

# **PERSONNEL POLICIES MANUAL FOR DEERING**



**Revised July, 2003  
Amended October, 2003;  
August, 2004**

**This document supercedes all personnel policies previously  
established or approved by Deering, NH.**

## **WELCOME**

Starting a new job is exciting, but at times can be overwhelming. This Personnel Manual has been developed to help you get acquainted and answer many of your initial questions.

As an employee of the Town of Deering, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This Personnel Manual outlines our personnel policies and benefits. In an effort to be responsive to the needs of a changing organization, changes or additions to this handbook will be made when necessary. We will keep you informed when these changes are made.

We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,

Board of Selectmen  
Town of Deering, NH

## **MISSION STATEMENT**

It is the mission of the Town of Deering to effectively and efficiently meet the governing and service needs of the Town, as determined and supported by its citizens, drawing upon the skills and talents of its employees and its citizen volunteers.

## **PURPOSE**

The policies outlined in this manual should be regarded as guidelines only, which may require changing from time to time. The Town of Deering retains the right to make decisions involving employment as needed. This manual supersedes and replaces any and all prior manuals, policies, procedures, and practices of the Town of Deering.

This employee manual also outlines the current benefit plans maintained by the Town of Deering for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this manual. The employee manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This manual is not, and shall not be construed as, an explicit or implied contract, shall not modify any existing at-will status of any Town employee, and shall not create any due process requirements in excess of Federal or State constitutional or statutory requirements. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the employer has similar rights and can terminate the employment relationship at any time, with or without cause or notice. Please understand that neither the policies contained in this personnel manual, nor any other written or verbal communication by any other employee, including management employees, are intended to create a contract of employment or a warranty of any of the benefits described in this manual.

The overall responsibility for administration of this plan rests with the Board of Selectmen or their respective authorized representative. Department Heads are responsible for administration of the plan within their department.

Please also be aware that the Town of Deering reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this manual at any time, in its sole discretion.

## RECEIPT AND ACKNOWLEDGMENT OF PERSONNEL MANUAL

This Personnel Manual is an important document intended to help you become acquainted with the Town of Deering. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following Statements and sign below to indicate your receipt and acknowledgment of the Personnel Manual.

\_\_\_\_\_ I have received a copy and understand it is my obligation to read the Personnel Manual. I understand that the policies described in the Manual are subject to change at the Town's sole discretion at any time.

\_\_\_\_\_ I acknowledge that I have the right to terminate my employment with the Town of Deering at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or Federal or State constitutional requirements, if applicable.

\_\_\_\_\_ I am aware that the descriptions of benefits in this Manual are not contractual in nature and do not guarantee any continuance of said benefits.

\_\_\_\_\_ I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with non-Town employees, except as required by law.

\_\_\_\_\_ I understand that my signature below indicates that I have read and understand the above Statements and have received a copy of the Personnel Manual.

\_\_\_\_\_  
Employee's Name (**please print**)

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

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## **1.0 DEFINITIONS**

For the purpose of these rules and regulations, the following words and terms shall have the meaning indicated below:

### **1.1 APPOINTING OR HIRING AUTHORITY**

Appointing of hiring authority shall mean the Board of Selectmen, who shall be the final appointing and terminating authority for all positions within Town Government unless otherwise established by statute, ordinance, or legal vote of the Town. Appointments and terminations may, however, be delegated to the Department Heads, or made on the basis of recommendations by the Department Heads.

### **1.2 PLACE OF WORK**

As you review this manual, you will notice that terms such as “workplace” and “premises” appear in many of Deering’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, as you know, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this manual, you must understand that we are discussing not only Deering’s buildings, facilities and properties, but also any remote job jobsite to which you may be assigned to work and any vehicle in which you may be traveling for Town-related business.

### **1.3 EMPLOYMENT AT WILL**

Unless otherwise provided in a written contract signed by Board of Selectmen, or unless set forth by statute, Deering employees are considered to be employees at will. Deering employees at will therefore may resign from their employment at any time, for any reason. Likewise, the Town of Deering may terminate the employment relationship of such employees, at any time for any reason in conformity with State and Federal law. Neither the policies contained in this manual, nor any other written or verbal communication by a supervisor are intended to change the at-will relationship or create a contract of employment.

### **1.4 EMPLOYMENT CLASSIFICATIONS**

At the time that you are hired, you are classified as full-time, part-time, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in writing or as required by law, the benefits described in this manual apply only to full-time employees. All other policies described in this manual apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Administrative Assistant.

**FULL-TIME EMPLOYEES:** Individuals who are regularly scheduled to work no less than 35 and no more than 40 hours per week unless otherwise specified by contract. Full-time employees receive all benefits and rights provided in these policies, upon successful completion of the probationary period.

**PART-TIME EMPLOYEES:** Individuals who are regularly scheduled to work less

than 35 hours per week. Part-time employees are not eligible for benefits described in the manual except where noted or to the extent required by State or Federal law.

**TEMPORARY EMPLOYEES:** Individuals who are hired for specific periods of time or for the completion of a specific project. Seasonal employees, those hired to work for twenty-six (26) weeks or less, are considered to be temporary employees. Temporary employees are not eligible for benefits described in this manual except to the extent required by State or Federal law.

**NON-EXEMPT AND EXEMPT EMPLOYEES:** Exempt employees are those who, because of their job, are not entitled to overtime pay and minimum wage in accordance with the Fair Labor Standards Act (“FLSA”). Most non-exempt employees, with the exception of employees engaged in law enforcement, fire protection, or other public safety activities, are entitled to be paid one and one-half (1-1/2) times their regular hourly wage for any time worked over forty (40) hours per week. Time away from work due to a job-related injury, jury duty, bereavement leave, vacation time, and sick time are not counted as hours worked for the purpose of computing eligibility for overtime pay. You will be advised when you are hired if you are entitled to overtime pay. (See Overtime Policy.)

## **1.5 REPORTING OF TIME WORKED**

It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets or punch a time clock. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including separation from employment. Your supervisor or Board of Selectmen will provide you with details concerning your obligation to report all time you have worked.

## **1.6 PAY/PAY PERIODS**

Employees are informed as to their rates of pay and the pay period at the time that they are hired. Rates of pay are reviewed periodically and may be adjusted. If you have any questions regarding your rate of pay, please see the Administrative Assistant

Employees are paid on a **WEEKLY** basis on **WEDNESDAY** for all hours worked during the calendar **WEEK**. Please review your paycheck for errors. If you find a mistake, report it to the Administrative Assistant immediately. Paychecks will be distributed only to you, unless you provide the Administrative Assistant with written authorization for someone else to receive your paycheck.

## **1.7 WORKWEEK/HOURS OF WORK**

All Town positions are designated as either “exempt “ or “non-exempt” according to the Fair Labor Standards Act (FLSA) regulations. For all Town employees, the established work period is forty (40) hours within a seven-(7) day work week, Sunday at 12:00 a.m. (midnight) – Saturday at 11:59 p.m.

Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, your Supervisor or Board of Selectmen will inform you of your hours of work.

Hours are credited to the day actually worked when a shift falls over two days. In all cases, the workweek for calculating overtime is Sunday – Saturday. A change of scheduled working hours within the work period does not, in itself, constitute overtime.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period. All overtime to be worked by non-exempt employees must be authorized in advance by the employee's department head, and to the extent practicable, will be evenly distributed among qualified employees.

Exempt employees are not covered by the FLSA overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

## **1.8 FISCAL YEAR**

The fiscal year for the Town of Deering will be from January 1<sup>st</sup> through December 31<sup>st</sup>.

## **2.0 EMPLOYMENT**

### **2.1 HIRING AUTHORITY**

Hiring Authority the hiring authority for the Town of Deering shall be the Board of Selectmen, or their respective authorized representative.

### **2.2 EQUAL EMPLOYMENT OPPORTUNITY**

The Town of Deering is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town of Deering will not discriminate against employees or applicants for employment on any legally-recognized basis including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, or HIV status. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Town of Deering does not tolerate harassment in the workplace on the basis of marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, veteran status, pregnancy, national origin, or HIV status.

In support of our commitment to equal employment opportunities, the Town of Deering prohibits harassment of one employee by another employee or supervisor on any of the bases discussed above. Any employee who harasses another employee or a customer on any of the bases discussed above will be subject to discipline, up to and including discharge. The Town of Deering defines harassment as follows:

Harassment is verbal and/or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, sex, pregnancy, national origin, age, religion, disability, marital status, sexual orientation, HIV status, or veteran status, or that of his or her relatives, friends, or associates, and that:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- (2) has the purpose or effect of

unreasonably interfering with an individual's work performance;  
or (3) otherwise adversely affects an individual's employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Deering's policy. However, the following are some examples of conduct which, if unwelcome, may constitute harassment depending on the circumstances, including the severity of the conduct and its pervasiveness:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, pregnancy, age, disability, sexual orientation, marital status, HIV status, or veteran status; and
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, age, disability, sexual orientation, HIV status, or veteran status that is placed on walls, bulletin boards, or elsewhere on Town premises, or in circulation in the workplace.

