

Town of Livermore Personnel Policies and Procedures

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TOWN OF LIVERMORE

Personnel Policies and Procedures

INTRODUCTION

The Town of Livermore is a municipal corporation organized pursuant to the laws of the State of Maine. The Annual Town Meeting of June 9, 1999 established a five-member Board of Selectpersons elected by Livermore voters. Board of Selectpersons has authority to appoint Town officials.

The Town's work force consists of, regular full-time and part-time employees, which includes elected officials, regular part-time employees, temporary/seasonal employees, and reserve employees. The policies and procedures contained in this Handbook shall govern the relationship between the Town and its employees to a varying degree depending on the employee's classification. However, certain legal mandates including but not limited to equal employment opportunity, worker's compensation, unemployment compensation, and safety requirements, as well as certain conduct and other expectations are intended to apply to all employees.

Any modification or amendments to these policies must be approved by the Board of Selectpersons. Employees will be notified of all changes. The provisions set forth are not contractual but, rather, are for the general guidance of the town in its relationship with its employees.

If any provision of these personnel policies is held to be invalid by the appropriate judicial or other authority, this invalidity does not affect other provisions or applications of the personnel policies, which can be given effect without the invalid provision of application, and for this purpose the provisions of these personnel policies are severable. If any provision of these personnel policies is held invalid by reason of any conflict with Federal or State law, the provisions of the applicable Federal or State law shall automatically become incorporated within these personnel policies in place of the invalid provisions.

All previous handbooks and policies, and any actions and statements by the Board of Selectpersons or other authority in conflict with the provisions of these personnel policies are hereby repealed.

A copy of these policies shall be given to all Town employees upon hire. All employees must read the entire Handbook and return the Employee Acknowledgement Form within 10 working days of receiving the Handbook. Employees should refer back to this Handbook as needed and ask your Department Head or other supervisor any further questions as they arise.

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ARTICLE 1 GENERAL PROVISIONS

1.1 - Purpose: It is the purpose of this Handbook to establish and set forth a uniform and equitable system of personnel administration that meets the social, economic and program needs of the people of Livermore. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force. These policies and procedures and any modifications shall supersede any previous personnel policies.

2.2 - Principles: The Town's goal is to provide efficient and high quality public services based on the following principles:

1. The Town shall employ the best-qualified persons who are available at the salary levels established for Town employment. It shall be the duty of the Board of Selectpersons, with cooperation of Department Heads, to seek out the most desirable employees for the Town. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable.
2. Compensating employees on an adequate and equitable basis commensurate with wages and benefits for comparable work in the labor market;
3. Taking appropriate personnel actions affecting employees;
4. Providing opportunities for advancement in continued town service to all employees, based on qualifications.

1.2 - Administration: The day-to-day administration of these rules shall be the function of the Administrative Assistant to the Board of Selectpersons and Department Heads unless otherwise specified. These rules shall be administered in conformity with State and Federal Statutes.

1.3 – Equal Employment Opportunity: The policy of the Town is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, pregnancy, sexual orientation (including gender identity and expression), age, national origin, disability, ancestry, genetic information, whistleblower status, military/veteran's status or any other protected category under state and local laws.

This policy applies to all employment decisions, including, but not limited to, recruitment, hiring, promotion, compensation, benefits, transfers, layoffs, returns from layoffs, discipline, termination, and training, and any and all conditions of employment. Please refer to Appendix A for further information, including the Town's Internal Complaint Procedure.

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1.4 – Employee Input: It is the intent of this policy to cover most aspects of employment, but employee input in the form of constructive suggestions regarding working conditions or these personnel policies is both encouraged and welcomed. Comments and/or suggestions should be forwarded in writing to the Administrative Assistant or Department Head, who shall bring them to the Board of Selectpersons.

1.5 – Periodic Review/Amendment: It shall be the responsibility of the Administrative Assistant to conduct a periodic review of these personnel policies, at least on a biennial basis, and to offer suggested amendments to the Board of Selectpersons for their consideration.

ARTICLE 2

GENERAL GUIDELINES AND CONDITIONS OF EMPLOYMENT

2.1 – Appointment Power: The employment of all personnel shall be the responsibility of the Board of Selectpersons, except for non-appointed employees such as volunteer firefighters and elected officials.

2.2 – Hiring Procedures:

1. The Board of Selectpersons, Administrative Assistant and the Department Head will meet to discuss any vacancy and make a determination as to the types of advertising to be used and the time-frame for the lengths of the posting period.
2. Recruitment notices shall be prepared setting forth a basic description of the position, any minimum qualifications, requirements or education, skills and experience preferences, application steps to follow and closing dates for submitting application materials. Such notices shall affirm the town to be an Equal Employment Opportunity Employer. Various media may be used to bring notice of vacancies to an adequate number of qualified applicants. The media used may include, but not be limited to, newspapers of general circulation; the internet; professional journals and minority publications. All recruitment notices shall also be posted at the Town Office.
3. At the discretion of the Board of Selectpersons, a “hiring committee” may be formed to consist of two Selectpersons, the appropriate Department Head and others. The committee shall collect applications, review them, perform background checks as appropriate, and interview selected candidates.
4. Application for employment with the Town of Livermore shall be made on a standard Town of Livermore application form. A resume may accompany a properly completed and signed application form but shall not serve as a substitute for one. Applications and resumes shall be accepted only during the time period set forth in the recruitment notice. The Town of Livermore reserves the right to accept or reject applications during periods when there are no vacancies.
5. The Administrative Assistant will notify the Board of Selectpersons of the committee’s hiring recommendation and will bring it to the Board for consideration at their next regularly scheduled meeting.

2.3 - Probationary Period: All town employees are probationary for up to the first six (6) months of employment. Probationary employees shall be evaluated periodically (but no later than at 180 days into employment). Any employee may be removed by the Board of Selectpersons at any time within the probationary period without cause and without appeal. Probationary employees are only entitled to benefits specifically identified in this Handbook.

The probationary period may be extended at the discretion of the Board of Selectpersons, but may not exceed an additional 6 months.

The probationary period will be waived for individuals who have been employed by the Town on a part-time basis and have been promoted to full time status providing there has been no break in employment. For seniority purposes, time will be calculated from original date of hire providing there has been no break in employment.

2.4 - Residency: The Board of Selectpersons desires that the town employ the most qualified persons who are available at the salary levels being offered for town employment. Among equally qualified candidates, preference will be given to residents of the Town, then to those candidates who are willing to establish residency within the town limits. Non-residency will not, however, preclude employment.

- a. **Highway Department:** All new full-time regular employees of the Highway Department within six (6) months after the end of the employee's probationary period must reside within fifteen (15) road miles of the Livermore Public Works Garage. Any such employee who has not established a residence as hereinabove stated shall be subject to dismissal. In the event that any of the present members of the highway department changes his present abode, then he will be required to either reside in the same municipality or to move within fifteen (15) road miles of the Public Works Garage.

2.5 - Anti-nepotism: No immediate family member of any current employee may be gainfully employed to work for the Town of Livermore without specific disclosure and approval of the Board of Selectpersons. "Immediate family" means: parents, spouse, brother, sister, child, stepchild, adopted child, grandmother, grandfather, mother-in-law, father-in-law, grandson, granddaughter, uncle, aunt, first cousin, nephew, niece, son-in-law and daughter-in-law.

2.6 - Physical Examination: New employees, specifically those in the highway department, may be required to have a standardized physical examination in accordance with job requirements and business necessity prior to starting employment. No examination shall be required or administered until after a conditional offer of employment has been made. Physical examination appointments shall be made by the Town and the examination shall be made by the physician chosen by the Town. The physician's fee shall be paid by the Town.

It may also be necessary for the Town to request that an employee have a physical examination during their employment if there is reason to believe the employee is physically or psychologically unable to perform the job. Any such exam will be job-related and consistent with business necessity.

