

# **Town of Turner, Maine Personnel Policy**

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# TOWN OF TURNER

## Personnel Policy

### 1. PREAMBLE

This Personnel Policy has been enacted and maybe amended by the Town of Turner (hereinafter "Town") Board of Selectmen pursuant to the Town's home rule powers, conferred by the Maine Constitution as represented in Title 30-A M.R.S.A.

The following policies and procedures, after approval by the Board of Selectmen, shall serve as a guide to the Town Manager in the administration of personnel activities. It shall be the responsibility and exclusive right of the Town Manager to take any action he/she deems appropriate in the operation of Town Departments, in the implementation of Town policies, and in the direction of employees in accordance with his/her judgment. The Town Manager is the administrator of these policies and may seek or obtain guidance from the Board of Selectmen, as necessary. The general purpose of this Policy is to establish a system of personnel administration that assures safe and efficient operation of Town functions and meets the social, economic, and program needs of Town employees. This system shall provide the means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring, advancement, training, job classification, salary administration, fringe benefits, discipline and other related activities.

This Policy is not to be construed as a contract for employment. The provisions set forth are not contractual, but rather, are for the general guidance of the Town in its relationship with its employees.

The goal of personnel management in the Town is to:

- A. Promote effectiveness, economy, and productivity in delivering services to the citizens of the Town;
- B. Encourage commitment to professional excellence in public and continue the professional development and upgrading of employee skills;
- C. Provide reasonable assurances that employees are treated fairly according to their performance; and
- D. Afford fair and equal treatment to all applicants to enter and to advance in Town service on the basis of merit.

### 2. APPLICABILITY OF POLICY

This Policy and the procedures herein shall apply to all Town employees, including those employees covered by collective bargaining agreements, unless otherwise expressly provided in such collective bargaining agreements, or except for individual cases where a different procedure is provided for by Town ordinance or State Law. In the event there is any irreconcilable conflict between this Policy and a collective bargaining agreement, the collective bargaining agreement shall control. This Policy does not apply to the Town Manager and

Elected Town Officials or to appointed members of Turner boards and commissions, who are not considered employees within the scope of this Policy.

The Town may delete, amend, modify, replace or change any or all of the provisions contained in this Policy at any time, in whole or in part, without prior notice. This Policy and subsequent amendments shall supersede any Policy and rules previously implemented by the Town Board of Selectmen.

### 3. DEFINITIONS

For the purpose of this Policy, the following words and phrases shall have the meanings respectively ascribed to them.

**Anniversary Date:** The anniversary of the employee's initial employment date or, if the employee experiences a break in service, the last date the employee was rehired.

**Appointing Authority:** The appointing authority shall be the Town Manager or a person appointed by him/her, who shall be responsible for enforcing the Personnel Policy.

**Break in Service:** Any separation from Town service, whether by resignation, removal, layoff, dismissal or retirement, after which the employee is subsequently re-employed. An authorized leave without pay will not constitute a break in service.

**Continuous Service:** Employment without a break in service.

**Demotion or Reduction in Rank:** Assignment of an employee from one position to another that has lower rate of pay.

**Dismissal:** Separation from employment.

**Exempt:** Designation of employment status in accordance with provisions of the Fair Labor Standards Act (FLSA) and Maine law. Designation as an exempt employee generally means that the employee is not entitled to overtime pay.

**Grievance:** A complaint by an employee claiming an action inconsistent with these policies as provided for in this Policy. The grievance procedure established under this Policy does not apply to discipline or discharge of the employee by the Town Manager.

**Immediate Family:** The employee's spouse, Domestic Partner (living in the same household), natural or adopted children, parents, parents of the employee's spouse, brothers, sisters, grandparents, grandchildren or dependents residing in the same household who qualify as dependent for federal income tax purposes.

**Non-exempt:** Designation of employment status in accordance with the provisions of the Fair Labor Standards Act (FLSA) and Maine Law. Designation as a non-exempt employee generally means that the employee is entitled to overtime pay.

**On-Call Employee:** An on-call position shall not have a definite schedule of standard hours and the employee is subject to call based upon a need and not a work schedule, and the need for on-call work is intermittent in nature.

**Probationary Employee:** Probationary employees are those who are still in the six-month probationary period following the initial appointment or promotion to a regular full or regular part time position. Probationary employees only enjoy benefits outlined by the Town Manager or as may be expressly provided under this Policy.

**Probationary Period:** All employees of the Town shall be employed on a probationary status for a period of six months from their initial date of hire or promotion, or their date of rehire following a break in service.

**Regular Full Time Employee:** A regular full time employee is one who has successfully completed his/her six month probationary period and has been appointed to a budgeted position to work a standard work week of at least forty (40) hours per week, fifty-two (52) weeks per year, for a term longer than six months or for an indefinite term. Regular full time employees are entitled to all benefits provided by this Personnel Policy.

**Regular Part Time Employee:** A regular part time employee is one who has successfully completed his/her six-month probationary period and has been appointed to a budgeted position to work less than forty (40) hours per week on a continuing and indefinite basis. Regular part time employees only have the rights and benefits that are expressly specified in this Policy for regular part time employees. Regular part time employees who are regularly scheduled for a workweek of at least twenty (20) hours shall accrue vacation, sick time, holidays and other benefits on a pro-rata basis proportionate to the benefits available to a regular full time employee.

**Non-Regular Part Time Employee:** A non-regular part time employee is one who is appointed to a position to work less than twenty (20) hours per week on an indefinite basis. The employer provides no benefits for non-regular part time employees, except those required by law, if any.

**Seasonal Employee:** A person hired for a seasonal position, less than year round, appointed or a period of time for which the project or task is known. The employer provides no benefits for seasonal employees, except those required by law, if any.

**Temporary Employee:** A temporary employee is one who is appointed to a position that is less than year round and that is for a specific project or period of time to fill a specific need of a less than permanent nature. The employer provides no benefits for temporary employees, except those required by law, if any.

**Suspension:** Any enforced leave of absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

#### 4. EQUAL OPPORTUNITY

The Town complies with all applicable federal and state non-discrimination laws.

#### 5. FREEDOM FROM HARASSMENT

It is the policy of the Town that all of its employees should be able to work in an environment free from all forms of illegal harassment. Harassment as defined by this policy is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between

coworkers. Harassment means unwelcome sexual advances, derogatory or vulgar comments regarding any status or condition of a person which is protected under federal or state non-discrimination laws, or the distribution of written or graphic material having such an effect, are prohibited.

All employees are advised to immediately report all incidents of harassment in violation of this Policy to the Town Manager, department head or other appropriate management person designated by the Town. Any employee who believes he or she has been the subject of sexual and/or verbal harassment should report the alleged act to the Town Manager or other appropriate management. Each employee alleging sexual harassment will be requested, but not required, to put his or her complaint in writing. No employee will be retaliated against in any way for making a complaint of sexual harassment or for participating in the investigation for any sexual harassment complaint or participating in any related legal proceedings. The Town will investigate every allegation of discrimination promptly and take whatever action it determines to be necessary to stop unlawful discrimination and remedy any effects of unlawful discrimination.

Sexual Harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct that creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his/her job. Sexual harassment is prohibited in the workplace by any person in any form.

Verbal Harassment - Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic material having such an affect, are prohibited.

## **6. RESPONSIBILITY**

The Town Manager, or his/her designee, shall have the responsibility for administration of the personnel program and consider the rights, responsibilities and interests of Town employees, consistent with the best interests of the Town.

## **7. EMPLOYER AND EMPLOYEE RESPONSIBILITY**

The Town shall furnish each new employee with a copy of the Personnel Policy at the time of the employee's orientation. It will be the responsibility of the employee to read the Personnel Policy and to read the Employee Bulletin Boards daily for memoranda relative to working rules and amendments thereto.

## **8. RECRUITMENT, POSITION VACANCIES, TRANSFER AND PROMOTION**

The Town shall employ the best qualified persons who are available at the salary levels established for Town employment, with first preference being given to citizens of the Town if all factors are deemed equal by the Town. Vacancies in positions above entry level may be filled by promotion when in the judgment of the Town Manager and/or department head; it is in the best interests of the Town to do so. When practical and consistent with the best interests of the Town, first consideration for promotion shall be given to present employees of the Town. In making promotions, the appointing authority shall give consideration to each applicant's

qualifications, record of performance, and seniority, although the appointing authority retains the discretion to appoint the person he/she believes is best qualified for the position.

