

# **MUNICIPAL EMPLOYEES PERSONNEL POLICY TOWN OF LYMAN**



*The municipality specifically reserves the right to repeal, modify or amend these policies as necessary. For the benefit of the Town, these policies are not to be interpreted as creating any contractual rights with any employee. In addition, conflicting changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated into the policy. The Town of Lyman is an equal opportunity employer. The Town therefore sets forth a policy of non discrimination in hiring and employment. Lyman is committed to the principal that each individual is entitled to equal employment opportunities without regard to religion, sex, age, marital status, race, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability.*

## **SAFETY MISSION STATEMENT**

The Town of Lyman is committed to creating a workplace that is safe, healthy and injury-free. Our employees are our most valuable assets, and their safety and health is our first priority. Safety is essential to all business functions and is never compromised under any circumstance. Every employee has a responsibility to maintain our work environment including reporting hazards and working toward preventing accidents. We will provide training, review our procedures, review accidents and maintain the equipment. In the event of an injury, we will actively work to return the employee back to work when medically possible. Our Drug and Alcohol policy will be strictly enforced with no exceptions. We will provide support to our Safety Committee by providing them the time, employees and management commitment needed to reach our common goal of an injury free workplace. We appreciate your full cooperation to follow our safety program and make our workplace safe, healthy and injury-free.

## **TOWN OF LYMAN PERSONNEL POLICIES**

### **ARTICLE I - GENERAL PROVISIONS**

- 1.1 **Preamble:** By action of the Town of Lyman Board of Selectmen, the Personnel Policy was voted into effect on April 16, 1990. This Personnel Policy is established as guidelines to assist in developing sound working relationships between the municipality and its personnel. These policies and subsequent modifications shall supercede any policy and/or rules made previously by the Board of Selectmen.
- a. Elected officials and the Board of Selectmen, in addition to all Town committee members, are not under the jurisdiction of the Personnel Policy. However, it is expected that these persons will utilize sound judgement in exercising their official duties and recognize relevant sections (e.g., Employee Conduct, Harassment, and Confidentiality) of the Personnel policy as a guide to performance of their duty to serve the Town and voters.

- 1.2 **Purpose:** The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs for the Town of Lyman. This policy includes policies and procedures for employee hiring and advancement, fringe benefits, discipline and other related activities. Nothing contained herein constitutes a guarantee of continued employment or employment for a defined period.
- 1.3 **Severability:** If any provision of these rules and regulations or the application hereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of these rules and regulations which can be given effect without the invalid provision or application, and for this purpose the provisions of these rules and regulations are severable.
- 1.4 **Revision:** The Board of Selectmen recognizes that it may be necessary to make adjustments in these rules from time to time in order that they accommodate the changes in year to year business conditions. It is therefore encouraged that each department, chairman and/or members make note of any problems and bring them to the attention of the Board of Selectmen. The Board of Selectmen shall make amendments as deemed necessary.

## ARTICLE II – Employee Expectations

- 2.1 **Harassment:** It is the policy of the Town of Lyman that all of our employees have the right to work in an environment free of harassment and intimidation. Lyman is committed to the principal that each individual is entitled to equal employment opportunities without regard to religion, sex, age, marital status, race, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability.
- The Town of Lyman strongly disapproves of and does not tolerate such harassment and it is considered grounds for discipline up to and including termination.

Examples of harassment related to religion, sex, age, marital status, race, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability include the following, which may be a series of incidents or a single occurrence based on any of the foregoing categories:

- unwelcome advances, gestures, comments or contact;
- threats;
- offensive jokes;
- subjecting employees to ridicule, slurs or derogatory action;
- basing employment decisions or practices on submission to such harassment;
- refusal to work with employees in work assignments;
- inequitable disciplinary actions and work assignments

All complaints of harassment will be promptly and carefully investigated, and all employees are assured that they will be free from any and all reprisals or retaliation from filing such complaints. Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, or visitors, should immediately bring the problem to the attention of the Board of Selectmen.

If the complaint involves supervisory personnel, or if the employee is uncomfortable with reporting the matter to his/her supervisor, the complaint should be brought to the attention of a Town official.