The Town of Deering prohibits all of the activities discussed above, whether engaged in by a supervisor, agent of our Town, co-worker, or non-employee who is on our premises or who comes in contact with our employees.

If you believe that you have been subjected to harassment in violation of this policy, you should report the incident in accordance with the Reporting Procedure contained in this manual. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment in accordance with this policy is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the Reporting Procedure contained in this manual.

### **2.3 PROMOTIONS, TRANSFERS & JOB POSTINGS**

The Town of Deering strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every effort to promote qualified employees from within the Town of Deering, if possible, based on the needs of the business and employee qualifications. Every effort is made to place employees in jobs that are best suited to their abilities. We may also recruit individuals from outside the Town of Deering, depending upon the circumstances.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of the Town of Deering.

## **2.4 PROBATIONARY PERIOD**

Employees will generally receive a performance evaluation after 180 days in a new position. Another performance evaluation will typically be conducted after 12 months of service in the new position. Employees may be eligible for a pay increase in conjunction with the 12-month evaluation, depending upon the circumstances.

## **2.5 PERFORMANCE EVALUATIONS**

The town will continue to evaluate its employees for the performance of their duties. The town will continue to determine the types and frequencies of such evaluations. Such evaluations shall include an objective analysis of each employee's competence and skill in carrying out his/her assigned duties over a defined period of time. The employee shall be permitted to permanently affix any written responses to such evaluations and shall receive a copy thereof.

## **2.6 EMPLOYEE RECOGNITION**

It shall be the purpose of the Town of Deering to acknowledge longevity by honoring those who have met the requirements outlined herein.

The Board of Selectmen shall conduct a presentation of award at a regular public Board of Selectmen meeting for employees who have completed their fifth and tenth anniversaries. For years completed beyond ten the board of selectmen shall conduct a presentation of award at the annual town meeting.

## **2.7 PERSONNEL RECORDS**

The Town of Deering maintains certain records containing job-related information on all employees to ensure compliance with State and Federal law and to keep a record of your progress as an employee. You may inspect your personnel file in accordance with NH RSA 275:56. File inspection must be done on our own time, during regular office hours, and must be arranged through the Selectmen's office. In the alternative, you may request a copy of all or part of your personnel file pursuant to NH RSA 275:56.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written Statement explaining your version of the information together with evidence supporting such version. The Town of Deering will maintain such Statement as part of your personnel file and will include the Statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify your Supervisor or the Administrative Assistant as soon as possible of any changes in your name, address, telephone number, marital status, dependants and/or beneficiaries.

## **2.8 EMPLOYMENT OF RELATIVES**

The hiring of relatives shall not be permitted, unless authorized by the Board of Selectmen. If related persons are employed, they generally will not be employed in the same department.

## **2.9 CONFIDENTIALITY**

Employees are expected to respect the confidentiality of information received during the course of employment with the Town of Deering. You may use and/or disclose confidential and/or proprietary information only during your employment with the Town, only as necessary to further the interests of the Town, and only within the defined limits of communication for your job.

You may not use or disclose confidential and or proprietary information either during your employment or after your separation from employment, regardless of the reason, for personal gain or for any purpose which does not further and/or which is inconsistent with the interest of the Town of Deering.

Further, you may not seek or otherwise attempt to again access to confidential information other than that which is within your area of responsibility or consistent with your need to know for the purpose of performing your job.

Many of us use copyrighted computer programs in the course of our daily assignments. It is important for you to remember that making copies of such programs and any other copyrighted materials is unlawful and can subject the town and you, personally, to legal liability.

## **2.10 TOWN PROPERTY**

Town property of any type or value shall not be used or removed from Town premises without written authorization of the Board of Selectmen. All Town equipment, memoranda, records, communications, computer data, disks, or other documents made or compiled by you or made available to you in connection with the business of the Town shall be delivered to the Town promptly upon your termination or at any other time upon request.

## **2.11 PERSONAL DRESS**

Discretion in style of dress and behavior is very important to the Town of Deering. Employees are therefore required to dress in attire safe and appropriate for their positions. Work clothing worn by employees must not be torn, must meet safety requirements, and must not contain inappropriate language or graphics. Employees shall use good judgment in their choice of work clothes and hygiene and shall remember to conduct themselves at all times in a way that best represents themselves and the Town. Any questions regarding appropriate dress for your department should be addressed to the Board of Selectmen.

## **2.12 SOLICITATIONS**

No solicitation of any kind is permitted during working time, unless first approved by the Board of Selectmen. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, or time before or after work hours. This rule applies to solicitation for both charitable and non-charitable causes.

No distribution of any non-work-related written materials is permitted in any work area at any time, unless first approved by the Board of Selectmen. "Work areas" are defined as any Town office or facility, other than designated break areas. Absent prior approval by your Supervisor,

employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on Town premises at any time, unless authorized by the Board of Selectmen. Any employee who violates these rules will be subject to disciplinary action.

### **3.0 COMPENSATION**

#### **3.1 REGULAR COMPENSATION**

Employees will be paid at a rate approved by the Board of Selectmen. Considerations may include requisite qualifications; prevailing rates of pay for comparable work in other private and public employment; cost of living factors; maintenance and other benefits received by employees of the Town; the financial ability of the Town; and other economic considerations. The Board of Selectmen will attempt to take into consideration conditions of merit and seek to reward those employees who have performed meritorious service to the Town.

#### **3.2 COMPENSATORY TIME**

Non-exempt employees entitled to overtime pay, may elect to receive compensatory time off instead of cash payment for hours worked in excess of the regular work week. This is approved on a case-by-case basis by the employee's department head. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to 100 hours for full time employees of the Highway Department, and 25 hours for other full time personnel. After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after making a request to their department head, unless doing so would unduly disrupt Town operation. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head. If employees are unable to use accrued compensatory time within a reasonable period, defined as December 1 through November 30, they will be paid their original wage for the compensatory time accrued. .

#### **3.3 PAYROLL DEDUCTIONS**

There are two categories of payroll deductions: those required by State or Federal law and those authorized by the employee. Payroll deductions required by State and Federal law include Federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e., child support payments, court-ordered payments, IRS garnishments). If authorized in writing by an eligible employee, the Town of Deering will also make additional deductions for health insurance and other purposes that are for your benefit. Arrangement for these voluntary deductions may be made with the Administrative Assistant.

Payroll deductions are also permitted by law for: required clothing not considered to be uniforms; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; medical, surgical, hospital, and other group insurance benefits having no financial advantage for the employer; payments into savings funds held by someone other than the employer; housing and utilities; strictly voluntary contributions to charities; union dues; and health, welfare pension, and apprenticeship fund contributions. Please contact the Administrative Assistant with any questions about payroll deductions.

### **3.4 REIMBURSABLE EXPENSES**

With prior approval by your supervisor, legitimate expenses will be reimbursed by the Town of Deering to the employee. The employee must submit receipts in order to reimburse the employee. Reimbursement may be in the form of petty cash or a separate check. See the Board of Selectmen with any questions as to whether and what expenses may be reimbursed the employee.

### **3.5 OVERTIME**

From time to time, it may be necessary for you to perform overtime work. Your Supervisor or Board of Selectmen must approve all overtime in advance. Except in the event of an emergency, the Town of Deering will attempt to provide you with advance notice of the necessity for overtime work.

Most non-exempt employees, with the exception of certain law enforcement, fire protection, and public safety employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week. Sick days, holidays, vacation time, leaves of absences, and other time off benefits are not counted as time worked for purposes of overtime.

### **4.0 HOURS OF EMPLOYMENT/ ATTENDANCE / LEAVE**

Every employee is a valuable and contributing member of the Town of Deering. Your regular attendance is important to our success and efficiency. We must be able to depend on our employees to report to work regularly and on time.

Every employee is expected (1) to work all scheduled hours; (2) to report for work on time; and (3) to work until the end of the work period.

Excessive absence, being late, and quitting early, are grounds for disciplinary action, including separation from employment. If you are absent or late for work, you must contact your Supervisor either verbally or in writing, within one hour before and no later than one-half hour after starting time, to explain why you will be absent or late and how long you expect to remain absent. An employee who fails to call in on the day of an absence, or does not have an excuse for calling in late, may be subject to discipline, up to and including discharge. If you are absent from work for more than one day, you are required to call in on each day of your absence, unless you have submitted a doctor's note indicating that you will be absent from work on that day.