## **9. APPLICATIONS**

Application for employment must be filed on forms prescribed the Town and available at the Town Office. All applicants must submit a written application for employment. Such forms may require the information the Town deems necessary. The person applying must sign the application unless the applicant is physically incapable of doing so. Applications and Resumes shall be accepted only during the time set forth in the recruitment notices, unless this time is extended due to an inadequate response as determined by the Town Manager.

## **10. PROBATION**

Any person appointed, employed, promoted, or transferred from one established position in the Town to another regular full or regular part time position shall be employed in a probationary status for a period of six (6) months after the date of initial appointment, employment, promotion or transfer. Anyone who is promoted to a higher position shall complete a six (6) month probationary period for the new position and without loss of any earned benefits. Any break in service lasting longer than two weeks during the probationary period, including but not limited to, an absence for medical reasons or military leave, shall not be credited towards the probationary period.

The probationary period shall be considered an extension of the selection process. Probationary employees should be evaluated within 30 days and then again before the six month period in writing to observe their work habits, skills, attitude and pertinent characteristics for successful job performance, including the probationary employee's ability to carry out the essential functions of the job. Probationary employees may be removed or demoted at any time during the probationary period without cause and without appeal.

As a remedial or disciplinary measure, the Town Manager may also place an employee on probation for up to six months subject to whatever terms or conditions of probation the Town Manager deems necessary.

## **11. EVALUATION OF PERFORMANCE**

Employees shall be evaluated by the Town Manager during their probationary period to determine whether, in the judgment of the Town Manager, they have successfully completed their probation. Following successful completion of the probationary period, employees shall be evaluated annually or as frequently as the Town Manager determines in May or June.

## **12. TRAINING**

Both the Town and its employees profit from the provision of educational training opportunities at reasonable expense to the Town. Employees must receive approval for training programs in advance from the Town Manager if attendance during normal working hours or reimbursement of tuition and/or expenses is expected. Requests to attend training classes and seminars shall be made through the Town Manager. An employee shall be reimbursed for reasonable expenses for attending educational training programs at the sole discretion of the Town Manager.



### 13. PERSONNEL FILES

The Town shall maintain a personnel record for each employee in the service of the Town. It may contain the following types of information: employee's name, address, phone number, the title of the position held, the department to which the employee is assigned, salary, wage information, changes in employment status, employee performance reviews and other performance related information, and such other information as may be considered pertinent.

Medical information shall be maintained in a separate file.

The employee shall request access to their personnel records during normal working hours of the Town Office and the Office shall provide one copy of any record upon request with reasonable notice given by the employee. All personnel records shall be considered confidential as provided by law. The Town shall retain personnel records of each employee following termination as required by law.

The employee is responsible for notifying the Town of all changes of address, telephone numbers or family status (births, deaths, adoptions, marriage, death, divorce, or legal separation) in order to provide for accurate record keeping and appropriate benefit information. The Town may rely conclusively on the information contained in its files unless and until the information has been superseded or corrected by information provided by the employee.

### 14. PHYSICAL EXAMINATION/DRUG & ALCOHOL TESTING

A prospective employee shall be required to complete a pre-employment physical exam. The physical examination will focus on the applicant's ability to perform the essential functions for the position as identified in the job description, with or without accommodation. A physician designated by the Town Manager shall conduct such physical examination and the expense thereof shall be borne by the Town.

Prospective employees whose future position requires them to undergo drug and/or alcohol testing under Federal Law, such as holders of a Commercial Drivers' License (CDL) must submit to and successfully complete a pre-employment drug screening. Random drug and alcohol testing of covered employees may occur in accordance with Federal law.

### 15. HOURS OF WORK

A. The normal working days in the workweek shall be Monday through Friday. However, it may be necessary; regarding variations in different services provided by the Town, that there be flexibility in the hours of work per week within various departments. The hours of work, the starting and quitting times and lunch periods shall be as established by the Town Manager from time to time, as may be necessary. The current work schedules as of the date of this policy are as follows:

- 1) **Administrative Department:** The normal work day shall be 8:00 a.m. to 4:30 p.m. Monday through Friday, excepting an unpaid meal period of one half hour to be scheduled each day at the discretion of the Town Manager. Administrative personnel are also entitled to a paid break period of fifteen (15) minutes in mid-morning and mid-afternoon each workday.

- 2) **Transfer/Recycling Facility:** The normal work day shall be 7:30 a.m. to 4:00 p.m. Tuesday, Friday and Saturday excepting a meal period of one half hour each day at the discretion of the Town Manager. Transfer/Recycling Facility personnel are also entitled to a paid break period of fifteen (15) minutes in mid-morning and mid-afternoon each workday.
- 3) **Highway Department:** The normal workday and hours are regulated by the collective bargaining agreement.
- 4) **Rescue Department:** Other than per diem "on-call" regular part time rescue personnel hired by the Town, the normal work week for the Town's rescue personnel shall be set at the discretion of the Department Head. Personnel are entitled to a 15 minute paid break in mid- morning and mid-afternoon each work day.
- 5) The foregoing notwithstanding, the Town Manager retains the authority to modify the work week or hours of any employee, to require the working of overtime when deemed necessary subject to the limitations imposed by law, and to make temporary or permanent changes in schedules at any time.

B. For purposes of this section, hours worked shall include sick time, vacation, compensatory time and bereavement leave.

C. The workweek for payroll purposes shall be from 12:01 a.m. Sunday to 12:00 midnight Saturday.

D. Overtime:

- 1) Any time actually worked by non-exempt employees in excess of forty (40) hours shall be compensated for either by overtime pay at the rate of one and one half times their regular straight time hourly wage or by compensatory time off at the rate of one and one half hour for all hours or part thereof worked over forty (40) hours per week actually worked and which are scheduled outside their normal work week. An employee may accrue up to 40 hours of compensatory time for hours worked. An employee who has accrued compensatory time off in accordance with this provision and who requests the use of such compensatory time shall be permitted by the Town to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the Town. Sick time, vacation, compensatory time, bereavement leave and holidays shall be counted as time worked for overtime purposes.
- 2) All overtime work whether scheduled, extra duty or unscheduled shall be approved by the Town Manager prior to being worked and agreed upon as a condition for an employee to be eligible for overtime pay, time off or be required to be compensated by time off.

E. Exempt employees who are not subject to overtime pay and who work in excess of their regularly scheduled work hours in a week shall, under conditions to be established by the Town Manager or his/her designee, be eligible for compensatory time. Such conditions include, but are not limited to, attendance at the direction of the Town Manager at meetings of the Board of Selectmen or other Town boards when such attendance is required. An exempt employee shall

be entitled to one hour of compensatory time for each hour of time worked in excess of their regular scheduled weekly hours. The employee must receive advance approval from the Town Manager to have additional hours worked credited as compensatory time. Compensatory time may be accumulated up to forty (40) hours. Request for use of the compensatory time shall be approved by the Town Manager. There shall be no payment for unused compensatory time at the termination of employment for exempt employees.

F. Salaried employees exempt by the FLSA shall work a minimum of forty (40) hours per week, however, it is the responsibility of the employee to accomplish the work assigned to the position regardless of hours required to complete the work. Limited compensatory time off may be granted upon request but need not be on an hour for hour basis, as determined by the Town Manager.

G. In the absence of a collective bargaining agreement or other written employer-employee agreement providing otherwise, an employee may be employed or permitted to work for no more than six (6) consecutive hours at one time unless he/she is given the opportunity to take at least thirty (30) consecutive minutes of unpaid rest time, except in cases of emergency in which there is danger to property, life, public safety or public health. The employee may use this rest time as a mealtime.

## **16. HOLIDAYS**

A. Subject to this Policy, the following holidays shall be paid holidays for regular full time employees and part time regular employees working over twenty (20) hours per week subject to a pro-rated share in the case of regular part time employees: New Year's Day, Martin Luther King Day, President's Day, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

B. If a paid holiday falls on a Sunday, the following Monday is considered the paid holiday. If a paid holiday falls on a Saturday, the preceding Friday, unless otherwise regulated by law or department policy, shall be considered the paid holiday.

C. All hours actually worked on a holiday shall be paid at one and one-half times the regular hourly rate.

D. Employees as set forth in this section shall be eligible for holiday pay only when the employee works his/her last scheduled day before and after the holiday unless the employee is on approved vacation or sick time certified by a doctor's certificate, if required by the employer. Employees scheduled to work on a holiday must work the holiday unless the employee is on approved vacation or sick time certified by a doctor's certificate, if required by the employer.

