



**PERSONNEL POLICY
FOR THE
TOWN OF TREMONT MAINE**

Amended 21 June 2004

Revised 29 July 2013

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PERSONNEL GUIDELINES

I. Preamble

In accordance with Title 30-A Subchapter (2), Town Manager Plan, § 2631-2639 the Board of Selectmen hereby adopts the following personnel guidelines for utilization by the Town Manager in the administration of the personnel matters for non-school municipal employees.

These Personnel Guidelines are a policy of the Tremont Board of Selectmen. The Board specifically reserves the right to repeal, modify or amend these policies at any time with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the Board of Selectmen to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

The Board of Selectmen believes that it is in the best interest of all concerned to work together in harmony, friendliness and cooperation. The Town will employ those persons qualified by skills and experience to perform prescribed work within salary ranges determined by the Board of Selectmen. The Board of Selectmen encourages employees to submit suggestions and recommendations of mutual benefit to the Town Manager.

II. General

The general purpose of this policy is to establish a fair equitable system of personnel administration for employees. Pursuant to these goals, these guidelines set forth procedures which will ensure fair treatment for those who compete for original employment and promotion, and defines the obligations, rights, privileges, and benefits of non-school municipal employees.

To ensure familiarity with these policies each current and new employee shall be required to read a copy of these guidelines; discuss them with the Town Manager; and sign a permanent record sheet indicating that he/she has read and discussed the guidelines found in this manual. Sufficient copies shall be maintained for the use of Town employees.

III. Equal Employment Opportunity

The Tremont Board of Selectmen declares its intent that the Town will pursue a policy of non-discrimination in its personnel practices. This includes: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, sex, marital status, national origin, age, physical or mental disability or sexual orientation where these are not found to be bona fide occupational qualifications, and subject to reasonable accommodation analysis.

The Town recognizes its responsibility to enhance the purpose set forth in the Maine Human Rights Act as well as Federal statutes which may apply as a result of its Federal grant activities.

As a result, the Selectmen direct that the Town establish an Affirmative Action Plan which will:

- A. Identify qualified applicants or employees who are currently experiencing unlawful discrimination;
- B. Identify and correct those personnel practices or procedures which have or may have different effects on the employment opportunities of minorities and women; and
- C. Provide for an ongoing maintenance function of the Town personnel practices in regard to Equal Employment Opportunity.

IV. Positions Covered

These guidelines shall cover all non-school municipal employees except elected officials, part-time constables, except as noted, and various part-time inspectors that are required to be appointed by Statute, as well as members of the boards and commissions and other positions to which no regular compensation is attached.

V. Employee Definitions

- A. Regular Full-Time Employee - an employee in a continuing and regularly scheduled job assignment that is expected to last one year or more. This class of employee is scheduled to work thirty-five (35) hours or more per week.
- B. Regular Part-Time Employee - an employee hired for less than thirty-five (35) hours per week on a continuing or ongoing basis.
- C. Temporary Employee - works on a non-permanent basis, usually within a limited time frame. They are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority, and may be terminated at any time for any reason.
- D. Probationary Employee - any employee who has been hired in any of the above categories who has not completed probationary period as defined in Section VII.
- E. Regular Part-Time On-Call Employee - an employee hired for less than (35) hours per week on an ongoing on-call basis. They are not entitled to benefits such as retirement, health insurance, holiday pay, accrual of sick leave and vacation time, or seniority, and may be terminated at any time for any reason.

VI. Recruitment & Hiring

- A. Appointments - The employment of all personnel shall be the responsibility of the Town Manager in accordance with Title 30-A Subchapter (2), Town Manager Plan, § 2631-2639, except as otherwise stated by ordinance adopted at Town meeting.
- B. Policy Statement - It shall be the policy of the Town that all positions covered by these 4 guidelines be filled by fully qualified persons who have been examined on the basis of job-related criteria. Eligibility for employment shall be based on such an examination. Employment is not limited to residents of Tremont.

C. Regular Employee Recruitment - The process to be followed in recruiting regular employees is as follows with the exception of regular part-time on-call employees who shall be hired in accordance with Section (E) below.