Unless there are extenuating circumstances, an employee will be considered to have resigned from the Town of Deering if no notification is received within three (3) consecutive working days from the beginning of the absence. Before returning to work, an employee who is absent three (3) or more consecutive workdays due to illness may be required to obtain and submit to your Supervisor a doctor's release to work slip.

### **4.1 BREAKS AND MEAL PERIODS**

Nonexempt employees who work in excess of five (5) hours in a workday may take a Meal Period that is unpaid and 30 minutes in length. You may take your meal period at any time that is mutually convenient for you and your supervisor provided it does not interfere adversely with office coverage and/or the flow of work.

If you are a Nonexempt employee and are required to work during your Meal Period, you will be paid for such time, but only if the work is authorized in advance by your supervisor.

Also, you are permitted to take two (2) 10 minute paid Breaks during your scheduled work day at a time mutually convenient for you and your supervisor provided it does not interfere with office coverage and/or the flow of work. If you fail to take your Break, you will not receive additional compensation for the day.

#### **4.2 LEAVING THE PREMISES DURING THE WORK DAY**

If you are a Nonexempt employee and find it necessary to be away from the Town's premises at times during the work day other than during your Meal Period, you first must request permission from your supervisor. If you are an Exempt employee, you do not need permission to leave the Town's premises, but you should leave information as to where you can be reached, if possible, in the event an emergency arises in your absence.

#### **4.3 HOLIDAYS**

Full time employees are entitled to the following paid holidays, provided that the employee normally works on that day and provided that the employee works his or her assigned day preceding and following the holiday.

Some employees may be required to work on holidays. Employees who are required to work on a holiday will be paid at their normal rate plus the holiday pay. Highway Department employees required to work on Christmas shall receive double time and one-half pay.

If a holiday occurs during an employee's vacation leave, the employee is entitled to an additional day of leave.

Holidays:

New Year's Day	(January 1)
President's Day	(3rd Monday of February)
Memorial Day	(Last Monday of May)
Independence Day	(July 4)
Labor Day	(1st Monday in September)
Thanksgiving Day	(4th Thursday in November)
Thanksgiving Friday	
Christmas Day	
Civil Rights Day	
Columbus Day	
Veterans Day	

All holidays will be observed on the day designated by the Federal Government.

#### 4.4 VACATION

The Town of Deering provides paid vacation as one of the many ways in which we show our appreciation for your loyalty and continued service.

Regular full-time employees are eligible for paid vacation. Part-time and temporary employees are not entitled to paid vacation time.

Vacation time is granted to eligible employees based upon length of service and anniversary date. If there is a break in service, eligibility for vacation will be based on the employee's current hire date.

No part of an employee's scheduled vacation may be converted to sick leave. If illness or injury occurs during a vacation, sick leave benefits will not begin until the employee is scheduled to return to work.

If requested, an employee shall be paid his or her vacation pay before starting his or her vacation, provided that such vacation pay is scheduled at least two (2) weeks in advance; otherwise, the employee shall be paid his or her vacation pay upon return from vacation. Vacation pay for a full week will be paid at the normal straight time scheduled hours; i.e., if someone normally is scheduled for 40 hours per week, their vacation pay will be for 40 hours for each full week requested, and anyone normally scheduled for 35 hours will be paid 35 hours for each full week requested.

Vacations should be scheduled with, and approved by, the employees' supervisor or Board of Selectmen at least thirty (30) days prior to the commencement of the vacation time.

Vacation is earned from the EMPLOYEE HIRE DATE and is accrued according to the following schedule:

<u>Years of Continuous Service</u>	<u>Vacation Time</u>
0 – 6 months	0 days
1 Year after hire	5 days
2 Years through 5 full years	10days
6 Years through 10 full years	15 days
11 <sup>th</sup> full year	18 days

Starting with 16<sup>th</sup> year, an additional 1 ¼ day for each year of service through the 20<sup>th</sup> year.

The purpose of a vacation is to provide you with a time to rest and relax. You therefore are expected to take your vacation during the year in which it is earned. The Town of Deering will not pay employees for unused, accrued vacation time at the end of the year. Vacation time may not be carried over and accumulated in subsequent years. Employees will not be paid accrued, unused vacation pay upon termination from employment unless the employees have been actively employed for at least six (6) months prior to the termination.

#### 4.5 SICK LEAVE

The Town of Deering provides sick days to all full-time employees. Employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of two days per quarter up to a maximum of 8 days. Accrual commences on the date of hire, but cannot be taken during the first ninety days of employment.

Sick days are to be used for absences due to illness. The Town of Deering may require that you provide certification from a healthcare provider regarding the necessity for taking a sick day. Employees who do not report to work due to illness must contact their Supervisor on a daily basis relative to the need for and status of their absences, unless otherwise directed. Reporting of the absence to any employee other than the Supervisor will not be accepted as compliance with the daily reporting requirement.

Employees who are absent from work due to illness for three consecutive work days may be required to obtain certification from their physicians that they are able to return to work. Employees who fail to report to work or call in to their Supervisor for three consecutive work days will be considered to have voluntarily resigned from their employment.

Employees will not be paid for earned, unused sick days upon separation from employment.

#### **4.6 FAMILY AND MEDICAL LEAVES OF ABSENCE**

##### General Provisions

Under the provisions of the Family and Medical Leave Act of 1993 ("FMLA"), certain employees may be entitled to take an unpaid leave of absence of not more than twelve (12) work weeks in the event of:

- (A) the birth of a child, in order to care for the child (leave must be taken within twelve (12) months of the birth of said child);
- (B) an adoption or foster care placement of a child in order to care for the child (leave must be taken within twelve (12) months of the adoption or placement);
- (C) a serious health condition of the employee's parent, spouse, minor child, or adult child when the ill person is not capable of self care and the employee is needed for such care; or
- (D) a serious health condition of the employee which results in the employee's inability to perform his or her job.

In order to be eligible to take FMLA leave, the employee must have worked for the Town of Deering for at least 12 months, must have worked at least 1,250 hours in the preceding 12 month

period. As of the date that this Manual was prepared, the Town of Deering has fewer than 50 employees.

As Stated above, an eligible employee is entitled to a total of twelve (12) work weeks of leave during any twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks which an employee has available upon the beginning of a FMLA leave shall be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee has taken eight (8) weeks of FMLA leave during the past twelve (12) months, an additional four (4) weeks of leave could be taken when a second leave is requested. If an employee used four weeks beginning February 1, 1999, four weeks beginning June 1, 1999, and four weeks beginning December 1, 1999, the employee would not be entitled to any additional leave until February 1, 2000. Beginning on February 1, 2000, the employee would be entitled to four weeks of leave, on June 1, 2000, the employee would be entitled to four additional weeks.

FMLA leaves for the birth or placement for adoption or foster care of a child, as described in paragraphs A and B above, must be taken all at once unless otherwise agreed to by the Town of Deering. If medically necessary, FMLA leaves due to illness as described in paragraphs C and D above may be taken on an intermittent or reduced leave schedule. If FMLA leave is requested on this basis, however, the Town of Deering may require the employee to transfer temporarily to an alternative position which better accommodates periods of absence or a part time schedule, provided that the position has equivalent pay and benefits.

Employees must substitute their accrued, unused vacation as part of the twelve (12) week leave requirement for types A, B, C, or D leaves listed above when the leave otherwise is unpaid. For example, an employee with two (2) weeks earned, unused vacation is required to use that time before taking not more than ten (10) additional unpaid weeks. For a type C or D FMLA leave, employees will be required to use accrued sick time before utilizing vacation time.

If the employee on FMLA leave is an exempt employee and is among the highest paid ten percent of Town of Deering employees within a seventy-five mile radius, and keeping the job open for the employee would result in substantial economic injury to the Town of Deering, reinstatement can be denied at the end of the leave period.

When an employee requests any leave of absence that qualifies as leave under the FMLA, the Town of Deering may designate such leave as FMLA leave upon written notification to the employee.

### **Status of Employee Benefits**

While on FMLA leave, employees may continue to participate in the Town of Deering's group health insurance in the same manner as employees not on FMLA leave. In the event of unpaid FMLA leave, an employee shall pay to the Town of Deering the employee's share of any medical insurance premiums once per month in advance on the first day of each month. In the event that the employee elects not to return to work upon completion of a FMLA leave of absence, the Town of Deering may recover from the employee the cost of any payments to maintain the employee's medical coverage. Benefit entitlements based on length of service will be calculated as of the last paid work day prior to the start of the leave of absence; for example, an employee

on leave will not accrue vacation or sick time. At the end of an authorized FMLA leave, an employee will be reinstated to his or her original position or an equivalent position.