The investigation of an allegation of harassment will include interviews with all relevant persons. Employees are assured that privacy of the complainant and the person accused of harassment will be kept confidential to the extent possible.

After the investigation is completed, the findings will be reviewed with the complainant. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop the harassment and prevent its recurrence. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure that all parties are reacquainted with this harassment policy and to avoid harassment in the future.

**2.2 Alcohol & Drug Use and Abuse:** The Town is committed to providing a drug-free, healthful and safe work environment. The term 'drug(s)' also includes alcohol, non prescription and prescription drugs when they are taken other than how they are prescribed. This policy applies during an employee's / volunteers assigned work hours, the Town premises and while conducting business-related activities off Town premises. Employees are required to report to work drug and alcohol free and free from the smell of alcohol. Job performance must be executed in a safe manner. The possession, sale, or use of alcohol or illegal drugs on the employer's premises is strictly prohibited. Those who violate this policy are subject to corrective discipline up to and including termination of employment. Employees seeking assistance for their substance abuse issues will be reasonably supported so counseling appointments can be attended. Employees are accountable for their work performance whether they choose to participate in a substance abuse treatment program or not. Participation in a treatment program is voluntary and at the discretion of the employee. Employees who seek medical treatment may use their paid time off to attend a treatment program and may also be eligible for the Family and Medical Leave Act or disability leave.

Employees must notify the department head or the Board of Selectmen as soon as possible but no later than five (5) days after any conviction for a drug / alcohol related offense.

Pursuant to Public Law 100-690 Title V, Subtitle D, the Town of Lyman has established the following policy:

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town of Lyman's workplace, or on any Town property. As a condition of employment with the Town of Lyman, all employees will abide by the terms of the policy and notify the employer of any criminal drug statute conviction or a violation no later than five (5) days after such conviction.

The Town of Lyman, within 30 days of receiving notice, with respect to any employee who is so convicted, will take one of the following actions:

- a. Take appropriate personnel action against such an employee up to and including discharge; and/or
- b. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, local health, law enforcement, or other appropriate agency.

**2.3 Whistleblower Protection:** The municipality strives to conduct its business with integrity and in strict compliance with all applicable federal, state and local laws and regulations. Accordingly, employees/volunteers are encouraged to bring to the attention of their supervisor or the Board of Selectmen any actions of municipal officials or employees/volunteers that they believe may be improper or unsafe. The municipality will not retaliate against any person who makes a report in good faith to either their supervisor or the Board of Selectmen.

**2.4 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 re-assignment to an alternative position or job loss. Employees that lose their license or fail re-certification as necessary must immediately inform the municipality of their new status.

**2.5 Smoking:** In accordance with the provisions of the Workplace Smoking Act of 1985, the Town has adopted a smoking policy. The municipality supports a smoke free work environment. Smoking is not permitted inside ANY Town-owned buildings.

**2.6 Dress Code:** The employees of the Town shall wear appropriate dress during work related hours.

**2.7 Municipal Property:** Employees should not, directly or indirectly, use or allow the use of municipal property of any kind for other than official activities. Certain nominal use of municipal property may be permitted at the discretion of the Board of Selectmen so long as it does not interfere with municipal operations. All Town property issued to the employee, volunteer, such as keys, equipment, etc., shall be returned to the Town, in good repair, prior to the employee's / volunteer's last day. Failure to return Town property may result in legal action against the employee/volunteer. All Town property is to be disposed of in accordance with Town Charter.

Employees/volunteers should not use the telephone facilities or cell phones for personal calls when the placing of such calls would interfere with the employee's/volunteer's duties, would incur additional financial liability for the municipality or would interfere with the use of the facility for official business. Any such use should be urgent, infrequent and of short duration. Similarly, use of private cell phones shall be kept to an absolute minimum during working hours.

**2.8 Solicitation:** No employee shall engage in any business other than regular duties of the municipality during working time, with the exception of municipally approved activities, no solicitation of any kind is permitted on municipal premises during working time.

