. The Sick Leave Bank is managed by the Town Manager.

V. INCOME PROTECTION

The Towns offer the availability of short-term disability insurance by a weekly payroll deduction. Please refer to the income protection explanation of benefits booklet for further information regarding coverage.

VI. SOCIAL SECURITY - NOT AVAILABLE EXCEPT:

The Medicare portion of FICA is paid by all employees hired after March 1986, as mandated by Federal Law. All temporary employees, including ballot clerks, who earn more than \$1,000.00 per year, and Selectmen, must be covered by Social Security as mandated by Federal Law, effective July 1, 1991.

VII. RETIREMENT PLANS - AVAILABLE ONLY TO REGULAR FULL-TIME AND REGULAR PART-TIME EMPLOYEES

Maine State Retirement Plan

The Maine State Retirement Plan (MSRP) is mandatory for all regular full-time and part-time employees except the Town Manager. The Towns have adopted this plan, effective January 1, 1977. The employee pays a percentage of their gross earnings as required by the MSRS to the Plan, which is deducted on a weekly basis. The Towns contribute an amount which is determined by the MSRS annually. Details of the Plan are on file at the Town Office. This plan is at this time classified as a Deferred Compensation Plan by the Federal Government only, and employee contributions are deducted from Gross Income for Federal Income Tax purposes.

The Town Manager may choose between the MSRP or International City Managers Association (ICMA). The Town Manager may elect to participate in ICMA. If MSRS is selected, the participation is the same as stated above. If ICMA is selected, the Towns will participate at 10.25% of the Town Manager's salary. The Town Manager may contribute to ICMA.

Deferred Compensation Plan

The Towns offer employees an opportunity to join a Deferred Compensation Plan, managed by the International City Managers Association (ICMA). Employees and/or employers are allowed to pay a total annual amount not to exceed the IRS allowable maximum, or twenty five percent (25%) of the employee's gross wages at the tax-exempt rate into this plan. The employee's portion of the Plan contribution is deducted from their gross wages for Income Tax purposes.

After three (3) years of continuous employment, the Towns will additionally match the employee's contribution, up to two and a half percent (2.5%) of the employee's gross wages, starting the first month after three years of continuous employment. After five (5) years of continuous employment, the Towns will match the employee's contribution, up to three and a half percent (3.5%) of the employee's gross wages, starting the first month after five (5) years of continuous employment. After ten (10) years of continuous employment, the Towns will match the employee's contribution up to five percent (5%) of the employee's gross wages, starting the first month after ten (10) years of continuous employment.

VIII. HEALTH INSURANCE

Health Insurance

1. The Towns currently participate in the Maine Municipal Association's Employee Health Trust plan. Regular full-time and part-time employees averaging twenty (20) hours or more per week are eligible. Coverage becomes effective thirty (30) days after the date of hire and to the first of the next month.
2. Health coverage for employees leaving service with the Towns will terminate on the last day of the month they cease active work. The Consolidated Omnibus Budget Reconciliation Act (COBRA) may allow eligible employees and dependents to continue coverage for up to eighteen (18) months at the group's rate. The terminating employee is responsible for premium payments after separation.
3. Regular full-time employees
 - a. Effective August 13, 2008, the Towns' contribution rate will be: Employee—100%, and 50% of the difference between the employee cost and the family cost.
 - b. Employees hired prior to August 13, 2008 have a choice between the new contribution rate of 100% Employee/50% Dependent Costs or a Town contribution rate of 90% of Employee and Dependent Costs, whichever is more advantageous for the employee.
 - c. For employees who work a regularly scheduled workweek of less than full-time or less than forty (40) hours, the Towns' contribution rate will be prorated.

Health Insurance Stipend

1. Employees who are eligible, but do not participate in the Towns' health insurance program may receive a health insurance stipend on an annual basis, prorated on a weekly basis.
2. Stipends are subject to all applicable Federal and State taxes and Maine State Retirement.
3. The stipend amount is calculated as fifty percent (50%) of the cost of coverage for an individual employee only.
4. Employees who qualify for the stipend by dropping the Towns' health insurance must be able to demonstrate that they have other health insurance coverage. Stipends will not be implemented until verification of insurance is provided to the Towns.