### **Basic Regulations and Conditions of Leave**

The Town of Deering may require medical certification to support a claim for FMLA leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a Statement that the employee is unable to perform the functions of his or her position. For FMLA leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. At its discretion, the Town of Deering may require a second medical opinion and periodic recertifications at its own expense. If the first and second opinions differ, the Town of Deering, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Town of Deering and the employee.

### **Notification and Reporting Requirements**

When the need for FMLA leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide a 30 day prior notice, and make efforts to schedule leave so as not to disrupt town operations. In cases of illness, the employee will be required to report periodically on his or her FMLA leave status and intention to return to work. At the expiration of any FMLA leave due to the employee's own illness, the employee must present a written authorization from his or her doctor stating that the employee is ready to return to work.

### **Procedures**

(A) A Request for FMLA leave should be submitted to the Board of Selectmen. If possible, the form should be submitted thirty (30) days in advance of the effective date of the FMLA leave.

(B) All requests for FMLA leaves of absence due to illness should include the following information to be supplied by the treating medical provider: 1) the date on which the serious health condition commenced; 2) the probable duration of the condition; and 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of FMLA leave to care for a child, spouse, or parent, the request should give an estimate of the amount of time that the employee is needed to provide such care. For purposes of FMLA leave for an employee's illness, the request must state that the employee is unable to perform the functions of his or her position. In the case of certification for intermittent FMLA leave or FMLA leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.

### **Coordination with Maternity Leave**

The Town of Deering provides employees with a leave of absence for the period of temporary physical disability resulting from childbirth and related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work.

Maternity disability will be treated in the same manner as a type D FMLA leave of absence. The employee is required to exhaust accrued, unused personal, sick and vacation time before taking

any unpaid leave. However, maternity leaves are not limited by any measure other than the period of medical disability. If a maternity disability is for the number of available FMLA leave weeks or less, the employee will be reinstated in accordance with this policy. If a maternity disability exceeds the available FMLA law, the Town will take reasonable measures to reinstate that employee.

An employee who uses less than the Available Leave Weeks for type D leave for maternity may take additional type A FMLA leave after the end of the disability period for a period not to exceed the Available Leave Weeks.

### **Coordination with Other Deering Policies; Reference to FMLA**

In the event of any conflicts between this policy and other Town policies, the provisions of this policy shall govern. The FMLA contains many limitations and qualifications for entitlement and governance of FMLA leave not stated herein. The terms of the FMLA are incorporated herein and will be applied in all instances of requested or designated FMLA leave.

### **4.7 MATERNITY LEAVE**

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. Employees will be required to take FMLA leave as set forth above, if they are eligible for such leave. In addition, employees will be required to exhaust accrued, unused vacation time before taking any unpaid leave. The employee will be required to provide a letter or other note from a doctor every two weeks confirming the employee's continued maternity disability.

When the employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. Employees who cannot be returned to their former or a comparable position remain eligible to apply for any available position with the Town of Deering. Employees on maternity leave should contact the Administrative Assistant to make arrangements for payment of their health insurance premiums during their leaves.

An employee on maternity leave who states that she will not be returning to work, will be considered to have resigned as of the date that her leave commenced.

### **4.8 DISCRETIONARY LEAVE OF ABSENCE**

Part-time and full-time employees may apply for an unpaid, discretionary leave of absence for up to six (6) months if they have exhausted their vacation time, and either have exhausted their Family and Medical Act Leave or are not eligible for Family and Medical Act Leave. (See Family and Medical Leave Act policy.) Requests for such unpaid leaves are granted at the sole discretion of the Town of Deering. Discretionary leaves of absence will not ordinarily be granted to employees with less than one (1) year of continuous employment. In determining whether to grant a discretionary leave of absence, the Town of Deering will consider, among other factors, the employee's length of service, the employee's work record, the reason(s) for leave, and staffing needs. Discretionary leaves will be unpaid, and the employee on

discretionary leave is not entitled to accrue any benefits, including vacation, sick leave, holidays, and personal days. In addition, participation in any medical, dental, disability or life insurance coverage must be paid entirely by the employee during the discretionary leave. The employee must make arrangements with the Administrative Assistant to make the insurance premium payments.

If a vacancy exists at the time of the expiration of the approved discretionary leave, the employee will be reinstated to his or her prior position or a comparable position unless business necessity makes reinstatement impossible or unreasonable. If a vacancy does not exist, the employee will be considered for the next available position for which the employee qualifies. If the employee does not report to work on the work day following the expiration of the approved leave, the Town of Deering will assume that the employee has voluntarily resigned from his or her employment.

Requests for discretionary leave should be submitted to Administrative Assistant at least thirty (30) days prior to the requested date of leave. The request must be made in writing, stating the length of leave and a brief description of the reason for the request. All considerations and approval for discretionary leave are handled on a case by case basis.

#### **4.9 MILITARY LEAVE**

It is the Town of Deering's policy to grant leaves of absence to full-time or part-time employees who are drafted, or are recalled to active service in the armed forces of the United States. The Town of Deering will pay the difference between the full time employee's regular rate of pay and military pay. Medical benefits will be available on an individual basis to those full time employees. Part time employees will not receive any such compensation in pay nor in medical benefits.

If you are in the military reserve, you will receive the required time off to complete your training and your drill obligations. You must present a copy of your official orders or instructions to the Board of Selectmen. This information shall be made a part of your permanent personnel record.

If you are recalled to active armed forces duty, for a time period beyond normal annual training and drill obligations, you have certain re-employment rights prescribed by statutes with which the Town of Deering will comply.

You must notify your Supervisor or the Board of Selectmen of your availability to return to work.

The Town of Deering reserves the right to place another employee in your position for the duration of the military leave of absence. The Town will make reasonable efforts to place you in an equivalent position upon your return.

#### **4.10 BEREAVEMENT LEAVE**

Full-time and part-time employees bereaved by the death of a relative will be granted time off from work without loss of pay in accordance with the following policy.

In the event of the death of a member of a full-time employee's immediate family, the Town of Deering provides three days paid time off. The three work days usually include the day before the funeral and a day after. "Immediate family" includes spouse, children, step-children, parents,

brothers, sisters, step-parents, step-brothers, step-sisters, mother-in-law, father-in-law, grandparents, and grandchildren of the employee.

Additional unpaid time off due to bereavement may be granted for a specified and limited period of time with the approval of your Supervisor. Employees seeking such additional unpaid time off must demonstrate the need for the time off.

In the event that you are on paid vacation at the time of the death of the relative, the bereavement leave will not be charged against your vacation credit. Additional vacation days may be granted to compensate for those days used as bereavement leave.

#### **4.11 JURY DUTY LEAVE OR SUBPOENAED WITNESS**

The Town of Deering encourages you to respond positively to your civic responsibilities when called upon to serve as a Juror or Subpoenaed Witness. The Town will grant you leave in order to serve as a juror or be a witness in a court proceeding. In order to receive your pay for jury duty, you will be required to furnish the Board of Selectmen with a copy of all documentation from the court verifying the days on and the times during which you served. The Town may request of the court that you be excused from reporting for service as a Juror or be assigned at another time if your presence at work is considered to be essential to the Town at the time you are called for service.

#### **4.12 EDUCATIONAL LEAVE**

At the sole discretion of the Town of Deering, part-time and full-time employees may be granted paid or unpaid leave to attend workshops, institutes, or short-term courses. All considerations and approval for an educational leave are handled on a case by case basis.

#### **4.13 OUTSIDE EMPLOYMENT**

Employees of the Town may not engage in any outside employment or other activity which may interfere or conflict with their duties and responsibilities to the Town or the interests of the Town. The responsibilities of our full-time employees must take precedence over those associated with any other outside employment. Outside employment is permitted as long as it does not interfere with ones responsibilities to the Town or to one's ability to be present at the Town as required by their job responsibilities.

If you wish to accept other employment concurrent with your responsibilities with the Town, please review the particulars of the opportunity with your supervisor. By checking first, you avoid potential conflicts and protect both yourself and the Town. A violation of the provisions of this Policy will be cause for immediate discharge.

### **5.0 RETIREMENT AND OTHER BENEFITS**

#### **5.1 MEDICAL BENEFIT PLAN**

The Town of Deering provides each full time employee who meets the eligibility requirements of the health insurance plan with the option of participating in the health insurance plan. If the employee elects to participate in the health insurance plan, the costs of providing health insurance shall be shared between the Town and the employee, and the employee must submit

written permission to the Town for the withdrawal of the employee's share of the costs of health insurance from the employee's wages. Details concerning the available coverage options and the costs associated with obtaining coverage may be obtained from the Administrative Assistant.