- 2.9 **Political Activity:** No municipal employee shall participate in any political activity during working hours.
- 2.10 **Internet Policy:** Electronic mail, Internet and telecommunication access are made available to Town employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the Town. The system is Town property and intended for Town business. The system is **NOT** to be used for employee personal gain or to support or to advocate for non-Town related business or purposes. All use of the Internet must be in compliance with all applicable laws and policies (federal, state and local, in addition to Town policies). Internet access via Town resources therefore must **NOT** be used for illegal purposes. Agency rights pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510) notice is hereby given that there are **NO** facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators, the Board of Selectmen, have access to ALL mail and user requests, and will monitor messages as necessary to assure efficient performance and appropriate use. Messages relating to or in support of illegal activities will be reported to appropriate authorities. Each individual user is responsible for complying with this and all other relevant policies when using the Town's resources for accessing the internet. Use of these same resources is in violation of this policy or of applicable department policies which are grounds for disciplinary action. The use of the internet for personal enjoyment, such as game playing is also prohibited. This behavior is also grounds for disciplinary action.

### **ARTICLE III – EMPLOYMENT**

- 3.1 **Selection:** The employment of all personnel shall be the responsibility of the Board of Selectmen with input, as appropriate, from the Hiring Committee and other department heads, including without limitation, employment positions created by statute or other law and the appointment of deputies and/or assistants for any such positions and regardless of employment classification under article III.
- 3.2 **Equal Employment Opportunity:** The Town of Lyman is committed to providing equal employment opportunities for all persons making application to the Town, and equal treatment and advancement opportunities for its employees. The Town of Lyman therefore sets forth a policy of nondiscrimination in hiring, employment and personnel actions. Lyman is committed to the principal that each individual is entitled to equal employment opportunities without regard to religion, sex, age, marital status, race, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability.
- 3.3 **Recruitment:** The character of the recruitment and selection process for all Town positions will vary contingent with the position. 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, this may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information.

In appropriate circumstances the municipality reserves the right to hire from within, without externally posting the job vacancy. It shall be the duty of the Board of Selectmen and the Hiring Committee to seek out the most desirable employees / volunteers for the Town. Town employees shall be given maximum opportunity for advancement in the service.

- 3.4 Administration:** The Board of Selectmen shall be the administrators of these policies and procedures. If applicable, each department head /chairperson is responsible for his/her familiarity with these rules when establishing annual budget requests and supervising department.

The Board of Selectmen shall also:

- a. encourage and exercise leadership in the development of sound personnel practices among the departments of the Town;
- b. establish and maintain records of all employees, setting forth as to each employee the title, status or pay, paid time off and other relevant information;
- c. foster and develop programs for the improvement of employee effectiveness for the proper courtesy when dealing with the public and respect for municipal property;
- d. apply and carry out this policy and perform any act, which may be necessary or desirable to carry out the purposes and provisions of this policy.

- 3.5 Application:** All applicants must complete an application for employment and/ or a resume for employment to the Board of Selectmen. Selection procedures will include a completed application and reference checks. The municipality relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any willful misrepresentations, falsifications, or material omissions in any of this information or data may result in the municipality's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

- 3.6 Tests:** The municipality may, where appropriate, require applicants to submit to interviews, tests and examinations which may include, among others, written tests, agility tests, pre-employment or a post-offer physical and/or psychological examination(s) as permitted under state and federal law, when job related.

- 3.7 Scope:** Except as otherwise noted, these rules and procedures shall apply to all Lyman employees, except for the employees of the Goodwins Mills Fire Rescue, which shall have a separate personnel policy. Fringe benefits provided by the Town shall apply to those employees working a minimum of thirty (30) hours per week on a year-round basis.

**3.8 Probation Period:** All new employees and every person rehired to a position are considered probationary for the first six (6) months of employment. Pursuant to state law, probationary employees may be terminated without cause and without right to file a grievance. At least one (1) week before the end of the six (6) months probationary period, the Board of Selectmen and/or, if applicable, the department head shall evaluate the performance of the employee with the following results:

- recommendation to the Board of Selectmen to end the probationary period; or if the employee's performance has not been acceptable, recommendation that the employee be terminated before the end of the six (6) month period;
- if they are to be retained as an employee, for the purpose of figuring benefits, seniority, etc., the initial date of employment is considered the anniversary date of the individual. All employees' evaluations shall be retained in the employee's personnel file;
- probationary employees are not eligible to take paid time off. New probationary employees accrue paid time off, but are not eligible to use paid time off until after their probationary period has ended.