2.7 - Employment Classifications:

1. **Regular Full-time Employment** is an appointment to a position to work not less than thirty-five (35) hours a week continuing for a period of six (6) months or longer. Such persons receive all benefits provided herein in conformity with the established personnel policy. This category may also include elected officials.
2. **Regular Part-time Employment** is an appointment to a position to work less than thirty-five (35) hours a week on a continuing basis as above. Part time employees may be eligible for benefits as provided by this Handbook or as mandated by law. This category may also include elected officials.
3. **Temporary or Seasonal Employment** is an appointment to work full-time or part-time on a regular basis but for a definite, limited time period, usually not to exceed six (6) months. Temporary and seasonal employees are paid for hours worked and overtime payments where applicable, but they receive no other benefits except those mandated by law or as otherwise specified in this Handbook. An example of temporary employment is an appointment to fill a position of an employee on a leave of absence or vacation, or to support regular staff during a defined period such as road construction.
4. **Reserve Employment** is an appointment to work on an intermittent and as-needed basis. Employees who are on-call do not have a regular schedule but work as available and as needed. Such employees are paid only for hours worked or by annual stipend and are not eligible for any other benefits except those mandated by applicable law. Examples of reserve employees are Volunteer Firefighters, Registrar of Voters and Health Officer.

2.8 -- Exempt/Non-exempt status: Employees are also classified as exempt or non-exempt pursuant to the Fair Labor Standards Act. Exempt employees earn a set salary regardless of the hours worked in a given week and are not eligible for overtime. Non-exempt employees generally are paid on an hourly basis and are eligible for overtime as described below.

2.9 - Overtime: This section applies to non-exempt employees only:

1. **Compensation Rate:** All hours worked over 40 hours of actual work per week are considered overtime and shall be compensated at a monetary rate of one and one-half (1½) times the base hourly rate of the affected employee.
2. **Compensatory Time:** At the discretion of the Board of Selectpersons and agreement with the employee, overtime may be compensated with compensatory

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time for hours worked beyond forty (40) hours in a workweek. Such compensatory time shall be granted on a time and one-half (1½) basis for hours worked beyond forty (40) hours in a workweek, and on a straight hour-for-hour basis for time worked that is less than 40 hours but more than the employee's regular work week. *Town Office: Bank deposits should be made during regular business hours to avoid the accumulation of compensatory time.* **(June 2020)**
Compensatory time applies only to hourly employees.

3. **Authorization and Distribution:** All overtime requires prior authorization from the supervisor or Department Head and must be reported in writing to the Treasurer. Overtime hours will generally be awarded on a voluntary basis and reasonable efforts will be made to distribute overtime equally among employees in their respective departments. In the event the Town needs overtime work done and no employee volunteers, the Town may mandate overtime, but in no event will any employee be required to work more than 80 hours in one week except as provided by law.

2.10 - Standard Work Week: The work week for payroll purposes shall be from 12:01 a.m. Monday morning to 12:00 midnight Sunday night of any given calendar week unless otherwise noted below. Business hours are subject to change, but are generally as follows:

1. **Town Office:** Thirty Six (36) hours between 8:30 a.m. and 6:00 p.m. on Mondays and Thursday; and between 8:30 a.m. and 4:00 p.m. Tuesday and Friday. The Clerk's office is closed on Wednesday.
2. **Highway Department:** Forty (40) hours - 7:00 a.m. to 3:00 p.m. – Monday through Friday. These hours may be seasonally adjusted by the Board of Selectpersons, as needed.
3. **Transfer Station:** Twenty Four (24) hours – 8:00 a.m. to 4:00 p.m. on Tuesdays, Thursdays and Saturdays, except that one employee shall arrive for work ½ hour prior to the start of the work day to perform opening duties as specified in the Transfer Station Operations Manual.

Other: Standard work hours may be established for employees not categorized within the above departments, e.g. Code Enforcement.

Hourly employees may not work more than their scheduled hours, unless they have a supervisor's permission, except for nominal and unavoidable increments of time (e.g. finishing 2 minutes after the end of a scheduled shift). This rule applies whether or not the additional time results in overtime hours. Employees who work more than their scheduled hours without a supervisor's permission are subject to discipline.

2.11 - Attendance: Employees shall be at their respective places of work at the appointed, departmental starting time. Planned absences must be approved in advance by the Department

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Head. It is the responsibility of the employee to see that the immediate supervisor is advised of the reason for an absence not previously arranged within two (2) hours of the beginning of the unexpected absence. An employee who fails to show up to work without explanation for three work days in a row is considered to have resigned. Multiple unexcused absences may be grounds for discipline, up to, and including termination.

2.12 – Emergency Closing: The decision to suspend operations will be made by any two of: Chair of the Board of Selectpersons, Vice Chair of the Board of Selectpersons, and Department Head. Employees who are unable to report to work during inclement weather when operations are not suspended will not be compensated but may elect to use their accrued compensatory time, annual leave time or a personal day.
(November/December 2019)

2.13 – Time Recording: All hourly employees are responsible for accurately recording all of their time spent working, including any and all time not originally scheduled. However, remember that employees may not work more than their scheduled hours, unless they have a supervisor's permission (see section 2.10). Employees in departments supplied with a time clock shall use it to record their hours, and those without one will follow their supervisor's instructions on how to record their time. Employees may not record time for anyone but themselves.

2.14 – Paychecks: Pay checks are issued every other Monday, and cover the two week span ending on the Sunday directly before the Monday checks are issued. The Town is required to deduct federal and state income taxes from your paycheck, along with social security and Medicare taxes. The Town may make other deductions that are authorized by the employee, such as deductions for health insurance premiums.

The Town will keep a true and accurate record of the hours worked by each employee and of the wages paid, and will provide employees with statements at the time of the payment or transfer reflecting date of the pay period, the hours, total earnings and itemized deductions.

2.15 – Personnel Records: Appropriate records will be maintained for each employee of the town. Any employee or former employee may review and copy his/her file in the presence of the Administrative Assistant during regular working hours. So as not to create unnecessary inconvenience, the employee shall set-up appointments for such review in advance.

2.16 - Visiting Standards/Use of Workplace Telephone and Computers: It shall be the policy of the Town of Livermore to curtail excessive visiting of Town employees by family or friends and excessive use of the workplace telephone and computer system for non-business related communication. Explicit visiting policies and telephone use policies may be established in each

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department, and any situation of abuse will be dealt with by established disciplinary procedures. See Appendix B for more information on the Town's Information Systems Policy.

2.17 - Performance Evaluations: The Town shall establish and maintain standardized procedures for performance evaluation and review of all full and part-time employees. At a minimum, a performance evaluation in writing will occur prior to the six-month (6) probationary period, and on an annual basis thereafter. Performance evaluations and reviews will become a permanent part of an employee's file. The Town will endeavor to schedule performance evaluations to accommodate the work schedules of both the employee and the evaluator. However, the Town's failure to timely schedule a performance review should not be viewed as an endorsement of or comment on any employee's performance.

2.18 - Staff Training:

1. **Job-related, Required Training:** As a condition of employment, each employee shall attend and participate in training programs designated to be necessary for effective job performance by the Department Head, Administrative Assistant or the Board of Selectpersons.
2. **Voluntary Training:** The Town will attempt to make opportunities available to the employees, within the constraints of the municipal budget, for further development of specific skills and expertise deemed of mutual benefit to the employee and the Town. Approval for staff development involving expenditure of funds must be obtained from the Administrative Assistant and Board of Selectpersons.

The Town of Livermore encourages continuing education. The Town will compensate an employee for hours spent at and traveling to an approved or required lecture, meeting, or training *unless* it is outside working hours, it is voluntary, it is not job related, *and* no other work is concurrently performed.

2.19 – Reimbursement of Expenses

1. **Automobile Expense:** All municipal employees shall be reimbursed for actual mileage incurred in the performance of official town business. The mileage rate shall be the current I.R.S. reimbursement rate and will automatically take effect on July 1st of each year, unless a lesser rate is voted by the Board of Selectpersons. All reimbursement requests will be submitted in writing (receipts) to the Administrative Assistant and Treasurer within 45 days of accrual. Reimbursement will not apply in any case to travel from the Town Office or the employee's primary work location to the employee's home.
2. **Travel Expense:** Employees of the Town of Livermore shall be reimbursed for reasonable and necessary expenses incurred while carrying out official town business. Such reimbursement will require prior authorization of the Board of Selectpersons and the submission of a detailed expense voucher within 45 days of accrual.