Health insurance benefits will become effective for new full-time employees the following month of hire provided that the employee was hired prior to the 15<sup>th</sup> of the month. If hired after the 15<sup>th</sup> of the month insurance will become effective the second month after time of employment.

## **5.2 PAYMENT IN LIEU OF INSURANCE**

Town employees frequently have choices for health insurance coverage. They may have the option to be covered by spouses' plans with their employer, or perhaps to cover dependents under someone else's plan. Employees may avoid the minimum health insurance coverage and receive a cash payment in lieu of coverage provided by the Town provided they show satisfactory proof of coverage in a non-Town health insurance plan. Employees having alternative non-Town health insurance coverage and electing to forgo the Town insurance plan for which they are eligible may receive a cash payment of thirty (\$30) per week. This payment shall be paid weekly through the employee's paycheck. This cash incentive must be considered as income and is subject to withholding of taxes.

Application for the payment in lieu of insurance shall be made to the Town Administrative Assistant on the form shown, as Appendix B, and it must be renewed annually each July to continue the payment. Falsification of the application, or failure to notify the Town Administrative Assistant immediately when eligibility ceases, may make employees subject to disciplinary action up to and including termination.

Town employees who are eligible for health insurance coverage under any other plan for which the Town also pays the premiums (such as two Town employees married to each other) shall not "double dip". For example, a married couple employed by the Town each has the right to take a single person plan if they so choose, or one may decline health insurance while the other selects to take two-person or family coverage. In this case, the declining employee shall not be eligible for the cash incentive, as the Town will receive no cost savings.

## **5.3 DISABILITY INSURANCE**

Currently, the Town provides at no cost to full-time employees short-term and long-term disability insurance according to the provisions of the carrier plan. The coverage and type of policy shall be as approved by the Selectmen, subject to available funds as approved at the Annual Town Meeting.

## **5.4 CONTINUATION OF GROUP HEALTH INSURANCE**

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the plan otherwise would end. Please contact the Administrative Assistant for more details regarding COBRA.

## **5.5 WORKERS' COMPENSATION**

The Town of Deering pays a premium for Workers' Compensation insurance for all employees. This insurance coverage protects employees from a loss of income and pays medical expenses, resulting from a workplace accident or injury. You are required to report all work-related injuries to your Supervisor immediately.

Employees with work-related injuries may be entitled to temporary alternative duty in accordance with the New Hampshire Workers' Compensation law. Employees with non-work-related injuries or other physical or mental impairments who require accommodations to perform their jobs should make any accommodation requests to their Supervisor. The Town of Deering will consider the request in accordance with its Americans With Disabilities Act policy.

## **5.6 UNEMPLOYMENT INSURANCE**

The Town of Deering pays into the unemployment compensation fund established by the State of New Hampshire. Individuals laid off from employment by the Town may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

## **5.7 SOCIAL SECURITY**

Social Security is a payroll deduction representing your contribution to the Federal government's Social Security Program. The Town of Deering also contributes money on your behalf to the Social Security Program.

## **5.8 RETIREMENT PLAN**

The Town will match up to 3% of base pay (excluding overtime) of the full time employee's contribution. This matching amount will be put into the fixed retirement plan.

Part time employees are eligible to contribute but the Town will not match funds.

New full time employees may contribute but the Town will not match the 3% until their probation period is over.

## **5.9 LIFE INSURANCE**

Currently, the Town provides at no cost to full-time employee's life insurance according to the provisions of the carrier plan. The coverage and type of policy shall be as approved by the Selectmen.

## **6.0 DISCIPLINE PROCEDURES**

The Town is justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and sense of responsibility. Each employee is expected to conduct himself or herself in an appropriate manner. However, for the protection of its property and other employees, the Town has established certain rules of conduct which must be followed.

It is the policy of the Town to discipline an employee whenever he or she violates a rule, regulation, endangers the safety of others, or performs unsatisfactorily. In each instance, the disciplinary action taken will be just and in proportion to the seriousness of the violation. The Town specifically reserves the right to deviate from the progressive discipline policy, if in the

sole discretion of the supervisor or Town, the infraction is sufficiently severe to merit immediate suspension or discharge. This progressive discipline policy is not contractual and does not alter the employment-at-will relationship between the parties.

Generally, there are four types of discipline used by the Town:

- verbal warning,
- written warning,
- suspension, and
- dismissal.

**Documented Verbal Warning:**

Immediate supervisor or department head verbally warns employee of area which needs improvement with remedial suggestion(s) offered. Date, time, nature of warning and remedial suggestion(s) should be included in employee's personnel file. Warning should come within one work day of knowledge of offense.

**Written Warning:**

Department head gives written warning to employee for repeat of offense which was source of verbal warning or for an offense the seriousness of which dictates more than verbal warning. Warning will include nature of offense, remedial suggestion(s), date, time of offense and possibility of further disciplinary action. Warning should be issued to employee within three work days of knowledge of offense with copy entered in employee's personnel file.

**Suspension:**

Department head, with prior approval of the Board of Selectmen, suspends employee without pay for recurring offense or offense which merits suspension. Department head will notify Selectmen of action within one work day of initiating suspension. Length of suspension one to thirty work days is based on seriousness of offense. Employee receives confirmation of suspension in writing with date, time and nature of offense and remedial suggestion(s). the possibility of further disciplinary action should be mentioned. A copy of the letter of suspension is included in the employee's personnel file.

**Dismissal:**

Department head recommends termination of employee to the Board of Selectmen. After compiling all pertinent facts, Board of Selectmen discharges employee and confirms action in writing to employee. A letter to the employee will State the time, date and nature of offense with copy placed in employee's personnel file.

The progressive discipline system will be used except in those cases where the Town, at its discretion, determines that immediate termination is necessary. Furthermore, if circumstances warrant, the Town of Deering at its discretion, may skip or repeat steps in the progressive discipline system. The progressive discipline steps are as follows:

First Violation of Rule or Policy:	Documented verbal warning
Second Violation of Rule or Policy:	Written warning
Third Violation of Rule or Policy:	Suspension or dismissal
Fourth Violation of Rule or Policy:	Dismissal

This progressive discipline system does not prevent the Department Head or Board of Selectmen from placing any employee on administrative leave, paid or unpaid, on a temporary basis.

## **7.0 SEXUAL HARASSMENT**

It is the goal of the Town of Deering to promote a workplace that is free of sexual harassment. Sexual harassment of employees is unlawful and will not be tolerated. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- submission to such conduct is made explicitly or implicitly a term or condition of employment or receipt of any employment benefits or opportunities.
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation, or assistance; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually-oriented Statements and unwelcome emphasizing of sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

Experience has shown that a clear Statement to the person engaging in the offensive behavior is often all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, we certainly do not require that you do so. If you believe that you have been subjected to sexual harassment, you should report the incident in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Retaliation against an employee who complains in good faith about sexual harassment is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the Reporting Procedure contained in this Manual.

### **7.1 REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL HARASSMENT AND DISCRIMINATION**

If you feel that you are a victim of sexual or other unlawful harassment, you should immediately report such actions in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

1. If you believe that you are a victim of sexual or other unlawful harassment, you should report the act immediately to the Department Head or the Board of Selectmen.
2. The Board of Selectmen will promptly investigate every reported incident if appropriate. Any employee, supervisor, or agent of the Town of Deering who has been found to have sexually or unlawfully harassed another employee may be subject to appropriate disciplinary action, up to and including immediate discharge. The complainant may be informed of the outcome of the investigation.
3. The Town of Deering will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know.

## **8.0 COMPLAINT PROCEDURES AND DISPUTE RESOLUTION PROCEDURE**

We encourage you to bring your questions and suggestions to our attention. Careful consideration will be given to each of these in our continuing effort to improve operations.

In the event of a complaint, you must present the situation to your supervisor in writing so that the problem can be settled by examination and discussion of the facts. Your supervisor will respond in writing in order to satisfactorily resolve most matters.

An employee who is not satisfied with the supervisor's response is urged to go to the Department Head, so long as they are not one and the same person, and again try to resolve the issue. If the matter is not resolved by the Department Head within fifteen (15) business days, the Board of Selectmen will review the issue. We urge every employee to follow through rather than be dissatisfied. Any complaint will be investigated and the findings and determination reported back to the employee. In the event that the Selectmen determine in the employees' favor, the Board of Selectmen shall make a notation to that effect in the employee's file. As an alternative the employee may request that the complaint be expunged from their file.

Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

## **9.0 SEPARTATION FROM EMPLOYMENT**

### **9.1 TERMINATION**

The relationship between the Town and the employee is that of a "Employment –at-Will". An employee may be terminated at any time for any reason in accordance with State and Federal Laws. If an employee's termination is related to employee misconduct, it is within the sole discretion of the Town as to whether the misconduct requires adherence to the Progressive Discipline Policy or immediate suspension or termination.