IX. LIFE INSURANCE

Term Life Insurance is available at no cost to the employee enrolled in the Health Plan in an amount equal to their projected salary for the ensuing year. The employee may purchase additional term life insurance in accordance with the Life Insurance Plan established by Maine Municipal Employees Health Trust (MMEHT). All coverage includes Accidental Death and Dismemberment. Life Insurance for a spouse up to one-half (1/2) of the employee's basic annual wage, with maximums and cost determined by the MMEHT.

X. VACATION

1. In general, vacation time shall be earned and used in the year in which it is accrued.
2. Vacation time accrues according to the following schedule:
 - a. Beginning of employment to five (5) years of continuous service accrue ten (10) days.
 - b. Six (6) years to fourteen (14) years of continuous service accrue fifteen (15) days.
 - c. Fifteen (15) years and thereafter of continuous service accrue twenty (20) days.
 - d. Regular part-time employees working a minimum of twenty (20) hours per week shall earn vacation credits prorated to those earned by regular full-time employees for the same continuous service length.
3. Except as provided for in Article XI, 7, vacation can be carried over each calendar year by twenty percent (20%). Up to one year's worth of vacation leave may be carried-over to the following year with the written permission of the Town Manager. This balance

carried over must be used by June 30th of the year that it is carried into. Any time that is not used by June 30th is forfeited.

4. Vacation pay shall be equal to the hourly rate received by the employee and for the number of hours normally worked each week.
5. Records of vacation accrual and current balances shall be maintained on a monthly basis by the Towns and shall be made available for employee review upon request.
6. If an employee separates from the Towns for any reason, all earned vacation shall be due and payable to the employee, prorated to the nearest full month that their employment ceases. If an employee dies during service with the Towns, the vacation pay accumulated shall be paid to the widow, widower, or child(ren), or another specifically designated beneficiary.
7. Based on seniority, employees shall have the preference in selecting the time in which they wish to take their vacation. The Towns will also give due consideration to special circumstances pertaining to individual vacation requests. The final determination shall rest with the Town Manager. No more than two (2) weeks shall be taken at a time.

XI. EARNED PAID LEAVE

1. Employees who are not currently eligible for sick and vacation leave as outlined above in Article IV and X, are eligible for Earned Paid Leave effective January 1, 2021 per Title 26, MSP Section 637. The Towns will provide 1 hour of paid leave for every 40 hours worked, up to a maximum of 40 hours of earned paid leave per year. The leave may be taken for any reason.
2. Employees who are currently eligible for sick and vacation leave as outlined above in Article IV and X, the first 40 hours of sick and vacation leave (or a combination of the two) that are accrued in a year are designated as earned paid leave.
3. Employees begin accruing earned paid leave upon hire, but cannot use the accrued leave until they have been employed for 120 days.
4. Employees must provide at least a 2 week notice prior to using paid leave, unless the leave is being taken for an emergency and in that case the Town Manager and/or Direct Supervisor must be notified within a reasonable time frame.
5. The Towns may place reasonable limits on the scheduling of earned paid leave for reasons other than emergencies to prevent undue hardship on the Towns (undue hardship meaning a significant impact on operations or creating significant expenses).
6. Earned paid leave may be used in increments of 1 hour or more.

7. Employees may accrue up to a maximum of 40 hours of earned paid leave per year. Up to 40 hours of earned paid leave may be rolled over to the next calendar year. Hours that are carried over are counted toward the annual 40 hour maximum, so if all 40 hours are carried over, the employee will have reached the maximum accrual for the year.
8. If an employee separates from the Towns for any reason, all earned paid leave shall be due and payable to the employee. If an employee dies during service with the Towns, the earned paid leave that accumulated shall be paid to the widow, widower, or child(ren), or another specifically designated beneficiary.