**3.9 Evaluation:** Evaluations will relate directly to the employee's position, work habits and job performance. A written evaluation shall be conducted and prepared by the Board of Selectmen and/or if applicable, the department head. Once a written evaluation has been completed, the employee and person charged with performing the evaluation will meet to discuss the evaluation. The employee's signature will be obtained which acknowledges review and understanding of the evaluation and as proof of discussion and understanding although they may not necessarily agree; refusal to sign will be noted; evaluations will remain on file.

An employee may prepare a written response to any item included in the evaluation. This response shall be submitted to the evaluator and attached to and become part of the evaluation. A copy of the complete evaluation will be provided for the employee and placed in his/her personnel file.

All employees serving full-time employment, as defined in sections 4.1 articles 4 and 4.2 below, will receive an evaluation yearly.

**3.10 Employment records:** A record of Town employees shall be kept in a secured area in the Town Hall, in accordance with state and federal guidelines. The record shall contain all vital statistics and other pertinent data of the employee, including hiring data, applications, resumes, references, signed job descriptions, Personnel Policy Employee Acknowledgement, probationary and other reviews, letters of commendation and recognition, copies of certifications, disciplinary actions, etc. Any medical information, as well as worker's compensation information is part of the employee personnel file, but because of the confidential nature of such information, such material is kept in a secure location separated from the employee file.



- a) the employee is responsible for notifying the Town of all changes of address and telephone numbers;
- b) every employee has the right to review his/her files, in the presence of a Selectman, during normal work hours;
- c) employee files will be treated as confidential, to the extent permitted by law – e.g. "Right to Know" mandates. Employee information is available only to the Board of Selectmen and department heads, when it is appropriate;
- d) destruction of files for employees that have left the employ of the municipality shall occur according to the state and federal guidelines.

**3.11 Position Descriptions:** Job descriptions for each position in the Town employment shall be developed by the Board of Selectmen and shall be periodically updated. These job descriptions shall set forth the following information:

- job title;
- classification;
- qualifications;
- expected hours;
- responsible to and evaluated by;
- responsibilities;
- duties

## **ARTICLE IV – EMPLOYMENT CLASSIFICATIONS**

To aid in the determination of applicability of the Federal Fair Labor Standards Act (FLSA) each position and/or title within the Town government shall be categorized into either exempt or non-exempt categories. Exempt or non-exempt refers to the applicability of the overtime provisions in the FLSA to the position.

It will be the responsibility of the Board of Selectmen, in conjunction with the preparation of the position descriptions, to determine exempt or non-exempt status.

The following types of employment may be made to the Town government service in conformity with the rules established herein:

- 4.1 Full-time Employment:** An appointment to work a standard thirty (30) to forty (40) hour week on a continuing or indefinite basis. Such employees are subject to all personnel policies and rules and receive all benefits and rights provided therein.
- 4.2 Part-time Employment:** An appointment to work less than a thirty (30) hour workweek, but on a continuing, indefinite and year round basis. A person working less than thirty (30) hours a week on a year round basis is not entitled to any benefits such as vacation, sick leave, etc.
- 4.3 Seasonal Employment:** Appointed to work for a specific season (may work a standard workweek or less), and with the expectation of being laid off at the end of the season for which appointed.

- 4.4 **Temporary Employees:** Temporary employees, such as seasonal workers or "as needed" employees, work on a non-continuing basis, within a limited time frame usually not to exceed six (6) months. Temporary employees are subject to all personnel policies and rules, but are not entitled to any benefits except those benefits required by law.
- 4.5 **On-call Employment:** An appointment made to render a specified type of service to the Town, on an irregular basis and only in response to a specific call to service for the Town. Periods of service normally involve only a few hours.
- 4.6 **Exempt Employees:** Employees, who by nature of their work meet the "executive, administrative or professional "exemption requirements of the Federal Fair Labor Standards Act (FLSA). Such employees are deemed exempt from the payment of overtime for hours worked in excess of forty (40) hours in any week.
- 4.7 **Non-exempt Employees:** Any time worked by non-exempt employees in excess of forty (40) hours shall be compensated at an overtime pay rate of time and one-half (1 ½). For the purpose of computing overtime, within any given week, only those hours spent on the job and actually worked will be used to calculate overtime pay. Paid time off, bereavement leave, holiday, military/jury leave and all other leave will not be counted toward calculating overtime pay.  
All hourly wage earning employees who do not meet the "executive, administrative or professional "criteria as set by FLSA and, who are not otherwise exempt, or partially exempt from the overtime requirement of the FLSA, are eligible to receive overtime compensation.