### **9.2 RESIGNATION**

Voluntary separation occurs when the separation is initiated by the employee by:

- a written or oral resignation;
- failure to appear or call for three (3) consecutive work days;
- failure to return from an approved leave of absence;
- failure to report to work upon recall from a layoff or reduction-in-force; or
- retirement.

Should you decide to resign from your employment with the Town of Deering, we ask that you notify your Supervisor of your decision at least two weeks in advance in writing or your planned departure date. Your thoughtfulness will be appreciated, and will allow the Town to maintain work schedules and provide important services to the public.

### **9.3 LAYOFF / REDUCTION-IN-FORCE**

The Board of Selectmen may lay off an employee in the service of the Town by reason of shortage of work and/or funds; abolition of the position(s); other material changes in the organization; or for other reasons beyond the employee's control; and which do not reflect discredit upon the employee. No employee shall be laid off while another person in the same class of position is employed in a department on a temporary or probationary basis. In the event of a layoff, the supervisor of the Department shall provide the Board of Selectmen with a written report explaining the rationale for his employment decision.

### **9.4 EXIT INTERVIEWS**

All employees who terminate their employment may be asked to participate in an exit interview with their Supervisor. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from you on ways in which our Town can improve our operations and retention of employees.

### **9.5 RETURN OF TOWN PROPERTY**

Town property of any type or value may not be used or removed from Town premises without authorization from your Supervisor or the Board of Selectmen. All Town tools, equipment, documents, or records made or compiled by you or made available to you in connection with the business of the Town must be delivered to the Town promptly upon the termination of your employment or at any other time upon request.

### **9.6 REFERENCES**

It is the general policy of the Town to provide neutral references only (that is, information concerning dates of employment and positions held) to prospective employers of former employees.

## **10.0 SAFETY AND HEALTH**

### **10.1 HEALTH & SAFETY PROGRAM**

The Town of Deering is committed to providing a safe and healthy working environment for all of our employees. With your assistance, we can use our resources to identify and control work-related hazards. All employees are required to bring known and potential hazards and safety issues to the attention of their supervisor, Board of Selectmen or Safety Committee member. Negligence in adherence to on-the-job safety standards will be considered grounds for discipline and /or termination.

The cooperative effort of each employee, and supervisor and manager in the awareness, acceptance, participation, and preservation of a functional Health and Safety Program is essential and welcomed. Please bring any suggestions you may have to improve safety to the Administrative Assistant.

### **10.2 TOWN SECURITY**

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of your Supervisor or the Police.

### **10.3 WORKPLACE SEARCHES**

To safeguard the safety and property of our employees, residence and the Town and to help prevent the possession, and use of weapons and illegal drugs on Town premises, the Town reserves the right to question employees entering and leaving our premises and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from Town property. In addition, the Town reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town and are issued for the use of employees only during their employment with the Town. Inspections may be conducted at any time at the discretion of the Town.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, weapons, or illegal drugs, will be sent immediately to the Police and will be subject to disciplinary action up to and including discharge if after investigation, they are found to be in violation of the Town's security procedures or any other Town rules and regulations.

### **10.4 WORKPLACE VIOLENCE**

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. The Town of Deering therefore prohibits employees from bringing weapons on our premises. Moreover, violence and verbal and physical threats of violence of any kind in the workplace or on Town property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including separation

from employment. If you become aware of any violence or threat of violence, you must immediately report the matter to the police and your supervisor or Department Head.

### **10.5 MOTOR VEHICLE VIOLATIONS**

All employees who operate Town vehicles are required within 72 hours to notify their Department Heads if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicle[s] is suspended, revoked, or otherwise restricted, the employee must notify his or her Department Head within one working day of learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

### **10.6 SEAT BELT USE**

Anyone operating or riding in Town vehicles must wear seat belts at all times.

### **10.7 ALCOHOL AND DRUG ABUSE**

It is the Town's intent and obligation to provide a safe and efficient work environment for all employees. The Town recognizes alcohol and drug abuse as potential health, safety and security problems. All employees are expected to assist in maintaining a work environment that is free from the effects of alcohol, drugs and other intoxicating substances. Compliance with the Town's substance abuse policy, which is attached as Appendix C, is made a condition of employment.

### **10.8 SMOKING POLICY**

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and State law, we have declared a no smoking policy within our building and in Town vehicles.

No smoking is allowed in any areas of Town buildings, except in the designated smoking room. Anyone wishing to smoke must do so only during authorized breaks in the designated area. The Town hopes and expects that our employees will comply with the no-smoking policy. If an employee fails to comply with these rules, the employee will be subject to disciplinary action.

### **11.0 THE AMERICANS WITH DISABILITIES ACT**

The Town of Deering prohibits any form of discrimination in hiring as well as in all terms and conditions of employment, against individuals with disabilities. Please notify the Board of Selectmen or the Department Head if, because of a disability, you require an accommodation to perform the functions of your job. The Town of Deering will maintain all medical information in a confidential manner in accordance with the ADA.

### **11.1 REASONABLE ACCOMMODATIONS**

The Town of Deering is committed to ensuring that no otherwise-qualified person with a disability is excluded from participating in, be denied the benefits of, or be subjected to discrimination in the context of his or her employment with the Town. Consequently, the Town

of Deering will make on behalf of qualified individuals with disabilities or handicaps of which the Town is aware reasonable accommodations that do not impose undue hardships on the Town.

With regard to an employee's religious observances, practices and beliefs of, which the Town of Deering is aware, the Town will make reasonable accommodations that do not impose an undue hardship on the Town.

## **12.0 STANDARDS OF CONDUCT**

Any group of people who have come together for a common purpose must have rules that promote consistency, harmony, and support the objectives and missions of the Town.

There are certain standards of common honesty and decent behavior that all employees are expected to follow. We believe that the following rules, which are not set out in any particular order, are necessary and reasonable to the proper conduct of our business.

We all know that no list of rules can be all inclusive. The following areas, however, are expressly described to guide you in the recognition of certain behaviors which are clearly prohibited and which can result in disciplinary action, up to and including discharge. Particular disciplinary action to be taken in any specific instance will depend on the review of all factors involved and the employee's past records.

1. **Absence and Lateness**

Absence and lateness without good reason, failure to report when absent, overstaying allotted break time, meal time, excessive or unexcused absences.

2. **Employment/Town Records**

Making a false Statement on the application form; falsifying Town and employment records.

3. **Attitude**

Abusive language, creating any type of disturbance, complaining in front of visitors, uncooperativeness, abuse or neglect of visitors or residents, and abuse, neglect, or intentional destruction of Town property.

4. **Safety**

Violation of safety regulations or endangering the health or safety of other persons.

5. **Employee Relations**

Abusive or profane language to another employee, intentional destruction of another employee's personal possessions, threatening bodily harm, intent to strike, and/or striking another employee, creating a disturbance, causing dissension among employees.

6. **Crime**

Conviction of a crime that adversely impacts the employee's position with the Town of Deering

7. **Dishonesty**

Dishonesty to a coworker, resident, visitor or to the Town.

8. **Incompetence**

Repetition of avoidable mistakes to a point that the mistakes demonstrate a willful disregard for the Town's interest.

9. **Intoxicants**

Bringing, possessing, or using alcoholic beverages or illegal drugs on Town property or while on the job; being under the influence of or testing positive for these substances during working hours will result in immediate discharge.

10. **Neglect of Duty**

Negligence in the performance of duties; actions which seriously conflict with the Town's interest.

11. **Unsatisfactory Job Performance**

Failing to demonstrate the requisite skill or abilities to satisfactorily discharge the employee's duties.

12. **Weapons**

Possession of any kind of weapons on Town property.

13. **Telephone, Facsimile, Computer, E-Mail, Copier**

Use of a Town telephone, facsimile, computer, e-mail, and copier for a non-Town purpose.

14. **Theft or Destruction of Property**

The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, customer or visitor.

15. **Sexual or Other Unlawful Harassment**

Unlawful discrimination, harassment of any kind or any other inappropriate conduct in violation of Town Policies.

16. **Insubordination**

Acting in an insubordinate manner toward any supervisor or any other directive of the Town.

### **13.0 CONFLICT OF INTEREST**

The Town expects its employees to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create a conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Investing in any of the Town's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general public, and not based on any inside information), or having any financial interest in a vendor or supplier

that could cause divided loyalty or even the appearance of divided loyalty.

- Receiving any gifts or favors from, any members of the public, vendors, or suppliers.
- Using directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose.