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3. **Training and Development Expenses:** All training and development expenses shall be approved in advance by the Administrative Assistant and Board of Selectpersons.

2.20 - Promotions: Any vacancies will be advertised both internally and publicly, but Town employees shall be given maximum opportunity for advancement. Present employees shall be given consideration first in filling a vacancy and may be given training opportunities to qualify for promotion. Whether a position is filled from within or outside is determined by the Hiring Committee and Board of Selectpersons, only after careful review of the qualifications of all the Town employees who have applied for the position. However, the Town has full discretion to consider and select outside applicants to secure employees with the best-suited qualifications for a given vacancy.

2.21 - Transfers: Transfers are assignments to other positions and may be initiated by management for the good of the Town service, subject to the approval of the Board of Selectpersons.

2.22 - Resignation:

1. **Notice to Department Head:** Any employee wishing to leave in good standing shall file with their Department Head a written resignation stating the date the employee is leaving the town's service and the reasons for leaving. The written resignation shall be submitted at least ten (10) working days prior to its effective date. Failure to comply with this procedure may be cause for denying such employee's future re-employment by the town.
2. **Unauthorized Absence:** Unauthorized absences from work for a period of three (3) days or more without permission of the Department Head and/or the Administrative Assistant may be considered as being a voluntary resignation by the employee.
3. **Separation Responsibilities:** Effective date of separation shall be at the close of business on the last day the employee reports for work, the date specified in his/her written resignation, or the last day of leave granted should he/she fail to report on the first working day following the expiration of his/her leave. All separating employees shall turn in any town-owned property in their possession, including keys. Separating employees shall also leave a forwarding address with their Department Head or the Town Treasurer for the purposes of forwarding Internal Revenue Service forms and any remaining checks for unpaid compensation.

2.23 - Personnel Reduction: If the Town has to reduce its work force for lack of funds, lack of work, or related reasons, an employee may be laid off by the Board of Selectpersons at any time without recourse to the grievance procedure. Layoffs are not disciplinary. The staffing and other business needs of the Town in each particular case shall be the basis for determining layoffs. All

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employees shall be furnished a written statement setting forth the reasons for the personnel reduction.

2.24 - Reinstatement: Employees resigning but wishing to be reinstated may be reinstated at the discretion of the Board of Selectpersons if this action shall be in the best interest of the town. If reinstated within thirty (30) days from the effective resignation date, the employee shall be restored to his/her former position at the same pay and with full fringe benefits and seniority rights as if the employee had continuous service.

ARTICLE 3 CODE OF CONDUCT

The following policies outline the rules and code of conduct for all Town employees, and breaches thereof may be grounds for discipline up to, and including, termination. Note that this list does not include every possible type of conduct that could lead to discipline, and the Town has discretion to assign discipline to different situations that arise as it sees fit. Please refer to Article 4 for the Town's disciplinary procedures.

3.1 - Appearance: All persons employed by the Town shall maintain a professional or job-appropriate appearance at all times. As each employee of the Town is acting on behalf of and representing the Town, it is important that all personnel respond to the various departmental standards. Employees should also take into consideration any job specific safety concerns when determining what attire is appropriate.

Employees will maintain a clean and neat appearance. Hair, sideburns, mustaches, beards and fingernails must be kept clean and neat. The following general guidelines shall apply to all departments:

1. Clothing or accessories with sexually suggestive, demeaning, or obscene pictures or words are not allowed.
2. If worn, jewelry and piercings must not detract from a professional appearance and interfere with job performance.
3. Body stenciling, paintings and tattoos that are sexually suggestive, demeaning, or obscene shall be hidden to the public and co-workers.
4. No miniskirts, halter-tops, ragged, dirty or torn clothes shall be worn.

3.2 – Smoking in the Workplace: The Town of Livermore is committed to providing its employees and visitors with a safe, healthful and productive workplace environment.

In accordance with the provisions of Maine's Workplace Smoking Act of 1985 (22 M.R.S.A. § 1580-A), smoking is prohibited within any municipal building or facility. Smoking is also prohibited in all municipal vehicles and equipment.

Smoking out of doors on municipal property shall be permitted only in designated outdoor smoking areas located at least 20 feet away from any entryway, vent or doorway. All cigarettes, tobacco, matches and other materials used for smoking must be extinguished and/or properly disposed of in the receptacles provided.

Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the grievance process. Employees who violate this Policy may be subject to disciplinary action. The Administrative Assistant is responsible for implementing and monitoring smoking regulations. Department Heads are expected to enforce the regulations.

3.3 – Conflicts of Interest: Town employees must avoid any action which might create an actual or perceived conflict of interest with the Town, such as using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting town business. Public employees are expected to treat everyone they serve with complete impartiality, and are thus prohibited from using their official positions for personal profit or the profit of friends and family. Likewise, employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans or any other item of monetary value from any person within or outside town employment whose interest may be affected by the employee’s performance or non-performance of his/her official duties. Acceptance of nominal gifts such as food and refreshments in the ordinary course of business meetings or unsolicited advertising or promotional materials such as pens, notepads, calendars, etc. is permitted.

3.4 - Confidentiality: Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information that is required under the “Right to Know” Law, 1 M.R.S.A., sections 401-410. Please see the Town’s Freedom of Access Policy for further information on handling such requests.

3.5 – Workplace Violence: To ensure a safe work environment for all employees, the Town expressly prohibits any acts or threats of violence by any employee against any other employee, client, vendor, or visitor. If you notice any behavior that could be perceived as an act or threat of violence, you should report it immediately to your Department Head.

The Town also prohibits the possession of weapons, concealed or otherwise, on company property or during any time spent on company business or as a representative of the Town. The only exception to this rule is that an employee who has a valid permit to carry a concealed firearm (under Title 25 MRSA., Ch252) may keep a firearm in the employee’s vehicle as long as the vehicle is locked and the firearm is not visible.

3.6 – Drug and Alcohol Policy: Any employee using a prescription or over-the-counter medication that may interfere with job safety or job performance must notify the Town.

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The use, sale, or possession of alcohol, illegal drugs, or any controlled substance that is not medically prescribed is strictly prohibited while on Town property or while on work duty. Employees also may not be on Town premises or on work duty while under the influence of alcohol, illegal drugs, or any controlled substance that is not medically prescribed. Any employee suspected of violating this policy will be promptly removed from his or her work area and work duties, and the matter will be investigated by the Town.

Please see additional information in the Alcohol and Drug Abuse Treatment Policy, described in Article 8.

3.7 – Sexual and Other Discriminatory Harassment: See Appendix A.

3.8 – Information Systems Policy: See Appendix B.

3.9 – Additional Prohibited Conduct: The following is a non-exclusive list of additional conduct that is grounds for discipline up to, and including, termination:

1. Absent from work area or job assignment without authorization or justifiable cause.
2. Abusive Acts – Neglect or mistreatment of residents.
3. Arrest and charged with crime
4. Breach of ethics concerning confidentiality of employee or resident information
5. Consuming intoxicants while on duty
6. Conviction of a crime
7. Possession of a weapon on the premises (other than one properly secured in an employee's personal vehicle)
8. Entering restricted areas without permission
9. Excessive absenteeism (includes abuse of sick leave privileges, excludes work injury absence.)
10. Falsifying records
11. Fighting with fellow employees
12. Political activities on duty
13. INSUBORDINATION:
 - A. Absolute refusal to comply with instructions from authorized supervisor.
 - B. Initial refusal but subsequent compliance with instructions from supervisor.
 - C. Disruptive behavior
14. Misuse of drugs – including consumption on duty.
15. Proven theft of property
16. Reporting for duty while under the influence of alcohol or drugs
17. Rudeness to residents or visitors
18. Substandard work performance
19. Unexcused absence
20. Unexcused or excessive tardiness

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21. Unlawful or prohibited harassment
22. Use of abusive or obscene language
23. Violation of solicitation rules
24. Willful destruction of property
25. Non-compliance with Bloodborne Pathogens
26. Violation of established safety rules
27. Negligently endangering the safety of other employees or the public.