1. Review of job description to ascertain job qualifications.
2. Advertising the open position by the posting of a public notice and by advertisement in the appropriate newspaper(s) and other media.
3. Acceptance of written application.
4. Review of applications received.
5. Check of references.
6. Interview of several qualified applicants.
7. Selection of qualified applicant.
8. Appointment of a qualified applicant by the Selectmen upon recommendation of the Town Manager.

D. Temporary Employee Recruitment - employees shall be recruited in a manner as prescribed by the Town Manager.

E. Regular Part-Time On-Call Employee shall be selected from a list of qualified applicants, provided by the Departmental Supervisor, and hired by the Town Manager, with approval of the Board of Selectmen

The Town will generally follow its stated recruitment process, but reserves the right during each hiring process to modify the process to specific demands of filling that position.

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

VII. Probation

New employees are hired for a six-month probation, during which the new staff member may evaluate his/her interest in the position and the Town may evaluate the ability of the new employee. At the end of the probation period, an evaluation will be made of the employee's attitude, ability and capacity to determine whether the employee shall be hired permanently. At any time during the probationary period, the employer may terminate the employment with the usual termination notice. If deemed necessary by the Town Manager and any employee's immediate supervisor the employee's probationary period can be extended for an additional three months.

VIII. Grievance Procedure

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 - Present your grievance orally, within two weeks of its cause, to your immediate supervisor. In the event that measures have not been instituted within one week to resolve the grievance at this level, the employee may then refer to Step 2.

Step 2 - The unresolved complaint may be referred, in writing to the Town Manager. Within one week, the Town Manager, supervisor and employee will meet and discuss the grievance. Providing the grievance is not resolved at this point, the employee may request in writing to the Town Manager, that the grievance be referred to a joint meeting of the Department Head (if applicable), Town Manager, and Selectmen for a hearing to be held within 10 working days. A written decision shall be issued within 5 working days after the hearing.

IX. Discipline and Discharge

A. Board of Selectmen, through the Town Manager, may adopt disciplinary rules and work rules which will be posted from time to time during the duration of this policy. Existing or new rules shall be reasonable and will not be inconsistent with this policy. All new rules will be posted three (3) working days before they are effective. The following list of infractions subject to discipline, up to and including discharge, is not intended to be all inclusive, but is illustrative of types of violations of policy subject to disciplinary action.

1. Partaking or possession of intoxicating beverages, intoxication, use or possession of including marijuana while on duty;
2. Failure to perform the duties of the position;
3. Negligence in the care and/or handling of Town property;
4. Violation of any departmental rules as provided above;
5. Absence from duty without leave contrary to the provisions of the policy:

6. Chronic tardiness;

7. Disrespectful or inappropriate behavior when interacting with citizens or co-workers while on duty;

B. Violations of the provisions of this section shall be punishable by oral or written reprimand, suspension and/or discharge but not necessarily in the order stated.

C. Discipline for written reprimand, suspension and/or discharge shall be stated, in writing, to the employee within five (5) days after the effective date of the action.

D. An employee discharged from their employment will receive their accrued vacation pay providing all Town materials, monies, and equipment under their care are returned to the satisfaction of the Town Manager.

X. Separation from Employment

A. Separation

1. All employees resigning from the services of the Town shall give at least two (2) week's notice.

2. Each employee before severance of his employment will be given a termination interview with the Town Manager, provided either or both request such an interview.

3. Upon separation from the Town, employees who have accrued vacation shall be paid the salary equivalent to the accrued vacation.

4. In case of death the monies from accumulated vacation shall be paid to the late employee's beneficiary.

B. Reinstatement

1. An employee who has resigned in good standing may be reinstated at the discretion of the Town Manager, if a vacancy exists, to the same or similar position within one year of the date of resignation.

XI. Employee Evaluations

A. The purpose of the evaluation is to determine the merit of the employee and to reward or penalize the employee for performance during the evaluation period. All employees covered by these guidelines shall be evaluated by the Town Manager. The employee evaluation will be conducted according to the following schedule:

1. Probationary Employees - see section VII

2. Regular Employees will be evaluated annually beginning one year from the date of employment.
3. Employee evaluations will be in writing. The Town Manager and when appropriate the supervisor will conduct an interview with the employee. The employee will be furnished with the written evaluation and will be allowed to respond to all aspects of it. A copy of the final evaluation will be signed by the employee and kept on file in the employee's personnel folder, and the employee will be given a copy. The evaluation may include a recommendation as to merit pay increases subject to such money being available in the department's budget.