## ARTICLE V - WORK WEEK AND ATTENDANCE

- 5.1 **Workweek:** The regular workweek for payroll purposes begins Thursday and ends Wednesday midnight. Employees will be entitled to one-half (1/2) hour paid lunch period. Employees are not allowed to leave the Town Hall during the lunch break other than to go to the local store to pick up their lunch. The workday hours for each position shall be established by the Board of Selectmen and/or department head and **any deviation from the set hours will need to be pre-approved by the Chairman or Vice Chair of the Board of Selectmen.**
- 5.2 **Overtime:**
- a) **Exempt Employees:** Exempt employees will not receive overtime pay, and are expected to work the number of hours required to perform the job.
  - b) **Non-exempt Employees:** Any time worked by non-exempt employees in excess of forty (40) hours shall be compensated at an overtime pay rate of time and one-half (1 ½). For the purpose of computing overtime, within any given week, only those hours spent on the job and actually worked will be used to calculate over time pay. Paid time off, bereavement leave, holiday, military, jury leave and all other leave will not be counted toward calculating overtime pay.

**5.3 Time Recording:** For purposes of public accountability, all employees, exempt or non-exempt **must record actual hours of work** using the punch clock, as well as paid or unpaid leave on their pre-approved employee request time off sheet. Falsification of time records is a breach of Town policy and may result in disciplinary action including the possibility of dismissal. All employees are expected to arrive on time and work all hours specified for their particular job.

**5.4 Attendance records:** Employees shall be at their respective places of work at the appointed starting time and remaining until the end of the scheduled workday. In the event of necessary absence due to illness or any other cause, it is the responsibility of the employees to see that the Board of Selectmen's office is advised of the reason for absence prior to the start of the workday. If an absence continues beyond one day, the employee is responsible for reporting in each day. (refer to the medical leave section for information on extended sick leave reporting requirements.) Similarly, if you are going to be unavoidably detained for some reason, phone the Board of Selectmen's office and let them know when you expect to arrive. Repeated lateness, unexcused absences, absences without authorization or failure to return to duty within 24 hours may be cause for discipline and / or discharge. The Board of Selectmen may waive sick leave requirement based on special circumstances.

**5.5 Snow Days:** Employees may be excused from work due to snow days or severe weather at the discretion of the Board of Selectmen. Compensation for that absence will be considered as follows:

- a) if the municipal building closes the doors to the public, affected employees will be compensated for the hours they normally would have worked at their normal rate of pay;
- b) when the municipal building is open, if an employee does not report for work, is offered the opportunity to leave work early and does so or is late arriving, non-exempt employees **will not** be paid for the absence automatically, but may use accrued paid time off;
- c) employees will be notified when the municipal building is closed due to inclement weather.

## **ARTICLE VI - EMPLOYMENT POLICIES AND PROCEDURES**

**6.1 Training:** It is the policy of the Town to provide for educational training opportunities for its employees at a reasonable expense to the Town. This policy shall cover job related seminars and training sessions. The Board of Selectmen shall make the determination as to 'job relatedness' of an academic course. The employee is to make the request in writing to the department head and receive the Board of Selectmen's **prior approval** for all training classes and seminars she/he would like to attend.

## **ARTICLE VII - EMPLOYEE / VOLUNTEER CONDUCT**

Our taxpayers are entitled to the best service we can give them.

Cooperation and teamwork by all employees/volunteers is essential to efficiency.