E. Regular part time employees working in excess of twenty (20) hours per week shall receive pay, proportionate to hours normally worked on that day, for a holiday that falls on the employee's regularly scheduled work day of work.

F. Regular part time employees working in excess of twenty hours per week shall receive pay equal to the hours normally worked on that day, for a holiday that falls on the employee's regularly scheduled work day. Employees not normally scheduled to work on the day the holiday falls on are not eligible for holiday pay.

## 17. VACATIONS

A. Vacation privileges are available to all regular full time and regular part-time (in excess of 20 hours per week) employees at the convenience and discretion of the Town Manager. A regular full time or regular part-time employee on probation may accumulate vacation benefits during the probationary period. Each regular full time employee and regular part-time employee (pro-rata basis) shall accrue paid vacation time annually on July 1, in accordance with the following schedule:

<b>Years of Service</b>	<b>Annual Accrual</b>
From 6 months until 2 years of service:	40 Hours Per Year
After 2 years of service until 8 years of service:	80 Hours Per Year
After 8 years of service until 15 years of service:	120 Hours Per Year
After 15 years of service:	160 Hours Per Year

B. For purposes of this section, days shall mean the employee's normal work day, provided that if the normal work day is longer than 8 hours, "day" means eight hours. Employees other than regular full time and regular part time working less than twenty (20) hours per week are not eligible for paid vacation.

D. Vacation will be accrued on an annual basis and may be used as accrued, subject to the approval of the Town Manager or his/her designee. Unless the Town Manager determines that such a procedure would be against the best interests of the Town, approval will be granted in a manner so as to cause a minimum of loss of service to the public and giving preference of vacation requests to employees according to length of service.

E. All employee requests for vacation must be in writing given to the Town Manager or his/her designee on the proper form and at the time(s) required by the Town Manager, and in any case at the earliest opportunity. The Town Manager shall consider the operational needs of the Town and its departments when granting the approval for the use of vacation leave.

F. Probationary employees accrue vacation time from their year of hire, but are not eligible to use it until their probationary period has been successfully completed.

G. If a holiday falls within the vacation period, the employee will not be charged vacation for such holiday.

H. No employee shall be entitled to work the employee's vacation with pay, except in emergency conditions as approved by the Town Manager or his/her designee.

I. Employees, based on their length of service, may accumulate up to the specified vacation days. If an employee chooses not to use the vacation time allotted prior to June 30, those hours will be forfeited. Vacations longer than two weeks must be approved by the Town Manager.

J. The entire system for determining accrued vacation time will be based on the employee's year of hire, rather than the calendar year. Accrued amounts of vacation shall be credited on July 1, annually.

K. Accrued vacation leave shall be paid to an employee upon separation or discharge from service, or to his/her beneficiary designated in his/her duly probated will or estate upon death.

## 18. SICK TIME

Regular full time employees shall annually on July 1, be credited with ninety six (96) hours = twelve (12 days) of sick time for the upcoming fiscal budget year to be recorded in each qualifying employee's record. Regular part time employees working an average of more than 20 hours per week shall be credited (annually on July 1) with a prorated number of hours of sick time equal to 96 hours multiplied by the employee's average number of hours of work per week divided by 40.

Sick time may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position, or for a personal medical or dental appointment with notice in advance and approval by the Town Manager, or for reasons set forth in this section.

Sick time is defined as time granted due to personal illness, non-work related bodily injury to the employee or the employee's immediate family. Immediate Family: The employee's spouse, Domestic Partner (living in the same household), natural or adopted children, parents, parents of the employee's spouse, brothers, sisters, grandparents, grandchildren or dependents residing in the same household who qualify as dependent for federal income tax purposes.

Sick time may also be used for transporting immediate family members to health care appointments with advance notice to and approval of the Town Manager.

After three (3) days of continuous use of sick time (or at any time that abuse of sick time is suspected), the Town Manager may, as a condition precedent to the continuation of sick pay, require a certificate from the employee's physician certifying the condition of the employee to be such as to justify the continued absence from employment. When a medical examination or doctor's certificate is required, such shall not be at the Town's expense.

No sick time will be paid because of injury or sickness incurred by reason of employment for any employer other than the Town.

The Town shall designate any such sick time as paid "Family Medical Leave" when the Town Manager becomes aware of sick time being used by an employee for a purpose that qualifies for leave under the FMLA. Refer to the section of this Policy addressing Family Medical Leave.

Employees who are requesting paid sick time in accordance with this section shall notify or cause to be notified the Town Manager or department head at least thirty (30) minutes prior to the time specified for the beginning of the work day, or as soon as it is reasonably possible. If the employee becomes sick during the work day, he/she must notify or cause to be notified the Town Manager or department head prior to leaving the work area, in which case, sick time will be charged proportionately.

Regular full time employees shall be entitled to sixteen (16) hours of personal time per year and regular part time employee's working in excess of twenty (20) hours per week shall be entitled to prorated personal time. Hours taken as personal time will be deducted from accrued sick time.

Employees shall provide sufficient advance notice to the Town Manager or department head for approval of the personal time.

Sick time may be taken in ¼ hour increments as needed.

### **Sick Time Bank Plan** (as provided in Appendix A)

The Town wishes to establish a Sick Time Bank-Plan with the Board of Selectmen as its Trustees for the benefit of the employee only. The Town will budget funding to buy back employee's sick hours currently held based on the employee's longevity at the end of the fiscal budget year 2009/2010 or with a 50% payout of recorded sick time hours as of June 30, 2010. The remaining hours will help establish the 1,000 hours for the Sick Time Bank.

Beginning July 1, 2010, all unused sick time shall be redeemed on June 30 each year, at a rate of fifty percent (50%) of value, with the employee's remaining 50% contributed to the bank, to the extent needed.

Upon separation of employment with the Town of Turner, there shall be no compensation for any remaining sick time.

Any absence from duty of which sick time is paid or for official leaves of absence, shall not constitute a break in the service of record.

Misuse of sick time shall be grounds for disciplinary action including termination of employment for cause.

### **19. UNPAID LEAVES OF ABSENCE**

Regular full time and regular part time employees in good standing may be granted a leave of absence without pay by the Town Manager for disability and/or personal reasons.

Disability leave of absence without pay may be granted when as a result of a disability an employee is not able to work, but is expected to be able to resume work in a reasonable period of time. Such unpaid leave will begin only after all accumulated sick and vacation leave has been exhausted. Eligibility for and continuation on disability leaves of absence will be dependent upon qualified medical certification as to the nature of the disability, the employee's inability to complete the essential functions of his/her job, and that the employee should be able to resume work in a reasonable period of time. The Town may require an employee to be evaluated by a qualified physician or psychologist of its choosing as a condition for granting and/or continuing disability leaves of absence. The costs for any such medical certification shall be borne by the employee.

Unpaid personal leaves of absence will be granted for up to twenty (20) work days when an employee requests and when it appears because of the past record of the employee, or because of the purpose for which the leave is requested, that it is in the best interests of the Town to grant the leave. Such leaves will begin only after all accumulated vacation and sick time is exhausted and the convenience of the Town.

Employees requesting a personal leave of absence must apply in writing with Town Manager not later than thirty (30) days before such leave is to begin. If accumulated vacation time is to be used in conjunction with personal leave, then the employee is to apply in writing thirty (30) days before the beginning of such vacation leave.

Employees will retain seniority and benefits after returning from approved, non-paid disability or personal leaves of absence. Employees not returning at the conclusion of a non-paid disability or personal leave of absence may be terminated as of that date and lose all employment and longevity benefits. Employees may choose to continue health insurance benefits during the leave of absence only by assuming the full cost of that benefit, and only to the extent allowed under the insurer's eligibility standards under Town's vendor for health insurance as then in effect.

Except as otherwise provided herein, an employee who is granted an unpaid leave of absence shall not earn vacation or sick time, or accrue seniority, while on a leave of absence.

## **20. INCLEMENT WEATHER**

Employees shall be paid for the remainder of the day when they are denied the opportunity to work as a result of the office closing early due to an emergency or poor weather. Employees shall be compensated for days during which no work was performed as a result of the office not opening for business, based on the discretion of the Town Manager and Chairperson of the Turner Board of Selectmen. Employees must have reported to work, and worked a portion of the day, in order to be eligible for compensation for hours not worked due to early closing due to emergencies or inclement weather. Public safety employees (defined as Police, Fire, Rescue and Public Works employees) shall work those hours required by schedule or Department Head directive with regular compensation paid, or overtime pay/compensatory time, if applicable, unless otherwise provide in a collective bargaining agreement.