Employees with any questions regarding these guidelines are required to discuss them with their department head or the Board of Selectmen, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

## **14.0 SUGGESTIONS AND IDEAS**

We are always interested in your constructive ideas and suggestions for improving our operations. You will be notified whether or not it is feasible to put it into practice.

We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

## **15.0 UNIT OPERATING RULES**

Each separate and identifiable department of the Town may develop, implement, and revise as necessary such policies, procedures, and rules pertaining to unique operational requirements and their effect upon employees as are needed for efficient performance of the department. Such policies, procedures, and rules should not conflict with these policies and procedures, or amendments thereto, and must therefore be approved by the Board of Selectmen prior to implementation. Where conflicts arise, the policies and procedures outline in this manual will prevail.

## **16.0 MISCELLANEOUS**

### **16.1 CHAIN OF COMMAND**

It is expected and required that all employees will follow the levels of authority, sometimes referred to as the chain of command, in reporting grievances, problem, violations of laws, policies and procedures, etc. This line of reporting is spelled out in the complaint procedure.

The only exception to this policy will be for reports of sexual harassment. However, no retaliatory action shall be taken against any employee who reports violations of Federal and/or State laws to regulatory authority pursuant to the provisions of the State “Whistle Blowers Law” (RSA 275-E).

### **16.2 RESIDENCY**

Certain employees of the Town may be required to maintain a residence within a certain radius

of their work place these personnel are generally considered necessary to handle emergency situations and, therefore, must be able to respond in a timely manner. The job description and work rules of a department will designate these personnel and the expected response time. This requirement will be clearly articulated during the job search to fill vacancies in these positions.

## **17.0 E-MAIL, COMPUTER AND TELEPHONIC COMMUNICATIONS**

All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the Town and as such are to be used solely for job-related purposes. The use of any software and business equipment, including, but not limited to facsimiles, telecopiers, computers, and copy machines for private purposes is strictly prohibited.

Employees using this equipment for personal purposes do so at their own risk. Further, employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized Town representative. All pass codes are the property of the Town. No employee may use a pass code or voice-mail access code that has not been issued to that employee or that is unknown to the Town. Moreover, unacceptable use of the e-mail system will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

Unacceptable use of the Town's e-mail and voice mail services is based on common sense, common decency, and civility applied to the electronic communications environment. It is anticipated that the Town e-mail and voice mail services will be utilized primarily to facilitate the delivery of services to our customers, and to assist in the day-to-day operation of the firm. Unacceptable uses of the Town's e-mail system include, but are not necessarily limited to, the following:

- . Using e-mail or voice mail for unauthorized transmission of highly confidential or sensitive customer or proprietary material outside of the office
- . Using e-mail for any business or commercial purposes other than the Town's delivery of services to its customers
- . Misrepresenting your identity or affiliation in any e-mail or voice mail communication
- . Sending harassing, intimidating, abusive or offensive material to, or about, others
- . Intercepting, disrupting or altering electronic communications messages or data packets
- . Using someone else's identity and/or password to send or receive e-mail or voice mail without the express permission of that user.
- . Receiving or transmitting sexually explicit material of any type
- . Posting unauthorized newsgroup or bulletin board messages on behalf of the Town
- . Causing, directly or indirectly, excessive strain on any computing facilities or resources, or

unwarranted or unsolicited interference with others' use of e-mail, e-mail systems, or voice mail systems. Such activities include, but are not limited to, the use of e-mail services:

- (i) to send or forward e-mail chain letters;
- (ii) to "spam", that is, to exploit list servers or similar broadcast systems for purposes beyond their intended scope to amplify the widespread distribution of unsolicited e-mail; and
- (iii) to "letter-bomb", that is, to resend the same e-mail repeatedly to one or more recipients in order to purposely interfere with the recipient's use of e-mail.

Using e-mail for any purpose which violates Federal or State laws

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town may monitor the use of such equipment from time to time. This may include listening to stored voice-mail messages and reviewing e-mail messages.

As a condition of employment and continued employment, employees are required to sign an e-mail or voice-mail acknowledgment form (see Appendix D). Applicants are required to sign this form on acceptance of an employment offer by the Town.

## **18.0 STATEMENT OF POLICY FOR USE OF TOWN COMPUTER RESOURCES**

The Town provides personal computer workstations (PCs) and software to its employees with the objective of assisting them in serving the Town's citizens. To ensure that its computer resources are used properly by its employees, the Town has created this Computer Use Policy.

The implementation of this policy is intended to minimize system downtime; to protect the security and integrity of the data stored on the firm's computers; to insure that all software installed on the firm's computers complies fully with the terms and conditions of any applicable software licenses; and to promote proper and cost-effective utilization of the Town's human and technological resources. For the purpose of this policy Statement:

- the term "computer resources" shall mean any portions of the Town's computer network wherever they may be located. Computer Resources includes but are not limited to: networked computers, servers, stand-alone computers, laptops, software, data files and all internal and external communication services.
- the term "users" refers to all employees, contractors, consultants, vendors, temporary workers or other persons who use Town computer resources
- the term "non-Town software" shall mean any application software for which the ownership or license is held by any entity other than the Town.

## **NO EXPECTATION OF PRIVACY**

The computers and computer accounts given to users at the Town are to assist them in their day-to-day operations. Users should not have an expectation of privacy in anything they create, store, send or receive on these computer resources. In addition, use of passwords to gain access to the computer system does not imply that users have an expectation of privacy in the material they create or receive on Town computer resources. No employee may use a password that is not known to the Town.

The computer resources of the firm are Town property. Additionally, all information sent or received on these computer resources is and remains the property of the Town. They are not the private property of any employee. The Town has the right, but not the duty, to monitor any and all aspects of its computer resources, including but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by users to the Internet or other computer resources and reviewing e-mail sent and received by users.

## **USE OF COMPUTER RESOURCES**

The computer system is the property of the Town and may only be used for the business purposes of the Town. Users are permitted access to computer resources to assist them in the performance of their jobs. Occasional, limited, appropriate personal use of the computer system is permitted provided that the use does not (1) interfere with the user's work performance; (2) interfere with any other user's work performance; (3) have undue impact on the operation of the computer system; or (4) violate any other provision of this policy or any other policy, guideline, or standard of the Town. At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Personal use of the computer system is a privilege that may be revoked at any time.

Access to *all* software applications loaded on Town PCs is restricted to Town personnel only.

## **USE OF THE INTERNET**

The Town maintains a connection to the Internet including access to the World Wide Web (WWW), Newsgroups, File Transfer Protocol (FTP), and other services. These, and all other services that can be obtained using the Internet, are collectively referred to below as "Internet access." Internet access is provided by the Town to assist in the conduct of business. The following policies apply to the use of this Internet connection (please also refer to the separate policy regarding e-mail):

1. Internet access is reserved for the conduct of Town business only.
2. Internet access may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
3. Internet access is not to be used to send or receive offensive or disruptive information. Among those which are considered offensive is information which contains sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

4. Internet access shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary information, or similar materials without prior authorization.
5. Software downloaded using Internet access cannot be installed on Town hardware without prior permission of the Board of Selectmen.
6. The Town reserves and intends to exercise the rights to review, audit, intercept, access and disclose information, received or sent using Internet access for any purpose.
7. Certain types of Internet access, such as Newsgroups can generate excessive e-mail traffic on Town hardware which could overburden this equipment. The use of these types of Internet access should be limited to Town business only. Participation in non-professional newsgroups, chat rooms and forums using the Town's Internet access is prohibited.

#### **USE OF NON-TOWN SOFTWARE**

It has been determined that the installation and use of non-Town owned software can pose a number of serious threats to the Town's computer resources. These threats include the loss of client and firm data resulting from computer viruses; the loss of employee time spent diagnosing and correcting problems created by computer viruses; the loss of employee time spent diagnosing and correcting problems created by the installation of software that is incompatible with the Town's existing software; and the loss of employee time resulting from inappropriate use of game software. In order to minimize these risks, and to maximize the overall utility of the Town's considerable investment in computer technology, the following policy applies to all users:

1. No non-Town software including software downloaded from the Internet or received via e-mail will be installed on any Town PCs or network servers except by IT Department personnel.
2. No non-Town software will be installed from any medium other than the original distribution diskettes or CD-ROM's provided by the software vendor.
3. Prior to installing any non-Town software, the IT Department will determine whether the software has a valid application to the performance of legal services for the firm's clients.
4. After consultation with the users, the IT Department has been advised to remove any unauthorized non-Town software discovered on Town PCs or servers.
5. Prior to installing any non-Town software, the IT Department will perform a virus check on the incoming software.
6. The installation of game software on Town PCs and network servers is prohibited as a matter of Town policy.