XII. SENIORITY

1. Seniority shall be equal to their years of service or employment with the Town unbroken by any of the reasons for termination of seniority specified in Section IX, number 4 below.
2. The first six (6) months, plus three (3) months' probation extension (if applicable and mutually agreed to by the Town and the Employee in writing) of employment shall be considered a trial period to permit the Towns to determine a new employee's fitness and adaptability for the work required, subject to extension by mutual agreement. Probationary employees will be covered by the provisions of this agreement except that they may be discharged if found not suitable to perform work requirements or are otherwise found unsuitable.
3. Ability to perform the job or work, as used in this Article, means the employee is capable of performing the work of the job in a satisfactory manner, subject to concurrence by the respective Department Head and Town Manager.
4. Seniority, for all purposes, shall be terminated for any of the following reasons:
 - a. Voluntary quit
 - b. Discharge for just cause
 - c. Failure to report for work within four (4) working days after notice of recall is given. However, if the Towns are advised by the recalled employee, either in person or in writing, within said period that they will report for work within two (2) weeks after notice of recall, this extension of time will be granted. Reasonable exceptions to these time limits may be agreed upon in cases of proven sickness or injury to the employee or death in their immediate family.
 - d. Absence for three (3) consecutive working days without reporting to the towns, unless impossible to do so.
 - e. Failure to report for work at the end of a leave of absence or extension thereof.

XIII. WORKER'S COMPENSATION

The Towns provide Workers' Compensation coverage for all eligible employees in accordance with the Maine Workers' Compensation Act.

1. When an on-the-job injury occurs, the affected employee is required to report the injury immediately to the Town Manager, regardless of how minor the injury is or whether medical assistance was necessary.
2. The towns utilize a Workers' Compensation preferred provider for work related medical services. It is required that all employees, unless in emergency situations, initially seek medical treatment and evaluations through the preferred provider.
3. Subject to applicable legal requirements, workers' compensation insurance provides incapacity benefits after a short waiting period. For a compensable injury resulting in lost time, payment of incapacity benefits is made by the Towns' insurance carrier in lieu of the employee's regular salary.
4. The towns will not accept an employee's compensation payments for buy back of sick leave.
5. The Towns may require a return-to-work medical evaluation to determine if an employee who has been out of work is able to perform the essential functions of the employee's position with or without reasonable accommodation in such a manner that would not pose a direct threat to health and safety of the employee or others.

XIV. HOLIDAYS

Regular full-time employees are entitled to the following holidays, with pay:

New Year's Day	Veteran's Day
Martin Luther King Jr. Day	Thanksgiving Day
President's Day	Day after Thanksgiving
Patriot's Day	Christmas Day
Memorial Day	
Juneteenth Day	
Independence Day	
Labor Day	
Columbus Day	

If the holiday falls on a Saturday, the holiday will be observed on Friday. If the holiday falls on a Sunday, the holiday will be observed on Monday.

The Highway Department work week from April 1 until October 31 may consist of four (4) ten (10) hour days, Monday through Thursday. These dates may be extended or curtailed by the Town Manager in consultation with the Road Commissioner, weather permitting. Holiday pay during this period is based on the ten (10) hour day.

Regular part-time employees earn holiday pay prorated to their normal scheduled hours.

XV. DEATH IN THE FAMILY-FUNERAL

Up to three (3) days off with pay will be given for the death of a member of the immediate family, including mother, father, spouse, child(ren), sister, brother, mother-in-law, father-in-law, step-children, step-parents, grandparents, and grandchildren. The Town Manager, at their discretion, may authorize additional days. An amount of time, without pay and determined by the Town Manager, will be allowed for attendance at funerals on request, for other than those listed above.

XVI. FAMILY MEDICAL LEAVE

The towns utilize the Maine Family Medical Leave Act.