## **21. BEREAVEMENT LEAVE**

An employee shall be allowed:

A maximum of three (3) working days off with pay for the death of a Immediate Family: The employee's spouse, Domestic Partner (living in the same household), natural or adopted children, parents, parents of the employee's spouse, brothers, sisters, grandparents, grandchildren or dependents residing in the same household who qualify as dependent for federal income tax purposes.

Exceptions may be made at the discretion of the Town Manager for the approval of up to one (1) day of personal time off under this section to attend funeral services for other than immediate family members.

## **22. JURY DUTY OR WITNESS LEAVE**

An employee shall be granted a leave of absence any time the employee is required to report for jury service or before any administrative or legislative tribunal. The Town shall pay the employee the difference between the amount of regular pay and the compensation paid the employee for such duty (i.e., witness fees or jury compensation) upon receipt of appropriate documentation from the employee.

Whenever any employee is excused from such service on any normal or scheduled work day prior to 2:00 p.m., the employee shall return to work. In order to be eligible for the differential compensation the employee must make application therefore to the Town and present a statement in writing from the court or tribunal as to the period of time served and the amount of payment made by the court or tribunal. When the term of jury duty leave is complete, the

employee shall report to the Town the number of regular working days he/she was required to serve as a juror or witness.

Any juror's pay or witness fee received for service on a day when the employee is not scheduled or required to work will not be deducted from the employee's wage.

### **23. MILITARY/RESERVE LEAVE**

All employees who are members of the organized military/reserves for the United States of America and who are required to perform field duty, will be granted reserve leave as required under the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA).

### **24. WORKERS' COMPENSATION**

#### **A. Reporting and Treatment of the Injury:**

Reporting: all injuries sustained in the course of employment shall be immediately reported to the employee's supervisor, department head or the Town Manager as a requirement for leave or compensation. The employee's supervisor, department head or the Town Manager must complete the First Report of Occupational Injury or Illness. The completed First Report of Occupational Injury or Illness shall be submitted to the Town Manager within 48 hours from the date of injury.

Treatment: Pursuant to State law, the Town requires that treatment of an occupational injury or illness be provided by the health care provider of the Town's choice, within the first ten (10) days following the submission of a First Report. The supervisor, department head or the Town Manager or his/her designee may make the appointment for an evaluation and treatment. (If the injury is serious, the employee should go immediately to the nearest hospital emergency room for treatment; an assessment by the Town's Health Care Provider can be completed at a later date). An employee may choose to go to their own physician, but should understand that payment for these visits will not be made by the Town through its worker's compensation plan unless the employee has successfully petitioned to change health care providers.

The Town provides worker's compensation insurance coverage for all employees. It is the responsibility of any injured employee to assist his/her supervisor in completing a First Report of Occupational Illness or Injury and in having the injury or illness assessed by the Town's Health Care Provider as determined by Town Manager.

At the discretion of the Town Manager and in accordance with the provisions in this section, any employee who sustains a personal injury or compensable illness arising out of and in the course of his/her employment with the Town may be paid during the first four weeks of incapacity to work resulting from the injury an amount sufficient, when added to the weekly payment of worker's compensation, to equal his/her regular normal weekly wage. At the discretion of the Town Manager, the employee may be asked to undergo a fitness for duty test/functional capacity assessment by the Town's Health Care Provider upon receiving such a request for supplemental payments. To avoid gaps in employee income while supplemental payments are being made, the Town may continue to pay the employee's normal weekly wage if the employee agrees, in writing, to turn over worker's compensation payments to the Town upon receipt. No supplemental payments shall be made if, in the opinion of the department head and/or the Town Manager, the accident occurred as a result of intoxication, willful intent, or violation of rules and regulations on the part of the employee or while the employee is in the



employ of any other person, firm or corporation or is self-employed. Supplemental payments shall not be continued beyond four weeks except upon written authorization of the Town Manager.

Due to work-related injury or illness, an employee, upon recommendation from the treating physician, shall be given light duty for the period of time the condition exists provided that light duty is available. The Town Manager or his/her designees, and the Department Head must approve light duty assignments. The employee must provide a medical request from the treating physician explaining the need for light duty, the estimated duration of the need for light duty, and what restrictions on working assignments apply. At the discretion of the Town Manager, the employee may be asked to undergo a fitness for duty test/functional capacity assessment by the Town's Health Care Provider upon receiving such a request for light duty from the employee's physician.

## **25. SAFETY**

All accidents affecting members of the public, public or private property, or involving Town employees or Town property, no matter how minor, involving Town employees while in the scope of their employment, must be reported immediately verbally or by the fastest available means to the Department Head and/or Town Manager, and a written report must be made on a form for that purpose at the earliest opportunity.

## **26. SECTION 125 PLAN - FLEX BENEFIT**

The Town of Turner agrees to offer employees a Section 125 Plan for benefits. The Town shall pay each regular full-time employee \$8,280 or as so voted at Annual Town Meeting per year for the employee to purchase benefits to include, but not limited to, health insurance, dental care, eye care insurance, retirement - such as but not limited to an IRA or 457 Plan, child care, or the other benefits the employee chooses. Any amounts not used by the regular full-time employee(s) to purchase said benefits shall be given to said employee(s) up to \$8,280 or as so voted at Annual Town Meeting and taxed as personal income of the employee(s).

Regular full-time employees will be allowed to purchase these benefits through the Town's chosen vendor or on their own. The Town has a Section 125 Plan to allow payments of health insurance, life, dental, disability before taxes at the employee's expense. The amount of Flex Benefit may change from time to time as authorized by a vote on a warrant article at a scheduled town meeting and without further action by the Board of Selectmen.

## **27. LONGEVITY PAY**

Based on the approved amendment, as voted on by the Turner Board of Selectmen, on September 17<sup>th</sup>, 2012, all non-union municipal employees who have not yet reached the four (4) consecutive year employment threshold by June 30<sup>th</sup>, 2013 will not be eligible to receive longevity benefits.

Those non-union employees who have been employed by the Town of Turner for four, or more, consecutive years, and who are entitled to longevity benefits, will no longer receive lump sum payments per pay period. Instead, the accrued compensation will be broken down into a per-

hour equivalent. With the desegregation of the two payment totals, those non-union employees who have not yet met the longevity maximums will not be eligible for future increases.

## **28. LAYOFFS AND REINSTATEMENTS**

Any employee may be laid off whenever it is necessary because of the shortage of funds, lack of work, or any other related reason. The Board of Selectmen upon recommendation from the Town Manager shall determine the order of layoffs, giving consideration to ability, past performance, job classifications and seniority, among other factors. Temporary or part-time employees may be laid off at any time by the Town Manager without consideration of seniority and without consultation with the Board of Selectmen.

A notice of return to work shall be sent to each employee by Certified Mail to the last address on file with the Town at least seven (7) calendar days before the date of the re-employment. An employee must return at the appointed time, unless special arrangements have been made with the Town Manager to return at some other date. Failure by the employee to report for work or notify the Town Manager shall be considered as voluntary termination employment by the employee.

## **29 RESIGNATION**

All employees resigning from employment with the Town shall submit a resignation in writing to the Town Manager at least ten (10) working days in advance of the effective date of their resignation, unless otherwise provided by a collective bargaining agreement. The Town Manager has the authority to accept any employee's resignation, be it in writing as required under this Policy or verbal, and once accepted a resignation may not be revoked for any reason.

## **30. REFERENCES**

The Town's reference policy is to provide potential future employers only with the employee's date of hire, date of resignation, separation or termination, and terms of employment.

## **31. TRAVEL**

Employees required by their supervisor to travel or to use personal conveyances on official Town business shall be reimbursed for reasonable and necessary expenses while carrying out Town business provided that the employee received prior approval from the Town Manager or his /her designee. Said reimbursement shall be made in accordance with current approved rates upon submission of a standard expense sheet, signed by the employee's immediate supervisor.

Reimbursement for use of a personal vehicle shall be reimbursed at the rate of forty five cents \$ .45 per mile. Said reimbursement shall not apply to travel between the employee's home and the work site. Subject to the provisions herein, reimbursement shall be made for meals, tools, parking fees and lodging at the discretion of the Town Manager. Requests for reimbursement pursuant to this section must be accompanied with receipts for all such expenses and any other information requested by the Town Manager.