ARTICLE 4 DISCIPLINARY ACTION

4.1 – Progressive Discipline:

The Town has a policy of progressive discipline for its employees, which means that instances of poor job performance or misconduct, as outlined in this Handbook or otherwise, will be subject to a range of possible disciplinary outcomes, which include: Verbal or written warnings, suspension with or without pay, demotion, or termination. Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence. The Town at all times reserves the right to bypass steps in progressive discipline and impose more severe discipline, depending on the circumstances.

In determining the appropriate discipline for a given situation, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. Misconduct or continuing performance problems may be considered cumulative, and subject to progressively more severe discipline, even if the conduct or performance problems vary in nature or severity.

4.2 – Due Process: Department Heads and/or the Administrative Assistant have the authority to issue any discipline that does not involve the loss of pay and/or benefits. Department Heads and/or the Administrative Assistant can also recommend the unpaid suspension or termination of an employee. However, no appointed employee may be suspended without pay or terminated without first being given written notice of the discipline contemplated and the opportunity to be heard by the Board of Selectpersons. The Board of Selectpersons has discretion to conduct the hearing as it sees fit, which may or may not include the taking of evidence. The Board of Selectpersons will issue a written decision with findings as soon as possible.

4.3 – Cause: The termination of any appointed employee must be for cause. The Town reserves the right to consider all facts and circumstances, including the seriousness of the incident and the whole pattern of the employee's past performance and conduct, when determining if there is cause for termination.

ARTICLE 5 GRIEVANCE PROCEDURES

5.1 - Policy: A grievance is a dispute between any employee and the Town concerning the interpretation or application of the terms of these Personnel Rules and Regulations. Excluded from consideration for grievances are those matters pertaining to management's judgment of qualifications and/or performance relating to hiring, promotion of personnel and compensation adjustments.

Any complaints of discrimination or harassment should be made pursuant to the Internal Complaint Procedure contained in Appendix A.

5.2 - Procedures: Any employee who perceives a grievance as defined, shall within ten (10) working days bring such grievance to the attention of his/her Department Head and Administrative Assistant. The Department Head and Administrative Assistant shall attempt to settle or resolve the matter within five (5) working days thereafter.

If the matter is still not resolved to the satisfaction of the employee, the employee may, within five (5) working days, bring the matter to the attention of the Board of Selectpersons for its consideration by submitting a written statement setting forth the specific nature and details of the grievance. The Board of Selectpersons may consider the grievance with or without a hearing, unless specifically requested by the aggrieved employee. The Administrative Assistant shall notify, in writing, the aggrieved employee within fifteen (15) working days when a hearing will be held with the Board of Selectpersons and the date and time of such hearing. The aggrieved employee shall receive within twenty (20) working days, a written decision of the Board of Selectpersons regarding his/her grievance, which shall be final.

In cases where the grievance involves discipline issued by a Department Head and/or Administrative Assistant, the employee may bring the grievance directly to the Board of Selectpersons. The grievance procedure is inapplicable to disciplinary decisions involving unpaid suspension and termination because those determinations require notice and hearing by the Board of Selectpersons as an initial matter.

All grievances shall be initiated not later than ten (10) days after the occurrence of the event or the employee's first knowledge of the event giving rise to the grievance.

**ARTICLE 6
TIME AWAY FROM WORK**

6.1 - Paid Holidays: Subject to these rules, the Town of Livermore shall observe and pay all regular town employees in accordance to the holiday schedule observed by the State of Maine, or as otherwise established by the Board of Selectpersons. Those holidays consist of:

New Year's Day	(1)
Martin Luther King Jr. Day	(1)
Presidents' Day	(1)
Patriots Day	(1)
Memorial Day	(1)
Independence Day	(1)
Labor Day	(1)
Columbus Day	(1)
Veterans' Day	(1)
Thanksgiving Day & Day after	(2)
Christmas	(1)
Personal Days – Full Time	(2)
Personal Days – Part Time	(1)

If a regular holiday falls on a Sunday, then the following Monday is considered a holiday; if on a Saturday, the preceding Friday, unless otherwise regulated by law.

Personal days may be taken with permission of the Department Head and/or Administrative Assistant with a minimum forty-eight (48) hour notice.

A person on a leave-of-absence shall not be entitled to holiday pay. Probationary, temporary/seasonal, and reserve employees are not entitled to holiday pay. Employees calling out sick the day before or the day after a holiday are not entitled to holiday pay. (June 2020)

Employees shall not schedule vacation days on paid holidays.

Regular employees (hourly and salaried) will be paid at their normal rate for holidays, and will receive pay for the number of hours they would have worked had the day not been designated a holiday. Part time employees shall be eligible for holiday pay only if the holiday falls on a scheduled work day, and are permitted one (1) Personal Day per year.

Employees scheduled to work a holiday shall receive one and one-half (1½) times their hourly rate plus their applicable holiday pay.

If you wish to observe a religious or cultural holiday that is not recognized by the Town, you may request to use a personal day or vacation day.

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6.2 – Vacation Leave:

The purpose of annual vacation leave is to enable each eligible employee to take a vacation and return to his/her work mentally and physically refreshed. Each July 1, annual leave shall be granted to eligible employees to be used during the Town's fiscal year. Eligible employees are those employees who are not on leave without pay. When non-eligible employees return to work, they will be granted annual leave.

Vacation privileges are available to regular full-time employees and part-time employees who work at least 20 hours per week only. Employees are encouraged to use vacation. In the event that an employee has unused vacation leave at the end of the fiscal year, they will be eligible to receive half (1/2) of the accrued time in the form of a check. The remaining half (1/2) of the accrued time will be forfeited. **(July 2018)**

Each employee within these classifications shall earn vacation with pay on the following basis, whereby a week consists of the number of hours of the employee's regularly scheduled work week:

1. After an employee has completed one (1) full year of continuous service, he/she is entitled to receive one week of vacation.
2. After an employee has completed two (2) full years of continuous service but less than five (5) years, he/she is entitled to receive two weeks of vacation.
3. After an employee has completed five (5) full years of continuous employment but less than thirteen (13) years, he/she is entitled to receive three weeks of vacation.
4. After an employee has completed thirteen (13) full years of continuous employment but less than twenty (20) years, he/she is entitled to receive four weeks of vacation.
5. After an employee has completed twenty (20) full years of continuous employment, he/she is entitled to receive five weeks of vacation.

In summary:

- | | |
|-----------------------|---------|
| a. After 1 Year | 1 Week |
| b. Year 2 through 5 | 2 Weeks |
| c. Year 6 through 13 | 3 Weeks |
| d. Year 13 through 20 | 4 Weeks |
| e. Year 21 and over | 5 Weeks |
6. Vacation pay shall be at the regular, weekly salary of the employee, or the number of hours of the employee's regular work week at his/her regular hourly rate.