7. Notwithstanding the preceding paragraph, it is recognized that the game software that is distributed with the Windows operating system, (such as Solitaire) can be valuable tools for developing the hand/eye coordination of new users of the Windows operating system. As such, these game applications will be allowed to remain on individual PCs, with the understanding that their use by employees must not interfere with the previously Stated objectives of Town computer use.
8. The installation of games that can be played over the network, and which allow multiple interactive players (such as *Doom* and *Nukem*), is **prohibited**.

As a condition of employment and continued employment, employees are required to sign a computer policy acknowledgment form (see Appendix D). Applicants are required to sign this form on acceptance of an employment offer by the Town.

### **19.0 SEPARABILITY**

If any section of these rules should be held to be invalid by competent authority, the remainder shall not be affected thereby.

### **20.0 SUPERSESION**

These rules and regulations shall take effect \_\_\_\_\_ upon the vote of the Board of Selectmen, and shall supersede all previous rules, regulations, customs and/or past practices that may be in use on the effective date, unless specific exceptions are made by the Board of Selectmen or within these rules and regulations themselves. Any exceptions shall be noted in the action of the Board of Selectmen to adopt amendments, additions or deletions to these rules.

If there is any conflict between these rules and any Federal or State law or negotiated agreement, then these rules shall not apply to those specific areas covered by such law, contract or agreement.

### **21.0 AMENDMENT PROCEDURE**

These rules may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, all amendments must be reviewed at least once as a public meeting and shall not be rejected or adopted until at least fourteen (14) days after the public meeting. If any proposed amendment is amended, there shall be at least one public meeting held prior to the adoption of the amended version of the rule(s).

**APPROVED AND DATED:**

**TOWN OF DEERING BOARD OF SELECTMEN:**

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Elizabeth N. Kelly, Chairman

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Michelle Johnson, Selectman

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Daniel Donovan, Selectman

**APPENDIX A**  
**TOWN OF DEERING**  
**LISTING OF POSITIONS**

**Full-Time Employee:**

Town Administrative Assistant (1)  
Road Agent (1)  
Road Agent Assistant/Equipment Operator (1)  
Equipment Operator (2)  
Police Chief (1)  
Police Officer (1)  
Building Inspector/Code Enforcement Officer (1)

**Part-Time Employee**

Deputy Tax Collector/Clerk (1)  
Police Officer (3)

**Seasonal Employee:**

**Temporary Employee:**

**APPENDIX B**  
**TOWN OF DEERING**  
**APPLICATION FOR PAYMENT IN LIEU OF INSURANCE**

To: Town of Deering

FROM: \_\_\_\_\_

SUBJECT: Application for Payment in Lieu of Insurance

DATE: \_\_\_\_\_

Under the provisions of the Town of Deering Personnel Plan, I hereby apply for payment in lieu of insurance effective \_\_\_\_\_ through \_\_\_\_\_.

Check one or both spaces below, as appropriate:

\_\_\_\_\_ I am declining health insurance coverage for myself, as I am receiving health insurance coverage from a source other than the Town of Deering. (Attached is a certificate of my insurance coverage).

\_\_\_\_\_ I am declining health insurance for the following named dependent(s) who is/are fully eligible to be covered by my health insurance policy, but is protected by insurance from a source other than the Town of Deering. Attached is a certificate of this insurance coverage.

Full Name	Relationship	Date of Birth (if under age 25)
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**I certify that the above Statement is true, and I acknowledge that false Statements on this form may subject me to disciplinary action. I have read the Town of Deering's Payment in Lieu of Insurance Policy.**

Date	Signature of Employee
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## APPENDIX C

### TOWN OF DEERING

#### ALCOHOL AND DRUG FREE WORKPLACE POLICY

1. **GENERAL POLICY.** The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.
  
2. **EMPLOYEE RESPONSIBILITIES.**
  - A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
  - B. Any employee convicted under a Federal or State statute regulating controlled substances shall notify \_\_\_\_\_ within five (5) days after the conviction.
  - C. Employees are prohibited from consuming alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
  - D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
  - E. No employee shall represent the Town of Deering in an official capacity while impaired by alcohol, illegal drugs, or medication.
  - F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town of Deering.
  - G. If an employee is using prescription or non-prescription medication that may impair the ability to safely perform duties, the employee shall report that fact to \_\_\_\_\_.
  - H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify \_\_\_\_\_.
  
3. **DISCIPLINARY ACTION.** Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, violations of this policy will lead to appropriate disciplinary action, up to and including termination.

**APPENDIX D**

**TOWN OF DEERING**

**ACKNOWLEDGEMENT FORM**

I have received copies of the E-Mail, Computer and Telephonic Communications Policy and the Statement of Policy for Use of Town Computer Resources.

I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the Town. I also understand that I should have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment and that the Town will, but is not obligated to, monitor my use of the Town's computer and e-mail systems. Such monitoring may include printing and reading all e-mail entering, leaving, or stored in these systems, reviewing of phone and internet use records, and listening to voice mail messages in the ordinary course of business.

\_\_\_\_\_  
Name of Employee (Please print)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## **APPENDIX E**

### **COMPENSATION SYSTEM**

1. **GENERAL POLICY.** The Board of Selectmen, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the Town of Deering which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. The pay plan developed by the Board of Selectmen does not alter the employment –at-will relationship between the Town and the Town employees. Wages shall be linked directly to the position classification plan and may take into consideration the following factors:
  - A. Ranges of pay for other positions.
  - B. Prevailing rates of pay for similar employment in both public and private organizations.
  - C. Cost of living factors.
  - D. Other benefits received by employees.
  - E. The financial policy and economic conditions of the Town of Deering.
2. **PAY PLAN DEVELOPMENT AND ALLOCATION.**
  - A. The Board of Selectmen shall conduct a study of salary levels and make necessary adjustments at least every three (3) years. Implementation of adjustments are subject to the availability of funds.
  - B. The Board of Selectmen shall assign each position level to a pay range based upon the relationship to other levels as defined in the position level plan and by market data.
3. **APPOINTMENT.**
  - A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Board of Selectmen, may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.
  - B. The Board of Selectmen shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

4. **MERIT INCREASE.**

- A. The Board of Selectmen shall adopt merit increase guidelines effective July 1 of each calendar year subject to funding in the approved budget.
- B. Regular full-time and part-time employees are eligible to receive a merit increase. All merit increases shall be awarded in the sole discretion of the Board of Selectmen.
- C. Employees at or above the pay range maximum and employees whose performance is rated less than successful, shall not be eligible to receive a merit increase
- D. A part-time employee is eligible to receive a merit increase in the same amount of elapsed calendar time on the job as a full-time employee.
- E. The Department Head, or designee, must complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase.
- F. A merit increase shall not exceed the range of maximum assigned to a position level.

5. **SELECTIVE SALARY ADJUSTMENT.**

- A. The Department Head may recommend a selective salary adjustment in order to mitigate an inequity caused by merit increase freeze or other similar circumstances.
- B. The Department Head shall submit a written rationale supporting the recommendation to the Board of Selectmen.
- C. A selective adjustment is subject to the availability of funds and guidelines established by the Board of Selectmen.

6. **LONGEVITY INCREASE.** The Board of Selectmen may grant a longevity increase not to exceed 3% to a career service employee who has been paid at or above the range maximum for at least one (1) year, provided the employee has received a successful or outstanding performance rating and has been employed by the Town of Deering for at least ten (10) years.

7. **COST OF LIVING ADJUSTMENTS.** When the Board of Selectmen grants a cost-of-living adjustment (COLA) which exceeds an across-the-board pay plan adjustment, the COLA shall not exceed the new range maximum or the new longevity scale maximum for an employee in longevity status.

8. **ORDER OF SALARY CALCULATION.** Multiple categories of pay increases awarded simultaneously may be calculated in the following order:
  - A. Cost of living adjustment.
  - B. Merit.
  - C. Selective adjustment.
  - D. Promotion.
  - E. Longevity.
9. **REASSIGNMENT.** Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.
10. **RECLASSIFICATION.**
  - A. If the Board of Selectmen reclassifies a position to a higher level, the Board of Selectmen shall adjust the incumbent's salary to at least the minimum of the new range and may give a salary increase, based upon increased responsibility.
  - B. A reclassification increase is subject to the availability of funds.
  - C. If the Board of Selectmen reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, or provided the individual meets longevity status criteria, the longevity scale maximum, the incumbent is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the incumbent's pay rate. An employee is ineligible to receive cost-of-living increases until the salary range increases.
11. **DEMOTION.** If an employee is demoted, either voluntarily or involuntarily, the Board of Selectmen may treat the employee's salary according to paragraph 10.C. above or reduce the salary to the applicable pay range.