### **32. UNIFORMS AND PROTECTIVE CLOTHING**

Federal OSHA Standards as outlined in CFR 1910.132 shall apply excepting prescription glasses and steel toe shoes. **Appendix B**

### **33. ANTI-NEPOTISM**

Unless the Board of Selectmen shall, following the recommendation of the department head and Town Manager, determine that the best interests of the Town shall be served, the following relatives are disqualified from being in a supervisory relationship with any of the following relatives: son, daughter, spouse, parent, grandchild, grandparent, brother, sister, half or step sister/brother, spouse of any of the above, or Domestic Partner (defined as having resided in the same household).

### **34. EMPLOYEES RESPONDING TO EMERGENCIES**

- A.** Given that one of the purposes of the Town is to provide all measures of public safety, it shall be the policy of the Town of Turner that the first obligation of all regular employees of the Town is to be available to accomplish the duties of their positions with the Town and to complete all assigned duties. In the event of emergency, to include but not limited to fires (and rescue), the Town Manager or Board of Selectmen at their discretion, will endeavor to release any employee from the employee's other duties with the Town in order that the employee may respond to the emergency situation. However, employees are expected to respond to work when requested by the Town Manager or Board of Selectmen and not to leave work, even to respond to an emergency, unless released by the Town Manager or Board of Selectmen.
- B.** Employees who are released from duty during regular work hours to respond to an emergency shall be paid their regular wages, but will not normally receive any overtime wages for emergency services work unless such is part of their regular duties. Employees are not to be paid twice for the same hours.
- C.** When deciding whether regular work or an emergency has priority, the Town Manager or Board of Selectmen are to weigh the importance of the regular work to the safety of the general public in relation to the benefits to be gained by allowing an employee to respond or to remain at an emergency.

### **35. TOBACCO FREE ENVIRONMENT**

Medical evidence implicates smoking as a serious hazard to the health of the smoker and nonsmoker. Continued research suggests that passive smoke is dangerous to the non-smoker. The Town is committed to providing a healthy, tobacco-free work environment and strives to operate in the best interests of all employees.

In accordance with the provisions of the Workplace Smoking Act of 1985 the Town has adopted a smoking policy, which is hereby incorporated herein by reference. Smoking is prohibited in all municipal buildings, vehicles and equipment, with the exception of designated smoking areas.

## 36. EMPLOYEE CONDUCT

- A. General: All employees are expected and required to treat the public with promptness, patience, courtesy and respect. All employees are prohibited from engaging in any conduct, which could discredit or reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. All Town employees must avoid any action that might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business. Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy and responsibility are the key elements of good service. These policies and regulations are provided to assist the Town Manager and all employees in functioning at peak efficiency with minimal cost to the tax payers.
- B. Other Business: No employee shall engage in any business other than his/her regular duties during work hours.
- C. Confidential Information: Many Town employees have access to confidential information pertaining to persons or property in the Town. Information gained by employees as a result of their employment is to be considered confidential. Employees must not use this 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 "Freedom of Access" law, 1 M.R.S.A. Sections 401-410
- D. Conflict of Interest: No Town employee who is authorized to make purchases shall have any interest either directly or indirectly in any contract with the Town. No Town employee shall sell materials to the Town unless such material is sold under the Town's Purchasing Policy guidelines and at a fair market value.
- E. Loss of Job as a Result of Loss of License or Certification: If it is a requirement for an employee in a specific position to possess a valid license and/or class of license or certification, then it shall be a condition of employment for that employee to maintain such license and/or certification. Failure to do so may result in job loss or at the discretion of the Town Manager re-assignment to an alternative open position for which the employee is qualified.
- F. Gifts: A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from any person who has or is seeking to obtain business with the Town of Turner or from any person within or outside Town employment whose interests may be affected by the employee's performance or non-performance of his/her official duties. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement, Christmas, or unsolicited advertising or promotional materials, i.e. pens, note pads, calendars, or similar items of nominal intrinsic value, is permitted. Contributions to a flower fund or gift to a fellow employee is allowable provided such contribution is wholly voluntary on the part of each employee, and that the gift is of nominal value in keeping with the spirit of the event.

### **37. APPEARANCE**

All persons employed by the Town of Turner shall maintain an acceptable level of personal appearance appropriate to their position. Each employee of the Town is an example of the Town's character. Clothing worn by administrative personnel shall be conventional appropriate attire, modest in design and in good clean condition. Uniforms shall be worn when specified. Casual sport clothing such as shorts, sweat shorts, tee shirts, etc., are examples of clothing that are not acceptable attire blue jeans are considered acceptable, as a dress down day on Fridays. Clothing displaying slogans or symbols or of a political or cult nature, or otherwise offensive or vulgar are also not acceptable.

### **38. VISITS**

It is the policy of the Town of Turner to prohibit unnecessary visiting, Internet use and telephone conversations by Town employees with family or friends. Any abuse will be dealt with by disciplinary procedures. The use of the telephone shall be limited to receiving and giving messages only and not used for personal conversations during working hours. Likewise, visits by family and friends shall be limited in time, not be of a frequent nature or in any way or at any time interfere with the operations of a department. Employees shall be responsible for the behavior of persons visiting them during working hours and to take appropriate action to prohibit any inappropriate behavior on the part of such personal visitors.

### **39. POLICY ON WORKPLACE THREATS AND VIOLENCE**

The safety and security of employees of the Town of Turner, and also the public who conducts business in the various municipal buildings, is of paramount importance to the Town. Therefore, threats, threatening behavior or acts of violence against or by employees, visitors, guests or other individuals on Town Property will not be tolerated. Violations of this policy may lead to disciplinary action of employees, which may include dismissal and may lead to arrest and prosecution of employees or others. Any person who makes threats, exhibits threatening behavior or engages in violent acts on Town property is subject to being removed from the premises as quickly as safety permits. All Town personnel are responsible for notifying the Town Manager of any threats that they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent when that behavior is job related or might be carried out on a Town owned property, or is connected to Town employment.

Employees are responsible for making this report regardless of the relationship between the individual who intimidated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the Town Manager is not available, personnel should report the threat to their supervisor. Any imminent life threatening situation may immediately be reported to E 911 dispatch for immediate law enforcement action or other emergency response personnel as they deem appropriate.

### **40. RETIREMENT**

The Town does not provide employees with retirement benefits other than as provided in accordance with the Town's Flex Benefit Package/Section 125 Plan defined in paragraph 27 herein.

#### **41. DRUG FREE WORKPLACE**

To insure the safety and wellbeing of all employees and the public, as well as the confidence of the public in persons employed to serve them, it is the Town's Policy to maintain a drug and alcohol free workplace and prohibits all employees from working under the influence of any illegal drug, or substances, alcohol or controlled substances.

Any employee reporting for work, or at work, whose body emits the odor of alcohol is presumed to be in violation of this policy. Any employee attending any meeting, whether during regular business hours or otherwise, in the course of that employee's official duties, is working, and subject to this policy. The Town further prohibits the unlawful manufacture, distribution, dispensing, possession or use of any illegal drug, alcohol or controlled substances on a property or place owned or under the control of the Town.

Violation of this policy is cause for discharge of the employee.

#### **42. OUTSIDE EMPLOYMENT**

No employee may participate in outside employment that in any manner interferes with the proper and effective performance of the duties of the employee's position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their department manager or the Town Manager of his/her outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, he/she shall notify the employee in writing that the outside employment must be terminated or curtailed in a manner determined necessary by the Town Manager. Failure to curtail or terminate outside employment which is determined by the Town Manager to hinder, interfere, or prevent the employee in the impartial and efficient performance of duties to the Town shall constitute cause for termination. Any employee who engages in employment outside his/her regular working hours shall perform the employee's regular duties for the Town first. Under no circumstances shall an employee fail to appear for a mandatory work assignment or shift due to conflicting outside employment or business commitments.

Should the employee's performance be judged by the Town Manager below acceptable standards, the supervisor of the employee may revoke the employee's permission to engage in outside employment.

The Town shall in no respect be liable for, nor grant, sick time in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment.

#### **43. POLITICAL ACTIVITY**

Employees may seek or accept nomination for election to any office in the Town government while employed by the Town, provided that no person may maintain employment with the Town if the person is a member of the Town Board of Selectmen. Any employee elected as a member of the Town's Board of Selectmen shall resign from employment prior to taking office, with the exception of on call emergency personnel.