- 7.1 Employee Conduct:** All employees are expected and required to treat the public with promptness, patience, courtesy and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the Town.
- 7.2 Gratuities:** A Town employee/volunteer 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. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness or food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, e.g., pens, notepads, calendars, is permitted.
- 7.3 Confidentiality Policy:** During the course of their duties, employees of the Town of Lyman has access to confidential information pertaining to persons or property in the municipality. Employees are prohibited from disclosing or discussing any confidential or privileged information with anyone except as is required in the course of their employment. Examples include, but are not limited to, labor relations or personnel actions. Employees are expected to respect the confidential nature of such information and are charged with the responsibility of releasing only the information that is required under the "Right to Know" laws.
- 7.4 Driving Policy:** Any employee, volunteer, official or other person who drives private vehicles on municipal business, must have a valid driver's license and a satisfactory driving record. Any person hired for a position, which involves driving for municipal business, shall have his or her license checked annually for active status.
- 7.5 Workplace Safety and Injury Reporting:**  
When an employee of the municipality suffers an injury or accident in the course of employment, regardless of how insignificant the injury may appear, a report of the accident must be made immediately to the Board of Selectmen or the Selectmen's Clerk, who will notify each Selectmen individually. Such reports are necessary to comply with laws and initiate insurance and Workers' compensation benefits procedures.

## **ARTICLE VIII – EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES**

- 8.1 Employee / Volunteer Discipline:**  
Disciplinary action up to and including dismissal may be initiated for reasons that include, but are not limited to the following:
- unexcused absenteeism and/or tardiness;
  - insubordination;

- unacceptable job performance;
- use of alcohol and/or non-prescriptive drugs during the work day or in any way which impairs the performance of the position;
- willful destruction of public and/or private property;
- falsification of documents, concerning the employee's application to the Town, payroll or other departmental operations;
- harassing behavior including obscene language directed at employees, volunteers or the public;
- failure to comply with safety regulations and requirements;
- dishonesty of any kind or theft of Town, public or private property, violation of fraud policy;
- acceptance of money or gift by an employee/volunteer for any consideration afforded to the public, in general;
- any other action or conduct materially affecting or impairing the efficiency of Town services or that brings the Town in public dispute or embarrassment.

**The disciplinary process may include, but is not limited to the following procedures:**

- a. **Verbal Warning:** The Board of Selectmen and the department head, if applicable, may verbally warn an employee/volunteer to improve specific performance issues or to rectify specific conduct. The date, time and nature of the warning shall be noted in the employee's personnel file. When possible, warnings should be given within two (2) days of the knowledge of the offense. The municipality reserves the right to move to a written warning, suspension or termination depending on the seriousness of the situation.
- b. **Written Reprimand.** The Board of Selectmen and the department head, if applicable, may give a written reprimand to an employee/volunteer for a repeated offense, or for an offense serious enough to require more than a verbal warning. A reprimand will include the nature of the offense, date and time of the offense, possibility of future disciplinary action and steps for correction of the action. A copy of the reprimand signed by the department head and the employee/volunteer will be placed in the employee/volunteer personnel file. If the employee/volunteer refuses to sign the reprimand, this fact should be noted and witnessed on the reprimand. The municipality reserves the right to move to suspension or termination depending on the seriousness of the situation.
- c. **Suspension:** See section 405 of Town Charter for suspension or removal. The Board of Selectmen may suspend an employee/volunteer with or without pay for a recurring offense or an offense which merits suspension. Suspensions will be consistent with FLSA requirements. The municipality reserves the right to move to termination depending on the seriousness of the situation.

The employee/volunteer will have the opportunity to respond to the charges prior to serving the suspension unless the employee's/volunteer's actions are a threat to self or others. The employee's/volunteer's opportunity to respond to the charges may occur at a meeting with the employee/volunteer held to discuss the reasons for the

suspension. The length of suspension is based on the seriousness of the offense and what the Board of Selectmen may determine is warranted.

Employees/volunteers will receive confirmation of their suspension period and the necessary corrective steps. Employees/volunteers will be warned of the potential for more serious disciplinary action or dismissal in the event of further offenses. A copy of the letter of suspension will be included in the employee's / volunteer's personnel file. Suspension with or without pay may occur for an indefinite period pending complete investigation of the incident or offense.