Employees may be eligible for state family and medical leave (FMLA) if they have at least 12 consecutive months of service. Maine FMLA provides up to 10 weeks of leave in any two-year period in certain situations, including:

- a serious health condition of the employee;
- The birth of the employee's child or the employee's domestic partner's child;
- The placement of a child age 16 or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
- A spouse, domestic partner, child, domestic partner's child, grandchild, domestic partner's grandchild, parent or sibling with a serious health condition;
- The donation of an organ of that employee for a human organ transplant;
- The death or serious health condition of the employee's spouse, domestic partner, parent, child, or grandparent of the spouse, domestic partner, parent, grandchild, or child as a member of the state military forces, or the US Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

Domestic partner is defined as the partner of an employee who: is a mentally competent adult as is the employee; has been legally domiciled with the employee for at least 12 months; is not legally married to or legally separated from another individual; is the sole partner of the employee and expects to remain so; is not a sibling of the employee; and is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. Sibling means a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

The following are some guidelines that apply for FMLA leave:

1. The employee must give at least 30 days' notice of the intended date upon which the leave will commence and terminate, unless prevented from giving notice by a medical emergency.
2. A request for leave due to a serious health condition shall be supported by a medical certification.

3. All accrued sick leave, vacation and compensation time shall be utilized concurrently with family medical leave time.
4. When all accrued leave is exhausted, any remaining FMLA leave will be unpaid. No sick or vacation leave will accrue.
5. The employee may continue their benefits at the employee's expense.
6. In certain circumstances where medically necessary, leave may be taken on an intermittent or reduced leave schedule. The employee should confer with the Town Manager with any such request.
7. An employee is expected to return to work from family medical leave not later than the first working day following the expiration of the leave, absent extenuating circumstances that are communicated to the Towns in advance of the end of leave date. In that circumstance, whether additional leave will be provided is within the discretion of the Town Manager.
8. An employee who exercises the right to FMLA time under this section is entitled to be restored to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment, unless the failure to restore the position was due to conditions unrelated to the employee's exercise of FMLA rights.
9. In cases of leave involving a serious health condition of the employee, a fitness for duty report shall be required to return to work, certifying the employee is capable of performing all duties in their job description.

If an employee believes they qualify for leave for one of these conditions, they should speak to their supervisor or the Town Manager immediately as to specific rights and obligations under state law.

Family Medical Leave Forms to be submitted by the employee: Request for Family Medical Leave; Physician or Practitioner Certification Family Member/Serious Health Condition or Employee Serious/Health Condition; Authorization for Payroll Deduction for Benefit Plan Coverage Continuation during a Family Medical Leave of Absence; Fitness for Duty to Return from Leave.

XVII. TRAINING LEAVE

Employees may be allowed paid leave to attend training schools, workshops, conferences, or conventions. Such leave shall be approved by the Department Head and Town Manager, if the training will be of mutual benefit to the Towns and to the employee. In most cases, reasonable costs for transportation, lodging, meals and tuition will be paid by the Towns. Travel time to and from off-site training is working time and paid accordingly.

XVIII. LEAVE WITHOUT PAY

Under special circumstances, leave without pay may be granted to full-time, regular employees by the Town Manager, at their discretion, for a period not to exceed ten (10) weeks. This leave

may be requested by employees not otherwise eligible for Maine FMLA or for employees who have utilized their Maine FMLA time but are unable to return to the duties of their position. Credit toward vacation and sick leave will not be earned during leave without pay, nor will municipal holidays be paid. Such leave does not constitute a break in service, but does not count as service time for Maine State Retirement. All benefits, including health insurance, must be paid by the employee.

XIX. CIVIL LEAVE

A full-time, regular employee shall be given time off without loss of pay up to five working days without charge to any time of leave when performing jury duty; when subpoenaed to appear before a court, public body, or commission in connection with Town business; or when performing emergency civilian duty in connection with national defense. During the initial five days, such employees will be paid their regular pay check and shall endorse any payments for services to the Towns. This excludes mileage. Following the initial five-day period, such employees will be allowed to use their accrued leave time or request unpaid administrative leave. Deviations from the Civil Leave provisions may be granted with the Town Manager's discretion.

XX. ALCOHOL AND DRUG POLICY

The Towns seek to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to Towns' reputation.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles) and applicants for employment.