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7. Employees not eligible for annual vacation leave are the following:
 - a. Employees who have not worked one full year.
 - b. All employees who work on a temporary/seasonal basis, those who are scheduled to work on an as-needed basis (reserve) and part-time employees who are scheduled to work less than twenty (20) hours per week.
8. Note that vacation time earned will be awarded on July 1 and must be used within the fiscal year. (Exception: Due to the change in policy in the way time is awarded in 2019, the additional time must be used within 6 months.) (May 2019)
9. Employees may take no more than two (2) consecutive weeks of vacation at any one time. More time may be granted by the Department Head with the approval of the Board of Selectpersons.
10. Vacation leave should be taken in blocks of one (1) or two (2) week periods, but vacation for a lesser period may be permitted with approval from the Department Head. There will be no advance annual leave pay. Employees will receive annual vacation leave pay on the regular paydays or, in the case of termination, at the next payday.
11. Employees who leave voluntarily or retire may be entitled to unused, accrued vacation pay as follows:
 - a. An employee upon voluntary separation or retirement **before** five (5) full years of continuous employment will not be entitled to any earned vacation due him/her.
 - b. An employee upon voluntary separation or retirement and **after** five (5) full years of continuous employment will be entitled to one-half ($\frac{1}{2}$) of any vacation earned in the present fiscal year and due him/her up to the date of separation.
 - c. An employee upon voluntary separation or retirement and after **ten** (10) full years of continuous employment will be entitled to all vacation earned in the present fiscal year and due him/her up to the date of separation.
12. Vacation time is not cumulative from year to year. In other words, employees may not use annual leave days after the year in which they are earned, and vacation time does not accrue year to year for payout purposes. The Department Head shall be responsible for the scheduling of all vacation time and shall have the right to schedule an employee's vacation time, if the employee has not done so, to see that all vacation has been used. If an employee does not indicate his/her leave preference, time-off can be scheduled by the Department Head or Board of Selectpersons before the end of the fiscal year and charged to annual leave.

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13. Requests for vacation time must be approved by the Department Head. If a conflict occurs, time will be granted in order of seniority. Department Heads have ultimate discretion in awarding or denying vacation time based on staffing needs and other demands of the Town.
14. Unused annual leave time is not compensable except as specified above.
15. In the event one or more holidays fall within an annual leave, such holidays shall not be charged as annual leave, and the annual leave shall be extended accordingly.

6.3 - Bereavement Leave/Funeral Leave: An employee may be excused from work for up to three (3) scheduled workdays because of a death in his/her immediate family, as outlined below, and shall be paid his/her regular rate of pay for scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements, and for observing any final services.

In the event of the death of a spouse or child, the Administrative Assistant, Department Head or Chair of the Board of Selectpersons may authorize up to two (2) additional days when requested. The use of the two (2) additional days shall be charged against the employee's sick leave accumulation.

Immediate family is defined to mean: spouse or domestic partner, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, stepfather, stepmother or other relative if living in the same household as the employee.

6.4- Paid Sick Leave: Sick leave shall be allowed only in cases of actual personal sickness or disability. If this privilege is abused, the employee can be subject to disciplinary action.

1. Rate of Accrual:

- a. **Regular Full Time Employees** - Sick leave shall accrue at the rate of one-half workday for each full calendar month of service (six days per calendar year), cumulative to a maximum of thirty (30) days that may be carried forward from month to month. For the purposes of this section, the first month of an employee's service shall be counted as a full month of service, if employment begins on or before the fifteenth (15th) day of the month.
- b. **Regular Part Time Employees** – Sick leave shall accrue at half the rate of full time employees (three days per calendar year).
- c. Employees who work on a temporary/seasonal basis, and those who are scheduled to work on an as-needed basis (reserve) are not eligible for paid

sick leave, but should contact their Department Head or supervisor before the start of a shift if they are unable to perform their job duties due to illness or incapacity.

2. **Use of Sick Leave:** Sick leave may be used only in the following cases:
 - a. Personal illness or physical incapacity which renders the employee unable to perform the duties of his position, unless the employee is capable of other work in his/her department and is assigned to such other work. The employee shall furnish the Department Head with a certificate from his attending physician, after three (3) consecutive days of absence.
 - b. Personal medical or dental appointments.
 - c. Under the Maine family sick leave law, to care for a child, spouse, or parent due to that person's illness or injury.
 - d. An employee absent because of illness must call his/her supervisor no less than one (1) hours before scheduled start time unless physically unable to do so; otherwise the day will be charged to leave without pay.
3. **Sick Leave Records:** Absences for a fraction or a part of a day that are chargeable to sick leave in accordance with this section shall be charged proportionally in an amount no smaller than one (1) hour per occasion. Sick leave usage shall be recorded regularly on the payroll time cards. The Treasurer shall review periodically all sick leave records and investigate any cases that indicate abuse of the privilege, and report those findings to the Board of Selectpersons. Willful abuse of the sick leave privilege shall be cause for dismissal.
4. **Sick Leave and Workers' Compensation:** Employees are eligible for Workers' Compensation for a service connected injury, and may elect to take earned sick leave in addition to Workers' Compensation, to the extent that it provides full, regular pay, and to the extent of earned sick leave credit.
5. **Sick Leave and Income Protection:** Employees who are out on an income protection covered leave may elect to take earned sick leave in addition to the income protection benefit to the extent that it provides full regular pay, and to the extent of earned sick leave.
6. **Unused Sick Leave:** All accumulated, unused sick leave credit shall be forfeited upon separation.
7. **Sick Leave Donations:** Any employee wishing to donate accrued sick leave time to another employee must authorize such donation in writing and specify the total hours to be donated and the employee to be benefited. The maximum donation amount shall be 40 hours per employee per calendar year. All donations made and

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used will be based on the benefited employee's (donee) base hourly rate of pay. No adjustment shall be made for pay differentials between the hourly rate of the donor and donee. All donations will be processed when a written request is received by the Administrative Assistant from the employee. Once the application to donate is received by the Administrative Assistant, the donor releases all rights to recover any time listed in the application. The Administrative Assistant shall report all donations to the Board of Selectpersons, which reserves the right to deny the request for any reason. No exceptions or appeals of the Board of Selectpersons' actions will be allowed.

****All requests for paid time off must be approved by the Administrative Assistant, Chairman of the Board, or in their absence, the Vice Chair.** (June 2020)**

6.5 - Family and Medical Leave Act (FMLA):

Under Maine law, any employee who has worked for the Town for at least 12 consecutive months may be entitled to up to 10 work weeks of family medical leave in any 2-year period, unless employed at a permanent work site with fewer than 15 employees. Eligibility for leave is measured on a rolling basis backward from the date employee would begin leave. To the extent that the FMLA applies to the Town, leave may be taken for the following reasons:

- Birth of a child of the employee or the employee's domestic partner;
- Placement of a child 16 years of age or less with the employee or employee's domestic partner by adoption;
- The "serious health condition" of the employee or the employee's spouse, domestic partner, parent, child, or domestic partner's child;
- The donation of an organ by the employee for a human organ transplant;
- The death or "serious health condition" of the employee's spouse, domestic partner, parent, sibling, or child, if that person is a member of the military and is on active duty.

"Domestic partner" means someone who is a mentally competent adult, has lived with the employee for at least 12 months, is the employee's sole partner and expects to remain so, and who is not married to, legally separated from, or the sibling of, the employee, and who is jointly responsible with the employee for each other's common welfare as evidenced by joint living or financial arrangements, or joint property ownership. "Sibling" means a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living or financial arrangements, or joint property ownership. "Serious health condition" means illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

In the case of FMLA leave for serious health conditions or organ donation, the leave may be taken intermittently or on a reduced-hours basis if such leave is medically necessary. When leave is related to the birth or placement of a child, it may be taken intermittently or on a reduced-hours basis only when the Town agrees. In some cases, the Town will have the option

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of transferring the employee to a temporary alternative job for which the employee is qualified and which better accommodates the recurring leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job. Except in cases of medical emergency, the employee must provide the Town with at least thirty (30) days' notice of the employee's intention to take leave. If the need for leave is not foreseeable, the employee must provide such notice as soon as practicable. All requests for leave or questions about an employee's eligibility should be directed to the Administrative Assistant. The Town may require certification from a physician to verify the amount of leave requested by the employee, except that an employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination, may submit certification from an accredited practitioner of those healing methods.

During FMLA leaves of absence, the Town will make it possible for employees to continue their employee benefits at the employee's expense. The employee and the Town may negotiate for the employer to maintain benefits at the employer's expense during the leave, but employer is not obligated to do so. Failure of the employee to pay his/her share of any premiums may result in loss of coverage. Upon return from leave, an employee is entitled to be restored to the position held by the employee before leave commenced or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. The taking of FMLA leave will not result in the loss of any employee benefit accrued before the date on which the leave commenced.