XII. Job Descriptions

- A. Each position in the organizational structure shall have a written job description.
- B. Each employee shall be provided with a copy of his/her job description when hired.
- C. A copy of the job description shall be made part of the employee's personnel folder.
- D. When an employee changes positions, he/she will be provided a new job description and it will also be added to his/her personnel folder.
- E. Town Manager will be responsible for ensuring that job descriptions are accurately maintained and up-to-date.
- F. Employees shall be notified when their job descriptions change. A copy of the new job description shall be given to the employee and a copy placed in his/her personnel folder.

XIII. Personnel Records

- A. Town shall maintain a system of confidential personnel records.
- B. A separate personnel record folder shall be created at the time of employment and shall be kept for each employee.
- C. During the term of his/her employment, all information pertaining to the employee shall be kept in his/her personnel record folder.
- D. At the time of termination, the employee's personnel folder shall be transferred to the "Inactive" section and retained as a permanent source of confidential information regarding the employee's employment.
- E. Access to and release of information contained in the personnel records shall be limited to authorized personnel only, and otherwise opened only on a "need to know" basis subject to approval of the Town Manager. An employee may inspect his/her file during regular office hours.

F. Individual personnel record folders shall include:

1. Application for employment.
2. Reference letters and verification of previous employment, including salary received.
3. Copies of employment correspondence including notification of appointment.
4. Current job description.
5. Record of all personnel reviews and evaluations, including changes in job, income, grade, or tenure.
6. If the employee is authorized to drive on town business, the employee's folder shall contain a copy of the employee's driver's license and proof of automobile insurance coverage.
7. A record shall be kept of all disciplinary actions such as reprimands, probationary suspensions, or other adverse personnel actions.
8. Any time and attendance records not kept in active payroll record files.
9. Personnel action notices.
10. Training and career development records.
11. Letters and certificates of appreciation.
12. Other employee-related data, such as W-2 and W-4 forms, group insurance, claims, letters for creditors, etc.

XIV. Work Week/Overtime

A. Standard Work Week

1. The Town Manager shall endeavor to establish schedules for working hours not in excess of those stipulated by law. The following list of hours is considered the number to be worked in a standard workweek for the particular department or work site. Also indicated are the maximum hours that may be worked without the payment of overtime.

- *On a flexible schedule as dictated by the needs of the position and the Department Supervisor*
- *The taking of work breaks and lunch are mandated & there shall be no paid lunch breaks*

Department	Standard Work Week	Non Overtime Maximum Hours
Town Office Salary Employees, Exempt	As Required	N/A

Town Office Hourly Employees Non-Exempt	*Monday-Friday 7:45 AM to 4:15 PM Total Hours for Work Week 40	40
Assessing & Code Enforcement Hourly Employees	*Monday-Friday 7:45 AM to 4:15 PM Total Hours	40
Public Works Hourly Employees, Non Exempt	*Monday –Friday 7:00 AM -3:30 PM Total hours for Work Week	40
Library Part Time Employee, Exempt	As Required	N/A
Regular Part-Time On-Call Employees	As Scheduled and Called (less than 35 hours per week)	35

2. All employees are expected to be on duty at the scheduled time unless the employee has been instructed otherwise by that employee’s supervisor or the Town Manager. If for any reason, an employee is not able to report for work at the scheduled time, the employee shall notify his/her supervisor.
3. Standard workweek days and hours may be adjusted, by Departmental Supervisors or the Town Manager, to meet special conditions or circumstances.
4. During a standard eight or ten-hour day, employees shall take one 15-minute break for every four- five hour period.

B. Overtime

1. Employees not exempt from the Fair Labor Standards Act shall receive overtime pay at the rate of one and one-half times their regular rate of pay for any hours worked in excess of 40 hours in any workweek.

2. The Town Manager or his designee may require town employees to work overtime hours, if necessary to complete assigned work or to perform work needed to insure the safety of persons and/or property. Department Heads or Supervisors may request that overtime hours be authorized. No overtime hours may be worked without prior approval of the Town Manager, or his designee.