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

1. Possession, sale and/or use of drugs on Town premises, during work hours, while on work-related travel, or while on Town business;
2. Failure to notify the Towns of an arrest or conviction under any criminal drug or alcohol statute within two days of the arrest or conviction;
3. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in Town-provided clothes or on Town premises, while operating a Town vehicle (or while operating a personal vehicle in connection with the performance of Town business), or while performing job functions.

4. Being under the influence of drugs while on duty, on Town premises, on Town work time, while in Town-provided clothes, while on Town business, or while operating a Town vehicle (or while operating a personal vehicle in connection with the performance of Town business);

5. Refusing to cooperate with any and all tests required by this policy. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

In accordance with the Policy adopted September 2, 2015, all municipal employees required, by job description to hold a commercial driver's license, shall be subject to random drug and alcohol testing, as outlined in said policy. Details of this policy are on file at the Town Office.

In order to implement this policy, the Towns reserve the right to:

- a) subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and/or alcohol test;
- b) test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c) discipline or discharge employees who test positive or otherwise violate this policy; and
- d) test employees after an accident.

Failure to abide by any provision in this policy will result in disciplinary action up to and including termination.

XXI. SEXUAL AND OTHER PROHIBITED HARASSMENT POLICY

As adopted on April 23, 1996 and herein incorporated, it is the policy of the Towns of Mapleton, Castle Hill, and Chapman to provide a work environment which is free of sexual harassment. This means that the following types of behavior are prohibited:

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 supervisors or non-supervisory personnel. This may include:
 - a. Offensive sexual flirtations, advances, or propositions
 - b. Verbal abuse of a sexual nature

- c. Graphic, verbal comments about an individual's body
 - d. Sexually degrading words used to describe an individual
 - e. The display of sexually suggestive objects or pictures
 - f. Unwanted hugs or kisses
4. Retaliation against employees for complaining about sexual harassment. The violation of this policy may result in disciplinary action up to and including dismissal.

Other Forms of Prohibited Harassment

Other forms of prohibited harassment under Town policy and Federal and state law include harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law. Such harassment may include verbal or physical conduct that denigrates or shows hostility towards an individual because of any protected status, such as jokes, pictures (including drawings), epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a protected class, or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

Employees who have complaints of sexual or other prohibited harassment should bring the matter to the attention of the Town Manager at the Town Office or if for any reason the employee is more comfortable speaking with another person, they should contact a member of the Joint Board of Selectmen.

The Towns of Mapleton, Castle Hill, and Chapman are committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. In the course of the investigation every effort will be made to protect the privacy of those involved.

XXII. OVERTIME COMPENSATION AND COMPENSATORY TIME

Employees are compensated by the agreed upon hourly rate up to 40 hours weekly. The hourly rate also applies if a holiday falls within a work week. Time and a half shall apply for any hours *actually worked* in a week over the 40 hours. All overtime worked must be approved by the Town Manager or Road Commissioner in advance.

Vacation, sick and compensatory time off are not considered hours actually worked and shall not be used toward the calculation of overtime.

Example: Employee takes 8 hours sick time on Monday, then works 36 regular hours Tuesday through Friday. The employee is compensated for 44 hours regular pay and charged 8 hours of sick time or 40 hours regular pay and charged 4 hours of sick time.

Holidays with pay stipulated in Section XIII may be used toward the calculation of overtime.

Example: President's Day was Monday and an employee worked 34 hours Tuesday through Friday. The employee is compensated for 8 hours regular pay for the holiday, 32 hours regular pay Tuesday – Friday and 2 hours at time and a half pay.

Typically, overtime compensation will be paid immediately to the employee. However, an employee may request to receive compensatory time in lieu of overtime compensation. Accrual of compensatory time is subject to approval by the Town Manager. At no time may an employee accrue more than 24 hours of compensatory time and no compensatory time may be carried into the next year. Prior to a new year, the balance of compensatory time will be paid to the employee at their current rate of pay.