6.6 - Jury/Witness Leave: Any employee of the Town of Livermore shall be excused from work when required to respond to a summons for jury duty, to serve as a juror or to attend court for prospective jury service. The Town encourages employees to fulfill such duties, and agrees to pay employees the difference between his/her regular pay and juror's pay, provided the employee presents an official statement of jury pay received.

An employee required to appear as a witness in litigation unrelated to Town employment, will be given time off as leave without pay for such attendance. In the event that the Town requires the employee to attend a court proceeding, the employee will suffer no loss in regular pay as a result of such attendance, and hours required to be spent at court at the town's request shall be considered hours actually worked for the town for purposes of overtime eligibility.

Employees who are compensated by the Town for attendance at court are required to turn over any records of witness or other fees received for such appearances. Employees required to report for possible jury duty or to appear as a witness agree to inform the town as soon as possible of such notice to report, any subsequent obligations and to return to work promptly after such jury or witness duty is completed.

6.7 - Military Leave: Military Leave and the right to re-employment after such leave are available to employees of the Town under the terms and conditions of applicable Federal/State Law. Any person restored to service under such law shall be restored with accrued seniority.

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Under Federal law (USERRA) and/or Maine law, the Town may not discriminate against any employee due to that employee's military activity or status. Employees may be eligible to take a leave of absence for military purposes (including active duty, reserve duty, or National Guard duty), and be entitled to reinstatement to the same or equivalent position upon return to work. Under USERRA, military leave generally must not exceed 5 years for the protections to apply. Military leave is unpaid. The law also provides that an employer may not require an employee returning from military leave to report back to work in less than certain minimum time periods depending on the length of the leave.

USERRA and Maine law contain detailed provisions concerning military members' civilian employment and re-employment rights, and the conditions for exercising those rights. Employees should contact the Administrative Assistant as soon as reasonably possible if they are contemplating a military leave of absence in order to determine if they are eligible and establish their rights and responsibilities.

6.8 - Leave Without Pay: Full-time employees may request, in writing, a non-disability leave of absence without pay for a period of up to thirty (30) days. Leave without pay will be granted only in the event this leave will not interrupt the function of the town's service, and is deemed to be in the best interest of the Town. Requests for a leave of absence without pay shall be made, in writing, to the Board of Selectpersons via the Administrative Assistant. The Board of Selectpersons will reach a decision concerning the request and respond to the employee within four (4) work days.

An unpaid leave of absence may be extended for up to a period of thirty (30) additional days upon request by the employee and approval of the Board of Selectpersons. The employee is expected to return to work upon the expiration of the granted leave, or to have arranged an extension of the leave, two (2) weeks prior to its expiration. Failure of the employee to return to work upon expiration of an approved leave may be deemed to be a resignation from the town's service. Employees may choose to continue health insurance benefits for the duration of the leave by assuming the employer's contribution.

6.9 - Disability Leave of Absence: The Board of Selectpersons may grant an unpaid leave of absence for a period of up to 9 (nine) months to full-time employees who are temporarily disabled, or anticipating a disability, pursuant to the following provisions.

1. The employee is to submit a written request to the Department Head for a disability leave, along with a statement from an attending physician setting forth:
 - a. the anticipated duration of the disability;
 - b. any limiting conditions under which work may be performed before and after leave;

- c. and an additional written request at least one (1) month prior to the requested departure date, if possible.
2. Upon receipt of a written request for disability leave, the Department Head is to make a recommendation regarding such request to the Board of Selectpersons, via the Administrative Assistant, taking the needs of the department into account in such recommendation.
3. If approved, the disability leave will have a set termination date, and if the disabling condition ends before originally anticipated, the employee is to notify the Department Head. Any employee may return to work anytime prior to the end of the approved leave, with the approval of the Department Head and the Board of Selectpersons.
4. Two (2) weeks prior to the expiration of an approved leave, the employee may request a thirty- (30) day extension from the Board of Selectpersons. Failure on the part of the employee to return to work after expiration of an approved leave may be deemed a resignation from town service.
5. At the option of the employee, remaining sick or vacation leave credits may be applied to an authorized disability leave.
6. The town will continue the employee's health insurance coverage during a disability leave, but the employee is not entitled to holiday, vacation or sick leave credits during such leave. Seniority, however, will accrue during the term of leave.
7. Employees out on Workers' Compensation will continue to accrue seniority and be entitled to health insurance. There will be no accrual for holidays, sick leave or vacations.
8. Employees out on Income Protection covered leave will continue to accrue seniority and are entitled to health insurance. There will be no accrual for holidays or of sick leave.

Should an employee's attendance or work performance be unsatisfactory because of disability, the town may require the employee to take a disability leave of absence pursuant to this section.

6.10 – Leave for Victims of Violence: Under Maine law, an employee may take reasonable and necessary leave from work when the employee (or certain relatives of the employee) is a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection. The leave may be taken to prepare for and attend court proceedings, receive medical treatment, or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking. The leave may be with or without pay at the discretion of the Town. The Town may not sanction an employee or deprive the employee of pay or benefits for taking the leave.

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However, the Town does not have to grant this leave if granting it would cause undue hardship to the Town, if the request for leave is not communicated to the employer within a reasonable time under the circumstances, or the requested leave is impractical, unreasonable, or unnecessary based on the facts then known to the employer.

The Town may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

6.11 – Administrative Leave: Administrative Leave is an absence from work for a specified time period. It is used when other types of leave do not apply. The Board of Selectpersons may grant or place any employee on Administrative Leave. Administrative leave may be with or without pay and with or without benefits.

ARTICLE 7 EMPLOYEE BENEFITS

The following descriptions are meant to be summaries only, and employees should see applicable laws and/or coverage documents for full information and final authority on these topics.

7.1 - Workers' Compensation: The town provides workers' compensation coverage, as mandated by State law, to all employees which provides compensation for lost wages and medical expenses related to occupationally-incurred disabilities.

7.2 - Unemployment Compensation: The town provides unemployment compensation benefits to all employees as mandated by the State Unemployment Compensation Insurance Law.

7.3 - Retirement Plan: The town offers enrollment in a Simple IRA plan to regular full and part-time employees who have completed the probationary period. The contribution from the employee is handled as a payroll deduction. Further information regarding the retirement plan may be obtained by contacting the Administrative Assistant.

7.4 - Social Security: In addition to the above retirement plan, the town participates jointly with employees in Social Security payments.

7.5 - Health Insurance: The town provides the employee with single subscriber, POS-200 health plan with the Maine Municipal Employees Health Trust. The town pays the full premium for the employee. Employees may add dependent coverage by paying 100 percent of the additional premium, which is collected by the town through payroll deduction. Employees with dependent coverage may enroll in the PPO-1500 program, and the town will pay toward the

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monthly premium an amount equivalent to the employee-only premium for the POS-200 plan, with the employee responsible for 100 percent of the additional premium cost. The town reserves the right to change health insurance programs as financial circumstances require.

7.6 – Payment in lieu of Health Insurance: Employees who meet the eligibility requirements described above for participation in the town’s health insurance program who are insured by a comparable health insurance plan may elect to decline or drop the coverage provided by the town. Eligible employees who demonstrate proof of comparable coverage will receive one half of the single-subscriber insurance premium per month. Proof of coverage must be provided to the Administrative Assistant.

7.7 - Income Protection Insurance: The Town offers Income Protection Insurance through the Maine Municipal Employees Health Trust to all full-time employees who have completed the probationary period for non-occupationally incurred disabilities. Employees may select the coverage limits and premiums are paid through payroll deduction.

7.8 - Maine Municipal Association Group Life Insurance: Term life insurance in the amount of one year’s regular salary or wages is available, after a 60-day waiting period, through the Maine Municipal Association at no cost to employees eligible and enrolled in the MMA Health Insurance Program. It is available to the spouse and family at the expense of the employee. It is also available to non-health plan enrolled employees, at employee expense.

7.9 - Employee Assistance Program: The town provides an Employee Assistance Program to full-time employees and their dependents through the Maine Municipal Association Employees Health Trust.