Town employees shall not circulate petitions or campaign literature for candidates for Town

Board of Selectmen, or be in any way involved with soliciting or receiving subscriptions, contributions, or political service from any candidate for political office. Town employees shall not work at the polls, circulate petitions or campaign literature for elective Town officials, or be in any way concerned with soliciting or receiving subscriptions, or political service from any person for any political purpose pertaining to the Town.

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 meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

#### **44. TOWN PROPERTY**

The general policy of the Town shall be that no property, supplies or equipment of any kind owned by the Town shall be lent to or borrowed by any Town employee.

#### **45. DISCIPLINARY PROCEDURES**

- A. Progressive Discipline: The Town has a policy of progressive discipline of employees, which generally means that repeated instances of poor job performance or misconduct will be subject to progressively more severe sanctions. This may include oral or written warnings, counseling, and 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. The disciplinary response to unsatisfactory job performance or misconduct will depend upon the Town's determination as to the seriousness of the unsatisfactory performance or misconduct. Serious job performance problems or misconduct including, but not limited to, dishonesty, violence, breach of public trust, insubordination, theft, criminal conduct, harassment or abuse, or other violation of the requirements of these personnel policies may result in more severe disciplinary sanctions including, but not limited to, dismissal or termination even on the first occurrence.
- B. The nature of the services provided by the various departments of the Town places a high degree of responsibility upon all employees of the Town. Employees' actions have a direct influence upon the quality of service provided. This Policy is intended to establish consistent general guidelines to protect the interests of the employees and the Town, should it become necessary to consider an employee for discipline and/or termination to address unacceptable job performance. However, in all cases of discipline, the final determination of the appropriate disciplinary action, if any, is left to the sole discretion of the Town Manager.
- C. Discipline of Employees:
  - 1. It shall be the authority and responsibility of each Department Head, under the direction of the Town Manager, to supervise his/her respective department to ensure that Town policies are adhered to and to initiate disciplinary action including recommending discharge.
  - 2. When in the judgment of a department head, the work performance or conduct of an employee supervised by that department head justifies disciplinary action; the department head may take disciplinary action against that employee. Unless circumstances require immediate action, before taking any disciplinary action, the

department head or Town Manager shall inform the employee of the contemplated action and give that employee an opportunity to respond. Except in extenuating circumstances or when immediate action is required, prior to imposing any discipline, the department head shall consult with the Town Manager as the personnel director. The Town Manager shall advise the department head with regard to the proposed action, taking into consideration the interests of the employees and those of the Town. The department head and Town Manager shall give consideration to the severity of the performance problem, violation of Policy, or misconduct and prior disciplinary actions, if any, against the employee in question. Repeated violations of policy, misconduct or continuing performance problems may be considered cumulatively and will be subject to progressively more severe disciplinary sanctions.

3. If legal counsel is needed prior to imposing discipline on an employee, the Town Manager will be responsible for obtaining legal advice.
4. Upon receiving information and/or recommendation from a department head that an employee should be disciplined, the Town Manager may exercise authority to take disciplinary action or discharge action directly, or may consult with the department head as provided herein. Only the Town Manager may terminate, or suspend without pay, an employee of the Town. If necessary, when the Town Manager is not available, a department head or supervisor may suspend an employee with pay, until the Town Manager can act.
5. If an incident requiring immediate discipline/discharge action occurs while the department head or Town Manager is not present, any other supervisor may take the conditional action necessary to protect the Town or any of its residents, visitors, employees or property in accordance with the provisions herein.
6. Except for oral warnings or counseling, the department head and/or Town Manager shall give notice of disciplinary action in writing to the disciplined employee. In the event the department head gives the disciplinary action, a copy of the written notice of the disciplinary action shall be given to the Town Manager. Such notice will specify the action taken, the reason or reasons for the action taken and the extent and duration of the discipline imposed. This notice will be given to the employee within a reasonable period of time after the discipline is imposed. The written record of disciplinary action shall be maintained in that employee's personnel file. Copies of written records of disciplinary action shall be available to employees and department heads upon request.
7. Any employee aggrieved by virtue of disciplinary action imposed by a department head may appeal within ten (10) working days to the Town Manager. The Town Manager may require the appeal to be submitted in writing. The Town Manager shall give the department head an opportunity to respond to the appeal and to justify the action taken. The Town Manager shall reply in writing to the appeal within ten (10) working days, and the Manager may affirm, modify, or reverse the action taken by the department head. The decision of the Town Manager shall be final except where the disciplinary action taken involves suspension without pay for more than five (5) days or termination.



8. Any disciplinary action imposed directly by the Town Manager shall be final except where the disciplinary action taken involves termination of the employee or suspension of the employee with or without pay for more than five (5) days.
  9. Appeal: An employee who has been suspended with or without pay for five (5) days or more or terminated for disciplinary reasons may appeal that action to the Town Board of Selectmen, provided that an appeal must be filed in writing with the Town Manager within ten (10) days of the disciplinary action taken. The Selectmen may, in their discretion, conduct a meeting in executive session with the employee to review the facts and circumstances of the disciplinary action. After such review of the facts and circumstances as they deem necessary, the Selectmen shall vote either to affirm, modify, or reverse the discipline imposed. This section shall not apply to layoffs, reductions in work force, whether by elimination of positions or separation of employees, other disciplinary action or termination's not attributable to cause, or to disciplinary actions other than termination's for cause or suspensions with or without pay for greater than five (5) days.
- D. Discipline of Department Heads: When in the judgment of the Town Manager the work performance or conduct of a department head justifies disciplinary action, the Town Manager may take disciplinary action against that department head in the same manner and according to the same procedures provided in this Policy for discipline of employees in general.

#### **46. GRIEVANCE PROCEDURE**

- A. Any employee aggrieved because of some condition of his/her employment, other than disciplinary actions, shall have the right to appeal that condition(s) in accordance with the procedure set forth below.
- B. In the event of a complaint, condition or problem, other than discipline, the employee aggrieved shall, within five (5) working days from the occurrence of the incident giving rise to the alleged dispute or condition, attempt to adjust the dispute by discussing the issue(s) with the employee's department head. The department head will respond orally to the employee within five (5) working days discussing the issue with the aggrieved employee.
- C. If the employee is unsatisfied with the oral decision of his/her department head, he/she may, within seven (7) working days of the department head's oral decision, present the grievance again, this time in written form to the department head. The department head shall make his/her decision in writing and present it to the employee within seven (7) days of the receipt of the grievance in written form.
- D. If the grievance still remains unsettled, the employee may present it in writing to the Town Manager within seven (7) working days after receipt of the written response from the department head. The Town Manager will respond to the grievance within seven (7) working days of the receipt of the grievance in written form.
- E. If the grievance still is not resolved, the employee may present the grievance to the Town Board of Selectmen in writing with seven (7) working days after receipt of the written response from the Town Manager. At their next regular meeting, or within ten (10) days thereafter, whichever occurs first, the Board of Selectman will consider the

grievance and may meet with the aggrieved employee for the purpose of adjusting or resolving such grievance and the Board of Selectmen will render their final written decision promptly. The decision of the Board of Selectmen shall be final and binding on all persons affected by the grievance.

- F. All grievances shall be commenced not later than five (5) working days after the occurrence or event giving rise to the alleged grievance or within five (5) working days after the time such event becomes known or should have been known to the employee, whichever is later.

**47. SEVERABILITY CLAUSE**

If any provision of this Policy or the application thereof to any person or circumstance is held to be invalid, this invalidity shall not affect other provisions or application of this Policy which can be given effect without the invalid provision or application, and for this purpose the provisions of the Policy are severable. Any provision of this Policy may be reformed or modified by a court of competent jurisdiction so as to enforce, and to give full force and effect, to said provision to the fullest extent permitted by law.

Except to the extent the authority is vested solely in the Town Manager by statute, the Board of Selectmen may waive or modify any provisions of this policy if the strict application of the Policy to a particular situation is impractical or would result in hardships. Requests for a waiver or modification shall be considered only with respect to particular situations and a decision in one situation shall not create a precedent applicable to any other person or situation.

**EFFECTIVE DATE**

The effective date of the revised Personnel Policies is October 4, 2010.