XXIII. RECORDING TIME WORKED

Time cards or sheets are official town documents for the accurate accounting of hours worked and leave used during a pay period. Time cards shall be submitted by every employee at the close of each pay period with the employee's signature certifying all information provided is true and correct. Falsification of one's time card or completing and/or falsifying another employee's time card without express permission to do so by a supervisor is cause for disciplinary action.

Times recorded on the cards shall be the actual time reporting to and departing from work. Rounding to the nearest 15th minute and other forms of rounding time are not acceptable forms of accurate time reporting and may be deemed falsification. Any departure from work for purposes not work related is considered a departure and should be recorded as such. The total time worked in a day is the sum of all time between reporting to and departing from work. Supervisors will validate the time cards and submit a consolidated time sheet for payroll processing.

XXIV. WEATHER CLOSURES

The Town Manager may close the Town Office due to inclement weather that would compromise the safety of non-essential employees and the public attempting to travel. All employees not involved in snow removal or other weather-related operations are considered non-essential for the purposes of this policy.

Weather closure time is not considered hours actually worked and shall not be used toward the calculation of overtime. Regular Employees (as defined in Section I) affected by an office closure will be compensated for the time missed, up to their normal weekly schedule. Any employees on vacation or sick leave during an office closure will have the applicable time credited as weather closure time.

Example 1 (normal work week): A 40-hour employee worked 8.5 hours Monday, 8.0 hours Tuesday, weather closure Wednesday, 9.0 hours Thursday and 8.5 hours Friday. The employee would be credited for 6.0 hours on Wednesday to get their 40 hours.

Example 2 (vacation time): A 40-hour employee worked 8.5 hours Monday, took vacation Tuesday, Wednesday and Thursday, then worked 8.5 hours Friday during the week with a weather closure on Wednesday. The employee would be credited for 7.0 hours on Wednesday and charged vacation time for Tuesday and Thursday only.

XXV. OUTSIDE EMPLOYMENT AND COMPENSATION

A Town employee may engage in outside employment. However, no employee may engage in outside employment which in any manner interferes with the proper and effective performance of their job duties or results in a conflict of interest. Employees must inform the Town Manager of their outside employment. If the Town Manager determines such outside employment is disadvantageous to the Town, notification that such employment must be terminated shall be issued in writing. Any employee who engages in outside employment outside the Towns' regular working hours shall be subject to perform their regular duties first, when required. Any employee who engages in outside employment during their regular working hours shall be subject to disciplinary action, including termination.

The Towns shall in no respect be liable in cases where an employee is injured or contracts an occupational illness or disability while engaged in outside employment.

XXVI. CONFIDENTIALITY AND EMPLOYEE CONDUCT

During the course of their duties, employees of the Towns may be privy to information about individuals or situations which are sensitive and must be kept confidential. Employees are expected to respect the confidential nature of any information not subject to public knowledge.

All employees are expected and required to treat the public and their coworkers with promptness, patience, courtesy and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their position or to the Towns of Mapleton, Castle Hill & Chapman.

XXVII. EMAIL, COMPUTER AND INTERNET POLICY

The Towns provide access to computer systems, including Internet and electronic mail (e-mail), to allow employees to communicate internally and with individuals outside of the business to accomplish the business objectives of the Towns. Electronic media and services are to be utilized primarily for business. Brief and occasional use of electronic media for personal, non-business purposes is permissible, however, this privilege must be used responsibly (as an example, forwarding chain e-mail is not a responsible use of the system). Abuse of the communication system will not be tolerated and may lead to disciplinary action, up to and including termination.

Employees should not expect personal privacy in any aspect of the computer system, including but not limited to the use of electronic mail. The Towns reserve the right to monitor, access, retrieve, review, search and/or inspect any part of the system or any data stored, deleted, maintained or transmitted in it at any time without notice to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other policies. Using the Towns equipment demonstrates 1) an employee's acknowledgement that these systems are not private and 2) an employee's consent to have his or her use of the computer system monitored by authorized Town personnel at its discretion. Any employee who wants or needs to use a password or other restrictive security device must have pre-approval from the Town Manager and must submit any password or other code to the Town Manager. The approved use of any such security device does not create any right to privacy.