C. Compensatory Time

1. Employees eligible for overtime pay may elect to receive either Compensatory Time or pay pursuant to and in compliance with 29 USC Section 207 (o) and 29 CFR 553.28 through 553.231
2. Employees may not accrue Compensatory Time in excess of 240 hours
3. Any compensatory time not taken upon separation will be paid at the employee’s regular hourly rate not to exceed 240 comp- hours.

XV. Holidays

A. Employees, with the exception of regular part-time on-call employees, having to work on any holiday shall be paid for the holiday at their hourly base rate. The hours actually worked shall be paid at time and a half their hourly base rate.

B. There will be twelve and one-half (12) holidays observed as follows:

- | | |
|-------------------------|----------------------------|
| 1. New Years' Day | 7. Columbus Day |
| 2. M.L. King's Birthday | 8. Veterans' Day |
| 3. President's Day | 9. Thanksgiving Day |
| 4. Patriots' Day | 10. Day after Thanksgiving |
| 5. Memorial Day | 11. Christmas Day |
| 6. July 4th | 12. Labor Day |

C. When a scheduled holiday falls on a Saturday or Sunday the following policy shall apply. Should the scheduled holiday fall on Saturday, the holiday will be observed on Friday prior to the actual holiday. Should the holiday fall on Sunday, the holiday will be observed on Monday following the holiday.

D. Any employee not working the day prior or the day following a holiday, if scheduled to do so, unless otherwise excused will relinquish eligibility for holiday pay.

E. In case a holiday falls within a vacation period, it is not counted as part of the annual vacation allowance, an additional day of vacation may be added to the earned vacation time.

XVI. Leaves

A. The Town of Tremont leave privileges are available to regular employees, with the exception of regular part-time on-call employees. Each regular employee / part time regular employees upon hire shall be allocated leave based upon weekly hours worked and years of service schedule. Reference leave schedule listed under Item 3a of XVI Leaves.

1. Personal Leave - All full-time employees and regular part-time employees shall in addition to the other benefits provided herein be entitled to take two (2) personal leave days per year. Such personal leave days shall not be accumulated from year to year. Further, in case of separation from employment, an employee shall not be entitled to personal leave days not taken.

2. Sick Leave - The Town of Tremont provides a plan of sick leave to insure continuation of pay for employees who, through illness or injury (not related to employment) are unable to perform their duties. Periods to which this policy applies are those which, in the opinion of the Town Manager, justify absence from work because of illness which would seriously impair the ability of the employee to perform his or her normal duties. The Town reserves the right to require a doctor's certificate to certify the fact of the employee's illness or injury. It is the intention of the Town to exercise this right only when abuse of sick leave is suspected or when the sickness extends more than five (5) days.

- A. Full-time and part-time regular employees shall accrue sick leave at the rate of one (1) day of paid sick leave for each full calendar month of employment (new employees must complete a full calendar month of service before earning and receiving one (1) day of paid sick leave, accumulative to a maximum of ninety (90) Days.
- B. It is the employee’s responsibility to be certain that information concerning inability to work because of illness or injury be reported to the Town Manager as early as possible on or before (when possible) the day of absence.
- C. Sick leave may be taken for routine medical or dental appointments provided it is not possible to schedule the appointment on the employee’s own time.
- D. Accumulated unused sick leave will not be paid upon separation from employment of the town.

3. Vacation Leave

- A. While working for the Town of Tremont employees earns vacation time. Full-time and part-time regular employees working on a twelve-month basis earn vacation leave based upon continuous service in accordance with the schedule below. If an employee works less than twelve (12) months per year the vacation time earned will be prorated accordingly.

Years of Service Weeks <u>Completed</u>	Vacation <u>Earned per Year</u>
1-5 Yrs	2 Weeks
after 6 Yrs	3 Weeks
1 additional day will be earned beyond 6 years	

- B. Accumulated vacation time may be taken whenever the employee and the Town Manager mutually agree. An employee shall not be allowed to work and be paid his/her usual wage during his/her vacation period. Accrued vacation is based on anniversary date of employment and each year’s accrued vacation must be used in its entirety prior to next anniversary date. Vacation weeks (days) earned after the employees next anniversary date following 15 July 2013 shall not be accumulated from year to year.
- C. For the purpose of computing entitlement to vacation time, an employee’s vacation year shall run from his/her anniversary date. As of each anniversary date, the employee is awarded the appropriate level of vacation weeks, per the chart above. If an employee’s employment with the Town is terminated, he/she will be paid for any accumulated and unused vacation leave credited to him/her at that time.