7.10 – Clothing Allowance: The town provides full-time employees of the Highway Department and Transfer Station, after the probationary period, an annual allowance for the purchase of work-appropriate clothing. The amount of allowance is established in the annual budget. Employees of the Highway Department are required to wear steel-toed safety boots, which shall be purchased from the annual allowance.

ARTICLE 8 ALCOHOL AND DRUG ABUSE TREATMENT POLICY

8.1 - Policy: In the interest of maximizing employee performance, productivity, utilization and retention, it is the policy of the town to recognize alcohol and drug abuse as a treatable disease. Alcohol or drug abuse is defined as the consumption of alcohol or drugs in a manner that interferes with the employee’s ability to perform his/her job. The town will therefore, maintain a continuing effort to identify and facilitate treatment of drug and alcohol abuse in dealing with

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employee performance problems. It is not the intent of the town to accept below-standard performance, nor to restrict Department Heads in dealing with performance problems, but rather to increase available alternatives.

8.2 - Procedures: Department Heads will receive instructional materials on the identification of alcohol and drug abuse problems. If a Department Head has cause to believe that employee performance is deteriorating due to alcohol or drug abuse, the Department Head will suggest professional diagnosis and treatment as part of any disciplinary action that may be required. If the suggestion is accepted, then the Department Head will attempt to accommodate such diagnosis and any subsequent treatment. This may involve providing a list of treatment resources, informing the employee of benefits available through the town's health plan, and making reasonable accommodations to the employee's work duties and schedule, which may include the use of sick leave or personal leave of absence. An employee who has undergone or is undergoing treatment may return to work after providing professional certification of his/her ability to do so. All relevant personnel records and discussions will be kept in the strictest confidence.

The use, sale, or possession of alcohol, illegal drugs, or any controlled substance while on duty, and working under the influence of such substances, shall be considered a violation of this policy see section 3.6, and will result in discipline up to, and including, termination

If the employee chooses not to accept professional diagnosis or assistance, the Department Head shall evaluate the employee solely on work performance, and shall take any appropriate action as provided in this policy.

ARTICLE 9 POLITICAL ACTIVITY

9.1 - Political Activity: While working for the Town of Livermore, regular employees may seek or accept nomination or election to any office in the town government. However, such employees shall be placed on an unpaid, leave-of-absence status from the date of candidacy for such a position when it is announced or nomination papers are filed, and until completion of the election process. If the employee is elected to a town position, then employment will be terminated. While performing their normal work duties, employees shall refrain from publicly using their influence in any way for or against any candidate for elective office in town government. Town employees shall not circulate petitions or campaign literature for elective town officials, or be in anyway concerned with soliciting or receiving subscription, contributions or political service from any person for any political purpose pertaining to the government of the town in the course of their normal work duties.

This rule is not to be construed to prevent town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters or from voting with complete freedom in any election. Employees interested in seeking non-elective, town offices should consult with the

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Administrative Assistant and/or Board of Selectpersons to determine potential conflict of interest or impact of this political activity, if any, prior to actively seeking office.

ARTICLE 10
WORKPLACE SAFETY AND REPORTING OF INJURIES

10.1 – Safety and health protection is a quality of work life issue which has a high priority in all Town business activities. The Town’s goal is to minimize human injury or illness and property loss or business interruption caused by accidents, fire or other hazards. The Town believes this will be achieved to the degree that all town employees accept and fulfill the safety and health responsibilities in each job. Individually, employees must recognize hazards, anticipate possible exposures and risks, and then act to eliminate or control them.

The Town expects that all employees will give their best efforts to prevent industrial accidents and diseases. The town will provide the necessary direction and aid to accomplish this goal and will also reward or discipline employees according to their actions on behalf of safety or health concerns.

Employee safety and health are important to the town. All employees and supervisors must adhere to all Occupational Safety and Health Administration (OSHA), any applicable federal and state regulations, and comply with the following general rules:

1. All accidents or injuries must be reported to a supervisor immediately.
2. Horseplay and practical jokes in work area will not be tolerated.
3. Smoking is prohibited indoors in all areas throughout the premises.
4. Employees are to be careful with their hands when operating any machinery and must see to it that others do not harm themselves on their machines.
5. Operating shortcuts that jeopardize employee safety will not be tolerated and will result in immediate discipline.

Employees are responsible for work as they are instructed to safely produce a quality product or service. Employees are also responsible to themselves and to the town for reporting unsafe conditions or practices to management. It is then management’s responsibility to act as conditions warrant.

No employee should ever perform a task or work with equipment that he/she considers to be unsafe.

10.2 – Return to Work: The Town believes it is in the best interest of its employees to facilitate the expedient return of staff to full duty after they have suffered an absence due to a work-related injury or illness. When possible, temporary modified work assignments will be made available to employees as a positive means of rehabilitation following a disabling injury. Modified duties must meet the town’s staffing needs as well as accommodate the employee’s medical restrictions while taking into consideration the welfare and safety of the employee, his/her co-workers and/or citizens. To be eligible for a temporary modified work assignment, the employee’s injury/illness must be temporary, not permanent, and must prevent the employee from performing the full duties of his/her position for a minimum of two weeks.

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Any employee interested in a modified duty assignment must notify his/her supervisor of any injury or illness.

The employee's Department Head/Supervisor will work together with the Administrative Assistant and Board of Selectpersons to develop a modified duty assignment. Every effort will be made to place an employee in his/her department either by temporarily modifying his/her current position or creating a modified position. If the employee cannot be placed in his/her department, then the town may attempt to transfer the employee to a position outside his/her department if modified duties can be found that are compatible with his/her work restrictions.

The employee must obtain written medical approval from his/her physician concerning his/her ability to perform the assigned modified duties.

Placement under the town's Return-to-Work policy is a temporary measure to facilitate early return to work and cannot exceed 90 days in duration, commencing upon the employee's return to work. If the employee has not returned to his/her pre-injury position by the end of 90 days, then the town may terminate the temporary modified duty assignment.

If the employee has a permanent restriction or disability that results in his/her inability to perform his/her pre-injury position as he/she did previously, the Town will consider whether it can accommodate and continue to employ the individual without undue hardship to the Town, pursuant to the Americans with Disabilities Act (ADA) and/or other applicable laws.

**APPENDIX A
TOWN OF LIVERMORE
POLICY ON HARRASSMENT AND DISCRIMINATION**

It is the policy of the Town of Livermore that all employees should be able to work in an environment free from all forms of discrimination and harassment. It is a violation of company policy and/or state and federal law for any employee to discriminate against or harass another employee on the basis of race, color, religion, national origin, sex, pregnancy, sexual orientation (including gender identity and expression), disability, age, ancestry, genetic information, whistleblower status, military/veteran status, or any other status protected by law, and for any supervisory employee to permit any such act of harassment in the workplace by anyone, whether or not an employee. This policy refers not only to supervisor/subordinate actions but also to actions between co-workers. Any complaints of harassment or discrimination will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

1. Sexual Harassment:

- a. Sexual harassment is the attempt to control, influence or affect the career, salary or working conditions of an individual in exchange for sexual favors (a “quid pro quo”) or when an employee must endure a hostile or offensive work environment that unreasonably interferes with a person’s work experience or ability to perform his/her job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.
- b. Specific conduct which is prohibited includes, but is not limited to:
 - i. Threats or insinuations, implicit or explicit, that any employee’s refusal to submit to sexual advances will adversely affect the employee’s retention, evaluation, wages, promotion, duties or any other condition of employment;
 - ii. Repeated unwelcome sexual flirtations, advances or propositions;
 - iii. Verbal or written abuse of a sexual nature;
 - iv. Graphic or degrading comments about an individual’s body or appearance;
 - v. Sexually degrading words used to describe an individual;
 - vi. Offensive physical contact;
 - vii. The display in the workplace of sexually suggestive objects or pictures.
- c. Sexual harassment does not refer to occasional compliments of a socially acceptable nature, or isolated incidents teasing or offhand comments that are not very serious.
- d. The conduct described need not occur at work in order to be considered harassment. The activity is not permitted regardless of where it occurs, if the harassing activity contributes to a hostile or offensive work environment. Also note that sexual harassment can occur between members of the same sex.