**TURNER BOARD OF SELECTMEN**

\_\_\_\_\_  
Angelo Terreri

\_\_\_\_\_  
Lawrence House

\_\_\_\_\_  
Richard Keene

\_\_\_\_\_  
Jeffrey Timberlake

\_\_\_\_\_  
Dennis Richardson

Dated \_\_\_\_\_

**Town of Turner, Maine  
Personnel Policy**

I have received an approved copy of the Personnel Policy as adopted by the Board of Selectmen on Adopted August 1, 1986  
And as Amended April 20, 1992  
Amended January 4, 1993  
Amended April 1994  
Amended March 20, 1995  
Amended April 3, 1995  
Amended February 3, 1997  
Amended June 19, 2000  
Amended October 16, 2000  
Amended July 1, 2001  
Amended August 20, 2001  
Amended July 1, 2004  
Amended January 16, 2007  
Amended May 21, 2007  
Amended June 2, 2008  
Amended Feb 2, 2009  
Amended July 1, 2010  
Amended October 4, 2010  
Amended November 1, 2010  
Amended September 4, 2012  
Amended January 7, 2013

I fully understand my rights, benefits, and obligations as contained in this document.

Signature of Employee: \_\_\_\_\_

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

A copy of this acknowledgment will be placed in the employees personnel file located in the Town Office.

## APPENDIX A

# Town of Turner Maine Sick Time Bank Plan

### A. Purpose

The purpose of the sick time bank is to provide eligible employees with additional sick time to alleviate hardship caused from catastrophic illness or injury which forces the employee to exhaust all sick time and thereby lose compensation.

### B. Definitions

- 1) "Catastrophic injury or illness" is defined as a severe condition or combination of conditions affecting the physical health of an employee. The catastrophic injury or illness must require the continuing services of a physician.
- 2) "Treasurer" means the Treasurer of the Town of Turner, Maine.
- 3) "Contributing employee" means an employee that contributes sick time to the sick time bank who is entitled to sick time as outlined in the personnel policy.
- 4) "Employee" means an employee of the Town of Turner, Maine and includes public safety employees.
- 5) "Chairman" means the Chairman of the Board of Selectmen of the Town of Turner, Maine.
- 6) "Review committee" means the Town Manager, two Town Employees, and Chairman of the Board of Selectmen or his or her designee.
- 7) "Sick time day" means one actual sick time accrual day or eight-hour equivalent. Sick time shall be contributed and used based upon eight-hour equivalent days.
- 8) "Town" means the Town of Turner, Maine.
- 9) "Town Manager" means the Town Manager of the Town of Turner, Maine.
- 10) "Annually" means July 1 to June 30 of the fiscal budget year.

### C. Eligibility and Limitations

- 1) The sick time bank is available to those employees who have completely exhausted all paid time off and are not receiving disability benefits under worker's compensation or an existing disability plan that they are a participant in.

- 2) Eligibility for participation in the sick time bank is effective after the assigned probationary period has been completed and then on a prorated basis as follows:

After 1 year of service up to two weeks from the Sick Time Bank

After two years of service up to four weeks from the Sick Time Bank

After three years of service up to six weeks from the Sick Time Bank

After four years of service up to eight weeks from the Sick Time Bank

After five years of service up to ten weeks from the Sick Time Bank

After six years of service up to twelve weeks from the Sick Time Bank

- 3) Eligibility for participation in the sick time bank will discontinue upon employee's termination of employment or death of the employee.
- 4) Any sick time remaining in the sick time bank at the end of the fiscal year will be carried over to the next fiscal year to an accumulative total of 1,000 hours.
- 5) No accumulation of vacation will be granted during the use of authorized sick time.
- 6) Participation in the sick time bank program is by policy.

#### **D. Donations**

- 1) Any employee who has an unused balance of accumulated sick time at June 30 shall be paid for one half of the remaining balance. The other half will lapse to the bank if needed to maintain the maximum 1,000 hours, and the remaining hours, if 29 any, expire. A form, as provided by the Treasurer, indicating the number of sick days to be paid and or transferred to the sick time bank will be provided to each employee qualified to participate annually.
- 2) Qualifying employees will be granted on July 1, ninety six (96) sick time hours for their use during the fiscal year in his/her account.
- 3) Contributing employees may not designate a particular employee to receive the donated hours.
- 4) All contributions to the sick time bank remain the property of the sick time bank and under no circumstances can a contributing employee withdraw his/her contributed sick time from the sick time bank.

## **E. Withdrawals**

- 1) An employee must request use of sick time from the sick time bank on the application for sick time bank form, as provided by the Treasurer. The application for sick time bank form must then be presented to the Treasurer of the town with verification from the employees department as to sick time available.
- 2) In the event that an employee is physically unable to make a request to the sick time bank for use of sick time days, a family member or his designee may file the request.
- 3) All requests for use of sick time from the sick time bank must be accompanied by a physician's statement that includes the beginning date of the condition, a description of the illness or injury and the prognosis for recovery. All requests should also indicate the estimated sick bank time.
- 4) The review committee will render a decision to the employee within seven working days after receipt of the request. The amount, if any, of sick time granted for each request will be determined by the review committee subject to the limits in C (2) and cannot exceed twelve (12) work weeks or four hundred eighty (480) hours.

## **F. Appeal Process**

- 1) In the event an employee is denied use of time from the sick time bank, the employee may appeal the decision to the Board of Selectmen of the Town within ten (10) days of receipt of denial. The Board of Selectmen must provide a report that includes the decisions made on each appeal presented within fifteen days of receipt of any appeal.
- 2) Formal written letters of appeal must be submitted to the Town Manager.
- 3) A formal response to such appeal must be issued within fifteen working days of receipt. Such formal response is final and binding.

## **G. Effective Date**

The effective date of the sick time bank plan will be July 1, 2010.

Adopted March 2010 and became Appendix A of the Personnel Policy as of July 1, 2010; Amended October 4, 2010.

**Town of Turner Maine**

## Application to Receive Hours from the Sick Time Bank

Employees with their own serious health condition who have exhausted their personal sick time may apply to the Sick Time Bank Review Committee to “access” the sick time bank for additional paid sick days. Use of the sick time bank is limited to illnesses or injuries that qualify as disabilities under B – Definitions: (1) in the Sick Time Bank Plan. In no event will any award(s) allow an employee to use over 480 hours.

Name (please print): \_\_\_\_\_

Date of Hire \_\_\_\_\_

\_\_\_\_\_ I have successfully completed my probationary period.

initial

\_\_\_\_\_ I have a physician’s certification of a serious health condition (as defined by the Family Medical Leave Act).

initial

\_\_\_\_\_ I am on an approved full-time medical leave of absence.

initial

\_\_\_\_\_ I am eligible for and have applied for short-term disability benefits.

initial

\_\_\_\_\_ I am not eligible for short term disability benefits.

initial

\_\_\_\_\_ I have exhausted all paid time off with one week vacation reserved.

initial

\_\_\_\_\_ I am not receiving disability benefits under worker’s compensation or under an existing disability plan that I am a participant in.

initial

\_\_\_\_\_ My available vacation balance is less than the number of hours in one week of my regular work schedule.

initial

Please accept this application as a request for sick time hours from the Sick Time Bank. I understand that all applications are reviewed and held in confidence and that awards will be made based on the number of hours available in the bank, the number of requests, and previous awards I have received.

Signed: \_\_\_\_\_

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

Approved by: \_\_\_\_\_

Chairman

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

Chairman

el:3/2010

## APPENDIX B



# Personal Protective Equipment CFR 1910.132

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- Personal protective equipment includes all clothing and other workplace accessories designed to create a barrier against workplace hazards.



The University of Tennessee  
Office of Environmental Health & Safety

# Personal Protective Equipment, Cont.

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- The standard specifically covers personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, protective shields and barriers.

# Employer Responsibilities

- The standard requires that the employer assess the workplace to determine if hazards that require the use of personal protective equipment are present or are likely to be present.



# Employer Responsibilities, Cont.

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- If hazards or the likelihood of hazards are found employers must select and have affected employees use properly fitted personal protective equipment suitable for protection from existing hazards.



# Employee Responsibility

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- Using personal protective equipment requires hazard awareness and training on the part of the user.
- Employees must be aware that the equipment does not eliminate the hazard.
- If the equipment fails, exposure will occur.

# Employee Responsibility, Cont.

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- To reduce the possibility of failure, equipment must be properly fitted and maintained in a clean and serviceable condition.
- Both employer and employee must understand the equipment's purpose and its limitations.