- d. **Dismissal:** The Board of Selectmen may dismiss an employee if his or her job performance or misconduct warrants dismissal. After a meeting between the employee, department head, if applicable, and the Board of Selectmen, the employee shall be notified of the reason(s) for the dismissal and the effective date thereof. Dismissals shall be confirmed in writing.

**8.2 Grievance Procedure:** The term "grievance" means any dispute between an employee and management concerning Town Policies. Excluded from consideration of grievance are those matters pertaining to: hiring, promotion of personnel, and compensation adjustments, except that employees working at least thirty (30) hours per week on a year-round basis as provided in sections 4.1 and 4.2 above, may appeal performance evaluations. Every attempt should be made to resolve any dispute as soon as possible to the satisfaction of all parties.

Steps in the grievance procedure shall be as follows:

- a. If an oral agreement is not reached, the aggrieved may within five (5) working days file a written complaint to the supervisor or department head. The department head or supervisor is required to make a determination of the merits of the complaints and give a written reply within three (3) working days.
- b. If the individual is dissatisfied with the department head or supervisor's written decision; the aggrieved may within three (3) working days make a formal written appeal to the Board of Selectmen. The Board of Selectmen will upon receipt of the written appeal, return a formal written decision within three (3) working days. In all cases the decision of the Board of Selectmen will be final and binding.
- c. Employees may refer to and follow section 405 of the Town of Lyman Municipal Charter.

**8.3 Notice of Resignation:** An employee may resign from Town service in "good standing". "Good standing" shall mean the submittal of a written notice 14 calendar days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule will be cause for denying future employment with the Town. The Board of Selectmen may permit a shorter period of notice if extenuating circumstances exist. The resignation should be accompanied by a statement by the department head as to the resigning employee's service performance and pertinent

information concerning the cause of resignation. The effective date of the employee's termination with the Town is considered to be the last day actually worked.

## **ARTICLE IX – EARNED BENEFITS**

**9.1 Retirement Match Description:** After probationary period the employee can enter into a match program up to 3% of the employee's salary. As of July 1<sup>st</sup>, 2019, the percentage is increased to 4%, which is increased by 1% per year until it reaches 6% on July 1<sup>st</sup>, 2021.

**9.2 Holidays:** Holiday pay is available to those fulltime employees working at least thirty (30) hours per week on a year-round basis, as provided in sections 4.1 and 4.2 above.

If holiday falls within an employee's vacation period, he/she shall not have that day charged against his/her accumulated paid time off. Holiday pay is available only if the full time employee was scheduled to work on the day of the holiday.

Employee's holidays are as follows:

- New Year's Day
- Martin Luther King Jr. Day
- Washington's Birthday(President's Day)
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Day
- Also one-half day before Christmas and one-half day before New Years Day if the holiday falls on Tuesday through Friday.

## **ARTICLE X – PAID TIME OFF**

The purpose of Paid Time Off (PTO) is to provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The Town's goal is to reduce unscheduled absences.

The PTO days that employees accrue effective July 1, 2015 replace all existing vacation, sick time, and personal business days that employees have been allotted under prior policies. The vacation time sick time and personal business days that employees accrued in the past will

carry over, in excess of the PTO policy. Employees hired prior to January 2, 2013 will accrue time at the 6 years and beyond level.

Each full time employee will accrue PTO beginning at date of hire, bi-weekly in increments based on their length of service and normal hours worked as defined below:

- a) PTO is added to the employee's PTO bank when the bi-weekly paycheck is issued;
- b) PTO taken will be subtracted from the employee's accrued time bank in fifteen minute increments;
- c) temporary employees, contract employees, and part time employees are not eligible to accrue PTO.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for the entire bi-weekly pay period. PTO is not earned in pay periods during which unpaid leave, short or long term disability leave or workers' compensation leave are taken.

Employees may use time from their PTO bank in fifteen minute increments. Time that is not covered by the PTO policy, to include; Town paid holidays, bereavement time off, and military service leave over thirty (30) days. Time off sheet will still be required.