As with any other workplace communication, business e-mail messages must be courteous and professional. Such messages must not contain content that may be reasonably considered offensive or disruptive to other employees. In addition, the Towns policies prohibiting discrimination and harassment apply to the use of electronic mail; therefore, comments or other material that would reasonably offend someone on the basis of their race, age, sex, religious beliefs, national origin, disability, gender identity, those who sought and received an order of protection from abuse, or other status protected by the law is strictly prohibited. Employees should also not engage in other inappropriate use of the electronic mail system, including but not limited to: unauthorized use of any document protected by copyright, software licensing rule, or property rights of others; opening e-mail from unknown or unreliable sources; or revealing or misappropriating confidential information or trade secrets through unauthorized e-mail communications.

Violations of this policy, particularly the sending of inappropriate or offensive messages, may result in disciplinary action up to and including discharge.

XXVIII. SMOKING

Employees may not smoke in the buildings or on the properties of any Town facility, vehicle, or at other site where Town programs occur while on work time.

XXIX. VIOLENCE

The Towns will not tolerate any form of violent or threatening behavior in the workplace. Any employee who engages in violence or threats while on business property or while engaged in any business activity is subject to immediate discharge.

XXX. VEHICLE USE

Employees whose work requires operation of a motor vehicle must present and maintain a valid vehicle operator's license that is neither suspended nor revoked and must be able to provide

proof of adequate insurance coverage. Any changes to such an employee's driving record or license status must be reported to the Town Manager immediately. Where applicable, failure to maintain a valid driver's license may be sufficient cause for immediate termination.

Employees traveling on behalf of the Towns must comply with all state, federal, and local traffic rules and regulations. The Towns are not responsible for and will not reimburse an employee for any fine incurred by the employee for violating a traffic or criminal law while traveling on behalf of the Towns.

Any accident, no matter how minor, which occurs while any employee is operating a vehicle on Town business, must be reported immediately to the Town Manager.

Any employee who chooses to use a cellular phone while operating a vehicle on business must do so in a safe manner and in compliance with any local or other ordinances, restrictions or other laws. Any employee who is driving on behalf of the Towns is strictly prohibited from operating the motor vehicle while engaging in texting, which includes reading or manually composing electronic communications, including text messages, instant messages and emails, using a portable electronic device.

Employees who operate personal vehicles on the Towns business are strictly prohibited from operating such vehicles under the influence of alcohol or controlled substances, except for prescription medication authorized by a physician which does not cause unsafe performance.

Failure to follow these rules may result in disciplinary action, up to and including immediate termination.

XXXI. NURSING MOTHERS IN THE WORKPLACE

An employee may use either available paid break or meal time or unpaid time each day to express breast milk for her nursing child for up to three years following childbirth. The Towns will provide an adequate location for this purpose that is clean and allows the employee to express breast milk in private. The Towns will not discriminate against an employee who chooses to express breast milk in the workplace pursuant to this policy.

XXXII. MILITARY DUTY

The Towns provide military duty leave in compliance with applicable state and/or federal law. Any employee who intends to take such leave should notify the Town Manager as soon as possible after the need for leave is known to discuss leave options.

XXXIII. LEAVES FOR VICTIMS OF VIOLENCE

Employees who are victims of violence may request an unpaid leave of absence to prepare for or attend court proceedings or to receive medical treatment for themselves, their daughter, son, parent, or spouse, or to obtain necessary services to remedy a crisis, if the employee needs the leave because the employee is the victim of violence, assault, sexual assault, or stalking or for any other reason mandated by state law.

XXXIV. DISCIPLINARY PROCEDURES

The procedures contained in this section apply to employees who have successfully completed their probationary period. An employee who has not yet completed the probationary period may be discharged without cause.