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- e. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately pursuant to the Internal Complaint Procedure below.
- f. Any supervisor or employee who is found, after appropriate investigation to have engaged in sexual harassment will be subject to immediate discipline up to and including discharge.

2. Other Discriminatory Harassment:

Derogatory or hostile comments or conduct regarding a person's membership in any of the protected categories listed above, or the distribution of written or graphic material having such an effect, are prohibited. Among the types of conduct prohibited by this policy are epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status and the circulation or posting of written or graphic materials that show hostility toward an individual because of his or her protected status. Any employee who believes he or she has been the subject of such harassment should report the alleged conduct immediately pursuant to the Internal Complaint Procedure below. Any supervisor or employee who is found, after appropriate investigation to have engaged in any harassment will be subject to discipline, including immediate discharge.

3. Internal Complaint Procedure:

If you believe you have been the subject of sexual harassment, other discriminatory harassment, or any other form of discrimination in the workplace, you should report the incident or act immediately to the Town's Equal Employment Opportunity (EEO) Officer (Administrative Assistant) or his/her designee. The Administrative Assistant will arrange an initial meeting to discuss the matter within five (5) working days from receipt of the complaint. Employees will be requested, but are not required, to put the specifics of the complaint in writing.

The EEO Officer or designee shall then conduct an investigation as appropriate and issue a report with recommendations to the Board of Selectpersons as soon as possible. All information will be held in confidence to the extent possible and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. In determining whether the conduct in question is sexual harassment, the nature and frequency of the conduct and the context in which it occurs will be examined. In the event that it is determined that discriminatory harassment or other discrimination has occurred, appropriate action will be taken, up to and including the termination of the offending party. The Board of Selectpersons shall, within (10) ten working days, notify the aggrieved party of their decision, which shall be final.

If the offending party is the Administrative Assistant, you may report the conduct directly to the Board of Selectpersons. Employees who observe or learn of conduct which could be construed as discriminatory harassment are also encouraged to bring those concerns to the Town's attention.

Revised: June 2020

Additionally, the affected employee may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
207-624-6290

No employee will be punished or penalized in any way for reporting, complaining about, or filing a claim concerning sexual harassment, discriminatory harassment, or other discrimination, or for participating in any investigation of such allegations. Any person who brings a complaint of this nature will be protected from retaliation in any form, and should report any retaliation immediately to the Administrative Assistant, or to the Board of Selectpersons if the Administrative Assistant is the perpetrator.

APPENDIX B
TOWN OF LIVERMORE INFORMATION SYSTEMS POLICY

1. PURPOSE

Electronic Mail, Internet, phones, software, and other telecommunication or computer systems (“Town information systems”) are resources made available to Town employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the Town.

2. POLICY

Town information systems are designed to facilitate town business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the email system is not intended to transmit sensitive materials, such as personnel decisions or other similar information which may be more appropriately communicated by written memorandum or personal conversation.

Town information systems are Town property and intended for Town business. The system is not to be used for employee personal gain or to support or advocate for non town-related business or purposes. Employees may use Town information systems for only limited and necessary personal purposes, and that use may not interfere with the employee’s job duties or violate any other personnel policy

All data and other electronic messages within this system are the property of the Town of Livermore. Email messages have been found to be public records and may be subject to the right-to-know laws, depending on their content.

In addition, the Town, through its Administrative Assistant and Department Heads, reserves the right to review any material transmitted, received, or stored using Town information systems, including the contents of employees’ email communications, when necessary for Town business purposes. Thus, employees should have no expectation of privacy when using these systems. Employees may not intentionally intercept, eavesdrop, record, read, alter or receive other person’s email messages without proper authorization.

The Town of Livermore purchases, owns and administers the necessary software and licenses to provide access to email and Internet services. Employees may not rent, copy or loan the software or its documentation. The town has invested time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the town system. Department Heads are responsible for the implementation and adherence of this policy within their departments.

Revised: June 2020

3. PROCEDURES

A. General Information on Passwords: While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that email is the property right of the employee. The use of the email system is for town business. Passwords should be periodically changed to ensure security of the email system. Users should not share their passwords with anyone other than as his or her department may require.

A master listing of passwords is maintained in a confidential file by the Administrative Assistant. Any employee-initiated change of any password shall be immediately reported to the Administrative Assistant.

B. Internet: The Internet provides the town with significant access and dissemination of information to individuals both inside and outside of the town. The use of the Internet system for access and dissemination is intended to serve town business. Like all email messages, Internet messages are capable of being forwarded without the express permission of the original author. Internet messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the town and must comply with all state and federal laws.

C. Prohibited Uses: When using Town information systems, appropriateness and good judgment should be used. The following communications or material are prohibited on Town information systems:

1. Communications or other material that in any way may be construed as violent, abusive or threatening;
2. Communications or other material of sexually explicit or obscene images or messages;
3. Communications or other material that contain ethnic slurs, racial epithets or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs;
4. Solicitation for commercial ventures, religious or political causes, outside organizations or other non job-related solicitations;
5. Access to Internet resources, including web sites and news groups that are inappropriate in a business setting;
6. Communications that constitute slander or defamation.
7. Any other use that may compromise the integrity of the Town and its business in any way.

Nothing in this policy should be construed as limited employees' rights to participate in protected concerted action, such as discussing wages, hours, and working conditions.

D. Retention of Email: Generally, email messages are intended to be temporary communications, which are non-vital and may be discarded routinely. However, depending on the content of the email message, it may be considered a more formal record and should be

Revised: June 2020

retained. As such, these email messages are similar to printed communication and should be written with the same care. Each department head is responsible for establishing and maintaining department retention schedules for the information communicated through the email system.

However, employees should be aware that when they have deleted a message from their workstation mailbox, it may not have been deleted from the central email system. The message may be stored on the computer's back-up system for an indefinite period. Note that your emails may be considered "public documents," i.e.: available to the media, under the Right to Know law. Keep that in mind when you create or store email.

Employees should delete unnecessary email messages as soon as possible after reading. An accumulation of files will degrade system performance and response times.

E. Web Site Development: The Internet is developing into an effective channel for the Town to share information with citizens, visitors and customers. Departments are strongly encouraged to recommend changes and additions to the town's website.

F. Applicability to employees, part-time employees, contractors and other users: This information systems policy applies to all employees, contractors, part-time employees, volunteers and other individuals who are provided access to the Town's email system. Third parties should only be provided access to the email system as necessary for their business purpose with the town and only if they abide by all applicable rules.

G. Employee termination, leave of absence, vacation and other: Employees who leave employment with the town have no right to contents of their email messages and are not allowed access to the email system. The Department Head and Administrative Assistant may access an employee's email if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the town's business purposes.

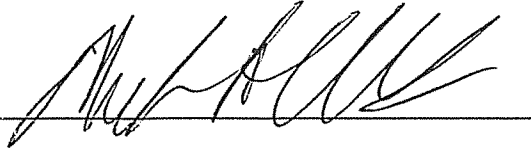
H. Penalties: The misuse of the Internet or email privileges will be considered sufficient cause for discipline in accordance with the personnel policies and procedures and/or other applicable rules or laws. In addition, violations of this policy or misuse of the email system may be referred for criminal prosecution.

**TOWN OF LIVERMORE
PERSONNEL POLICY – ADOPTION**

By their signatures below this policy is hereby adopted by the Board of Selectpersons.

Date: 6/22/20 ⁽¹⁵⁾


BOARD OF SELECTPERSONS



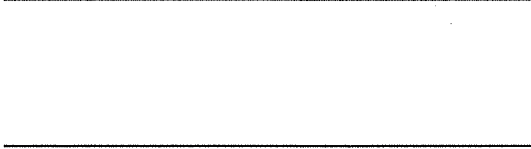
Mark Chretien, Chair



Wayne Timberlake, Vice Chair



Scott Richmond



Ben Guild

Brett Deyling



290

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*29,960

9/14/2020

200k

15.25

67,000

700

150,000

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15.25

Rate