# Quiz Time!



Circle the correct answer below.

1. Personal protective equipment is designed to create a:
  - a. positive atmosphere within the workplace
  - b. barrier against workplace hazards
  - c. a false sense of security
  
1. Using personal protective equipment requires hazard awareness and training on part of the user.
  - a. True
  - b. False

# Identifying Hazards To Your Body

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- Impact
- Penetration
- Compression (roll-over)
- Chemicals
- Heat
- Harmful dust
- light radiation





# Eye and Face Protection

## General Requirements

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- Each affected employee shall use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation

# Eye and Face Protection, Cont.

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- PPE :
  - Safety Glasses
  - Goggles
  - Face Shields
- Protection from:
  - Flying particles
  - Light
  - Dust, Mist, Vapors
  - Splash hazards
  - Chemical Exposure

# Head Protection

## General Requirements

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- All head protection is designed to provide protection from impact and penetration hazards caused by falling objects.
- The employer shall ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling objects.

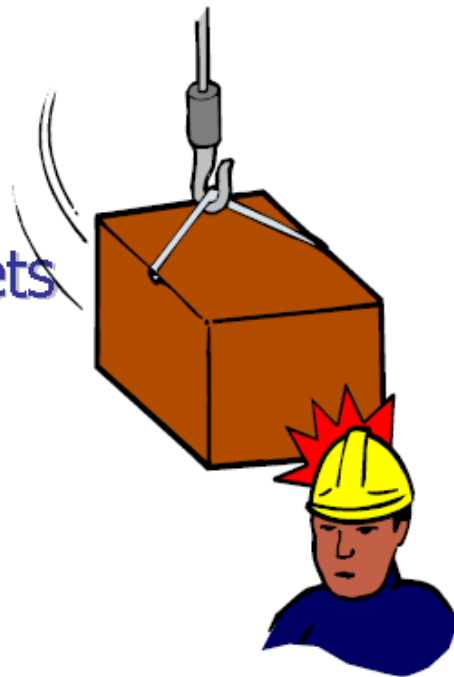
# Head Protection, Cont.

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- PPE:

- Hard Hats  
(Electrical &  
Non- electrical  
rated)
  - Welding helmets

- Protection from:
  - Falling objects
  - Impact
  - Welding  
radiation & By-  
products



# Foot Protection

## General Requirements

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- The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards

# Foot Protection, Cont.

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- PPE:

- Steel Toe

- Grip Tread

- Puncture Proof

- Electrically rated

- Chemical rating



- Protection from:

- Roll over

- Impact

- Puncture

- Electrical Shock

- Chemical

- exposure

# Hand Protection

## General Requirements

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- Employers shall select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

# Hand Protection, Cont.

- PPE:

- Thermal protection (Hot/Cold)
- Cut resistant / Cut Proof
- Electrically rated
- Chemical Rated

- Protection from:

- Cuts
- Abrasions
- Burn / Freeze
- Chemical contact





# Quiz Time!



Circle the correct answer below.

1. Head protection can provide protection from radiation and by products.
  - a. True
  - b. False
  
2. The employer must ensure that each employee, whose feet are exposed to electrical hazards, uses protective footwear.
  - a. True
  - b. False

# Engineering Controls

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- Personal protective equipment should not be used as a substitute for engineering , work practice, and/or administrative controls. PPE should be used in conjunction with these controls to provide for employee safety and health in the workplace.

# Training

## General Requirements

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- The employer shall provide training to each employee who is required by this section to use PPE.
- Each such employee shall be trained to know at least the following:



# Training, Cont.

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- When PPE is necessary;
- What PPE is necessary;
- How to properly don, remove, adjust, and wear PPE;
- The limitations of the PPE;
- The proper care, maintenance, useful life and disposal of the PPE.

## Training, Cont.

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- Each affected employee shall demonstrate an understanding of the training specified in paragraph (f)(1) of the General Requirements section,
- and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.

# Employee-Owned Equipment

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- Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

# Retraining

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- When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (f)(2) of the General requirements section, the employer shall retrain each such employee.

# Retraining Is Required, But Not Limited To:

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- Changes in the workplace render training obsolete;
- Changes in the types of PPE to be used render training obsolete;
- Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.



# Training Documentation

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- Employers are required to certify in writing that training has been carried out and that employees understand it. Each written certification shall contain the name of each employee trained, the dates(s) of training, and identify the subject certified.

# PPE - Where In The Standard?

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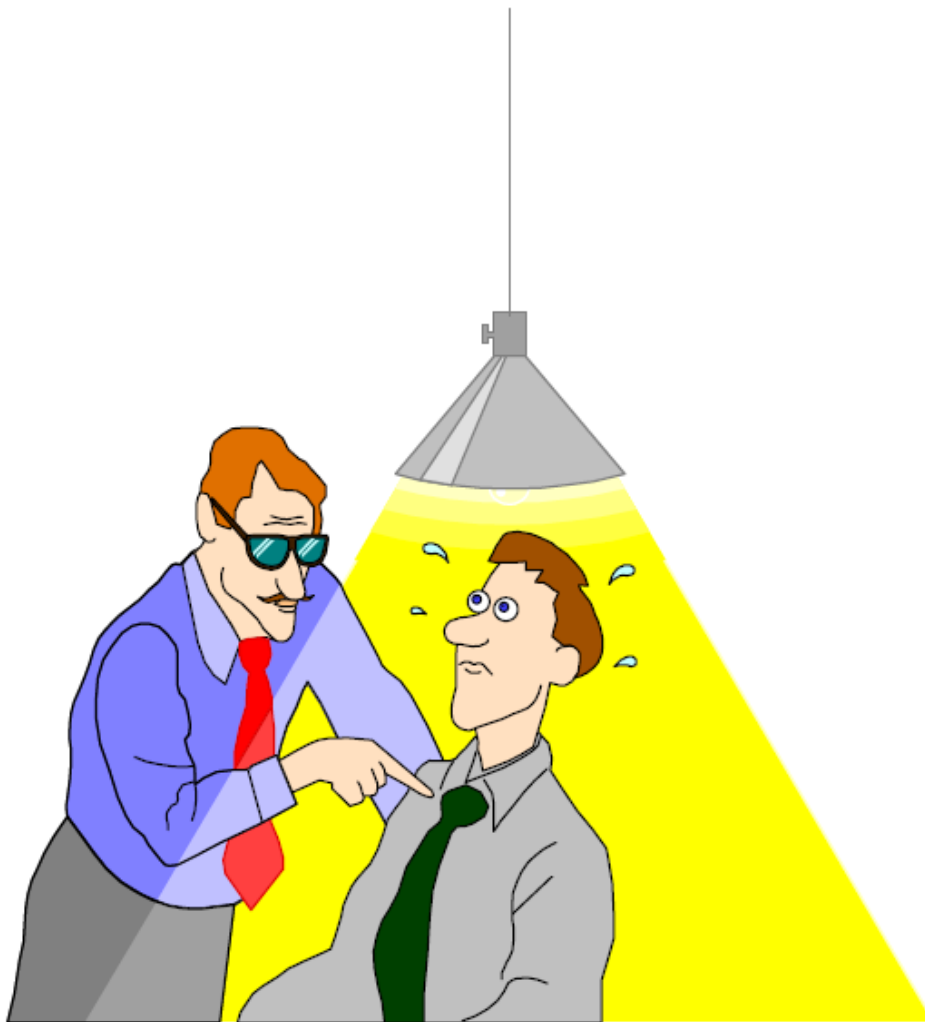
- General requirements  
CFR 1910.132
- Eye and Face protection  
CFR 1910.133
- Respiratory protection  
CFR 1910.134
- Head protection  
CFR 1910.135
- Electrical protective devices  
CFR 1910.137
- Hand protection  
CFR 1910.138
- Non-mandatory guidelines  
CFR 1910 Subpart I App A&B

# Remember!

- PPE devices alone should not be relied on to provide protection against hazards, but should be used in conjunction with guards, engineering controls, and sound manufacturing practice.



# Any Questions?



# Quiz Time!



Circle the correct answer below.

1. Personal protective equipment should never be used in conjunction with engineering or administrative controls.
  - a. True
  - b. False
  
2. Where the employees provide their own protective equipment:
  - a. The employer is relieved of all responsibility for the employees safety
  - b. The employer must compensate the employee for the cost of the equipment
  - c. The employer shall be responsible to assure equipment adequacy, including maintenance, and sanitation.