4. Military Leave - Any full-time employee who is a member of the National Guard or Military Reserves, and is required to undergo field training therein, shall be entitled to a leave of absence without pay for the period of such training not to exceed (2) weeks in any one year, which shall be in addition to the employee's vacation. If the weekly compensation for Military Service is less than the employee's regular weekly straight time pay, the Town shall pay to the employee, the difference in pay upon presentation of evidence of military compensation. If compensation for Military Service is equal to or greater than this amount, then no payment shall be made. Special exceptions may be made for periods of more than two (2) weeks for military leave without pay at the discretion of the Town Manager.

5. Maternity leave - An employee of the Town of Tremont may upon request to the Town manager be granted a leave of absence without pay for up to six (6) months commencing any time before the anticipated birth. A doctor's certificate must be presented verifying the pregnancy and stating the anticipated date of birth. Notice shall be given at least four (4) months in advance of the requested leave dates, if possible.

Maternity leave will be without pay or benefits except that all accumulated sick leave and vacation leave must be taken for this purpose. Insurance coverage may continue if the employee wishes to pay the cost of premiums one month in advance of each month of coverage.

Where extenuating circumstances exists, the leave of absence may be extended for a period not to Exceed one (1) year.

6. Paternity leave - An employee of the Town of Tremont may upon request to the Town manager be granted a leave of absence without pay for up to three (3) months commencing after the birth of that employee's child for the purpose of caring for and/or bonding with the child. Notice shall be given at least four (4) months in advance of the requested leave dates, if possible.

Paternity leave will be without pay or benefits except that all accumulated sick leave and vacation leave must be taken for this purpose. Insurance coverage may continue if the employee wishes to pay the cost of premiums one month in advance of each month of coverage.

Where extenuating circumstances exists, the leave of absence may be extended for a period not to Exceed one (1) year.

7. Child Care Leave - Upon request, the Town Manager may grant a leave to employees for purpose of childcare. Child Care Leave will be without pay or benefits except that all accumulated sick leave and vacation leave must be taken for this purpose.

8. Jury Duty - Every employee who is called or required to serve on jury will be excused from work for the period necessary to perform this duty. If the jury is prematurely excused from duty, during time of its service, the employee is expected to report for work as usual. An employee required to serve on a jury and thus having to be absent from regular work may, upon application, be paid the difference between compensation received from jury duty and base wage from the Town, upon presentation of proof of jury pay granted.

9. Bereavement Leave - An employee may be excused from work for up to three (3) work days

because of death in his/her immediate family, as outlined below, and shall be paid his/her regular rate of pay 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.

- A. For purposes of this article only, immediate family is defined to mean employee's spouse, domestic partner (as defined by 26M.R.S.A. Sec 843) parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, stepfather, stepmother, step brother/sister, legal guardian, or any other relative if living in same household as the employee.
 - B. One (1) workday may be granted to employees at the sole discretion of the Town Manager for attendance at funerals of persons not covered under the above definition.
10. Personal Leave of Absence – The Town of Tremont may make provisions for a personal leave of absence for an employee who needs an absence from work for a valid reason other than those covered by the above paragraphs. The maximum leave granted at the discretion of the Town Manager.

An employee desiring time off for reasons other than those specifically provided for through other leave provisions in this handbook may apply in writing to the Town Manager for an unpaid personal leave of absence. Such requests will be determined on an individual basis at the sole discretion of the Town Manager and will consider the need for the leave, the duration of the requested leave, the employee's work record and the needs of the Town at that particular time.

An employee must have completed one full year of continuous service before the effective date of the leave of absence. The employee must exhaust any accrued vacation leave at the inception of the leave of absence and no vacation or sick time will accrue during the leave period. holidays falling within the leave of absence shall be unpaid.

An employee on leave who fails to return or notify the Town Manager of an inability to return on the first scheduled work day following the termination of the leave will considered to have voluntarily resigned. Employees unable to return within three months will be terminated, unless, at the discretion of the Town Manager, a leave is extended prior to the last day of the scheduled leave. Any requests for an extension of leave must also be in writing and approved by the Town Manager. An employee on such unpaid leave does not have a guarantee of returning to his or her position: while the Town will attempt to keep the employee's position open for them, this may not always be possible. In the event the employee's prior position is no longer available, the employee will be considered for any other available position for which they are qualified.