1. Causes for Discipline. Causes for disciplinary action may include, but are not limited to:
 - A. Misconduct, insubordination, or failure to obey a lawful and reasonable direction from a supervisor;
 - B. Violation of a department rule;
 - C. Inefficiency, incompetence, or unsatisfactory work performance;
 - D. Excessive absenteeism, tardiness, or early departure from work;
 - E. Misuse of sick time;
 - F. Falsifying any document, including time cards;
 - G. Conviction of any criminal offense;
 - H. Engaging in off-duty employment or other activity that is incompatible with the employee's duties, functions, and responsibilities as an employee;
 - I. Engaging in or threatening violence;
 - J. Failure to maintain a polite and cooperative attitude; and
 - K. Any other action that reflects poorly on or negatively impacts the towns.

2. Procedure.

Supervisors are encouraged, in appropriate circumstances, to initially address and attempt to resolve issues with employees informally. Such informal counseling is not considered discipline.

- A. Whenever the Town Manager believes that disciplinary action may be appropriate, the Town Manager shall give reasonable notice to the employee

concerned that disciplinary action is being considered. If appropriate under the circumstances, an employee may be placed on paid administrative leave pending the disciplinary hearing. The Town Manager shall inform the employee of reason for the hearing and advise the employee of a time and place of a disciplinary hearing. The employee shall be provided with supporting documentation, if any.

- B. At the disciplinary hearing, the employee shall be advised of the facts believed to warrant disciplinary action. The employee shall then be given the opportunity to respond to the allegations, submit any documents, and present any mitigating factors that should be considered. Where appropriate, the Town Manager may interview other witnesses and follow-up on matters discussed during the hearing. The employee shall be given the opportunity to respond to any new information obtained. The hearing need not be formal, but it must afford the employee with the opportunity to fairly respond to the allegations.
- C. Following the hearing, the Town Manager shall review the facts and determine whether there is cause for discipline. If the Town Manager determines that discipline is not warranted, the Town Manager shall notify the employee in writing and the matter will be considered closed. If the Town Manager determines that discipline is warranted, the Town Manager shall then determine the appropriate level of discipline under the circumstances.
- D. Discipline may be issued at whatever level of discipline is appropriate to the circumstance. In determining the appropriate level of discipline, the Town Manager should consider the nature of the violation and its effect on the town, whether the employee has previously been made aware of the issue, the employee's disciplinary record, the level of discipline issued to other employees in similar circumstances, and any other mitigating or aggravating circumstances.
- E. Forms of discipline:
 - i. Counseling / Verbal Warning
 - ii. Written Warning
 - iii. Suspension
 - iv. Termination from Employment
- F. The Town Manager shall prepare a written notice of discipline setting forth the reason or reasons for its decision with supporting findings of fact sufficient to apprise the employee of the basis for the decision. Once final, the disciplinary decision (but not any of the supporting materials) is a public record in accordance with the Freedom of Access law. The discipline shall be placed in the employee's personnel file.
- G. Where the Town Manager determines that termination from employment is appropriate, an employee may appeal the decision to the Joint Board of Selectmen

by filing a written request for review with the Town Manager within five (5) business days of receipt of the decision.

- i. The Joint Board shall hold a hearing within ten (10) business days of receipt of the appeal, or at such other mutually agreed upon time, to hear the appeal. The hearing shall be held in executive session unless the employee requests in writing that the matter be discussed in open session. The Town Manager shall set forth the reasons for termination and the employee shall have the opportunity to respond and present evidence and testimony. Either party may call witnesses, cross examine witnesses, and submit documents. The Joint Board shall provide for the orderly conduct of the hearing and may exclude repetitious or irrelevant evidence.
- ii. The Joint Board shall issue a written decision affirming, reversing, or modifying the decision of the Town Manager, stating the facts upon which the decision is based and the reasons for the decision within ten (10) work days of the hearing.

The above policy is hereby approved as amended on October 19, 2021, by the Joint Select Board. Amendments to this policy are subject to approval by the Joint Select Board. No practices or procedures contrary to this policy may be implemented without prior approval of the Joint Select Board.

Legal review completed on October 7, 2021, by Brent Singer of Rudman-Winchell, Bangor, ME.