XVII. Employee Benefit Programs

- A. The Town makes available the following benefit programs for the employees of the Town:
 - 1. Social Security - The Town participates jointly with all employees in Social Security payments.
 - 2. Retirement - Participation in the Town's Retirement Program is available to all Regular Employees Full Time Employees, at their option.

That option must be exercised at the commencement of employment with the Town. The Town participates jointly with employees in retirement payments.

3. Workers' Compensation Insurance - All employees are eligible under the Workers' Compensation Act for a personal injury or compensable illness arising out of or in the course of employment. When an on-the-job accident occurs, the affected employee is to report it immediately to the Town Manager who will report the claim to the insurer.

4. Group Hospital Surgical and Major Medical Insurance - The Town participates in the Maine Municipal Employees' Health Trust. This coverage is available for regular full-time employees averaging (40) hours per week for (50) weeks of the year. The Town pays 100% of the premium for coverage of the employee and 70% of the premium for coverage of the employee's immediate family. Major features of this insurance will be explained at the time of employment and written description is available.

XVIII. Alcohol and Drug Abuse

- A. Policy - It is the policy of the Town to recognize alcohol and drug abuse as a treatable disease. However, it is not the intent of the Town neither to accept below standard performance nor to restrict supervisors in dealing with performance problems.

- B. Whenever appropriate, the Town shall refer employees to appropriate agencies and organizations to seek treatment. The possession, sale, or use of illegal drugs on the employer's premises is strictly prohibited and is grounds for immediate dismissal. The use of alcohol on premise is also prohibited.

XIX. Employment Development

- A. The Town will attempt to make opportunities available to employees within the constraints of the Town budget for the further development of specific skills and expertise deemed of mutual benefit to employee and the Town. Approval for staff development involving expenditure of funds must be obtained from the Town Manager.

- B. Reimbursement for costs of training programs relating to work shall be made retrospectively, upon furnishing proof of satisfactory completion of the program. However, the employee's immediate supervisor must approve the cost prior to enrollment.

XX. Reimbursement of Expenses

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

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

XXI. Political Activity

Due to the nature of the Town as a servant of local government, it is expected that employees would act with discretion in regard to their activities in partisan politics at any governmental level. Partisan political activities including running for office, working on campaigns, circulating petitions, etc., should be discussed with the Town Manager before they are undertaken. This rule is not to be construed to prevent Town Employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

XXII. Smoking Policy

In accordance with MRSA Title 22, Section 1541 effective January 1, 1994 smoking is prohibited in public places and all rest rooms made available to the public.

In addition, in accordance with MRSA Title 22 Section 1580-A, the Town recognizes that smoking in the workplace can adversely affect employees and therefore smoking is prohibited in all Town buildings and facilities, Town vehicles and equipment. The Town does have designated smoking area

(s) which are the only places smoking is authorized. Any such designated area will be outdoors, at least 20 feet from entryways, vents and doorways, and in a place that will prevent environmental tobacco smoke from circulating into enclosed areas. The Town Manager's Office is responsible for implementing and monitoring smoking regulations: Department Managers and Supervisors are expected to enforce the regulations. Those using the designated smoking areas have an obligation to keep them litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the grievance process. Employees who violate this policy may be subject to disciplinary action.

XXIII. Violence Policy

The Town of Tremont will not tolerate any form of violent or threatening behavior in the workplace or while conducting Town business. Any employee who engages in violence or threats during work time is subject to immediate discharge.

XXIV. Vehicle Use Policy

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.

All Employees traveling on behalf of the Town must comply with all state, federal, and local traffic rules and regulations. The Town is 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 Town.

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.

Employees who use cell phones to engage in Town business are responsible for ensuring that they do so safely and abide by any state and local municipality requirements for safe cell phone use while conducting work- related business.

Employees who operate personal vehicles and or Municipal vehicles on Town 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.

XXV. Freedom From Harassment Policy

A. Sexual harassment.

Sexual harassment on the job is illegal. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature constitutes sexual harassment when:

- a. submission to such conduct is made either explicitly as terms or conditions of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment may include suggestive or lewd remarks, unwanted hugs, touches, or kisses, offensive or degrading jokes, name calling or slurs, unwelcome touching or pulling on a person or their clothing, graffiti, posters, photographs or book covers, notes or cartoons, insults, threats intimidating conduct, or violent acts, because of or arising out of the person's protected status.

B. Other prohibited harassment

The Town of Tremont also prohibits other forms of harassment based upon a statute protected by law, including sexual orientation, race, creed, color, national origin, gender, age, religion, disability, veteran status, statute as a recipient or former recipient of workers compensation benefits, whistleblower status, statute as one who has used the protection of fair employment laws, or harassment based on other status protected under state or federal law.

Unwelcome verbal or physical conduct related to the protected status of a person constitutes prohibited harassment when:

- a. submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of such harassment may include offensive or degrading jokes, name calling or slurs, graffiti, posters, photographs or book covers, notes or cartoons, insults, threats, intimidating conduct, or violent acts, because of or arising out of the person's protected status.

C. Policy and commitment

The Town of Tremont takes all complaints of harassment seriously. It is the policy of the Town that all employees be free from sexual and other prohibited harassment by any person in any form while at work. Violations of this policy may lead to disciplinary action including suspension or termination. Any employee who experiences or observes sexual or other prohibited harassment of another person should report it immediately to their direct supervisor, the Town Manager or a member of the Board of Selectmen.

D. Investigation

All complaints will be investigated promptly and thoroughly. Information obtained during the investigation process will be kept as confidential as possible under the circumstances. When the investigation is complete, we will advise the person who brought the complaint and the alleged harasser of the outcome of the investigation. If an investigation results in a finding that this policy has been violated, we will take whatever appropriate corrective action is warranted under the circumstances, which may include discipline and/or termination.

E. Retaliation Prohibited

The Town of Tremont strictly prohibits retaliation against any employee on the basis of his/her good faith report of harassment or participation in an investigation related to alleged harassment. If you feel you are being retaliated against because you have reported harassment or participated in a harassment investigation, please report it immediately to one of the persons listed above.

XXVI Email, Computer and Internet Policy

The Town of Tremont provides access to computer systems, including Internet and electronic mail (e-mail), to allow employees to communicate internally and with other individuals to accomplish the business objectives of the Town of Tremont. Electronic media and services are to be utilized primarily for Town business. Brief and occasional use of electronic media for lawful 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). Use of electronic mail is for non-Town related commercial activities or for solicitations or canvassing is not permitted. The e-mail system is not a public forum for personal expression. Abuse of the Town's 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. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content. The Town of Tremont reserves 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 Town policies. Using the Town's 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 nor does it suggest that the e-mail is the property right of the employee. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

As with other workplace communication, 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 Town's 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 his/her race, age, sex, religious beliefs, national origin, disability 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.

No computer system is completely secure, so the e-mail system should not be used to transmit sensitive materials, such as confidential personnel files and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

Depending on the circumstances and content of e-mail messages, such messages may be considered formal records and should be retained pursuant to the Town's record retention schedules. Each Department Head is responsible for establishing and maintaining department retention schedules for the information

communicated through the e-mail system and each employee is responsible for following any such procedures. Employees should be aware that even when an e-mail message has been deleted, it may not have been deleted from the central e-mail system.

Employees who leave employment with the Town do not have a right to the contents of their e-mail messages and will not be permitted to access the e-mail system following termination. Supervisors or management may access an employee's e-mail if employees are on leave of absence, vacation, sick leave or otherwise absent and it is necessary for the Town's business purposes.

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

XXVII. Confidentiality Policy

During the course of their duties, employees of the Town are often privy to information about clients and other individuals and entities which is sensitive and should be kept confidential. Examples include, but are not limited to, information about labor relations or personnel actions. Town employees are expected to respect the confidential nature of such information. At no time may an employee disseminate confidential information outside the Town office or use it for his or her own or a third party's competitive advantage.

This prohibition applies not only during Town employment but at any time after termination as well.

Approved by The Tremont Board of Selectmen 29 July 2013:

I _____ have read and understand the requirements of the above Personnel Guidelines For The Town of Tremont.

Signature: _____ Date: _____