**Paid Time Off (PTO) Exceptions:**

- employees who miss more than three consecutive unscheduled days may be required to present a doctor's release that permits them to return to work;
- PTO taken in excess of the PTO accrued can result in progressive disciplinary action up to and including employment termination. This time will be unpaid. The only possible exception to this policy must be granted by the affirmative vote of the Board of Selectmen;
- PTO accrued prior to the start of a requested and approved unpaid leave of absence must be used to cover hours missed before the start of the unpaid leave;
- under the Family and Medical Leave Act (FMLA) policy, all accrued PTO time is taken before the start of the unpaid FMLA time;
- unscheduled absences, due to illnesses of four hours or more, that result in consecutive days absent from work are considered one absence incident in relationship to potential disciplinary action.

**Specific Eligibility for Paid Time Off (PTO)**

PTO is earned on the following schedule based on a fulltime 30-40 hour work week. PTO is prorated based on the number of hours worked on an employee's regular schedule.

<b><u>Years of Service</u></b>	<b><u>Holidays</u></b>	<b><u>Paid Time Off</u></b>	<b><u>Total</u></b>	<b><u>Max buy out</u></b>
0 through 2 years	91	105	196	35 hours
3 through 5 years	91	143	234	105 hours
6 years and beyond	91	245.5	336.5	120 hours



This table is based on 35 hours worked per week on a bi-weekly pay schedule. Hours accrued will be adjusted up or down according to hours each employee works.

Each employee may carry 200 hours of accrued PTO into a new fiscal year. Employees are responsible for monitoring and taking their PTO over the course of a year so that they do not lose time accrued when the current fiscal year ends. PTO is subject to supervisory approval.

## **ARTICLE XI – INSURANCES**

**11.1 Hospital, Surgical and Major Medical Insurance:** The Town participates in the Maine Municipal Employees Health Trust. The Town pays 100 % of the single-subscriber for eligible employees. Eligible employees include regular full-time working a minimum of thirty (30) hours or more on a year-round basis, as provided in sections 4.1 and 4.2 above. Elected officials such as Town Clerk who work a minimum of thirty (30) hours or more per week on a year-round basis, as provided in sections 4.1 and 4.2 above, and the existing Road Commissioner are also eligible. Elected officials and part-time employees working less than the required hours may join but will have to buy their own plan. Employees who have outside insurance must provide proof of health insurance to receive 50% of annual premium back to employee.

**11.2 Dental Insurance:** The Town participates in the Maine Municipal Employees' Health Trust. The Town pays the cost of the single subscriber for full-time employees, working a minimum of thirty (30) hours or more per week on a year-round basis, as provided in sections 4.1 and 4.2 above, requesting coverage. Any elected and part-time official may join but will have to buy his/her own plan.

**11.3 Vision Plan:** Vision plan is optional to employee, to be paid for by employee.

**11.4 Income Protection:** An income protection plan is available for those regular fulltime employees who work thirty (30) hours or more per week on a year-round basis, as provided in sections 4.1 and 4.2 above. The amount of income protection insurance available is 40%, 55% and 70% of employee's salary. Cost of this coverage is at the expense of the employee.

**11.5 Life Insurance:** Life insurance is paid by the Town at 1x an employee's annual salary. Any added life insurance beyond that will be paid by the employee.

## **ARTICLE XII– MANDATED BENEFITS**

**12.1 Worker's Compensation:** The Town of Lyman provides worker's compensation insurance coverage for all employees. When an on-the-job accident occurs, the affected employee is to report it immediately to the Board of Selectmen's office and/or his or her department head (if applicable). The department head shall notify the Board of Selectmen's office immediately of the injury so that any necessary accident and injury

reports may be completed. Such reports are necessary to comply with laws and initiate worker's compensation benefits.

The Vice Chairman of the Board of Selectmen will initiate and follow up investigations of injuries. Injured employees will be offered light duty work in a transitional position if possible. The Town of Lyman will require documentation from the employees doctor or SMHC WorkWell in order to return from an on the job injury.

**12.2 Social Security:** The Town participates jointly with employees in social security payments. Benefits provided include a retirement feature, survivor's benefits payment if death occurs before retirement, disability insurance and medicare coverage.

**12.3 Unemployment Compensation:** The Town provides unemployment compensation benefits to employees in accordance with state and federal law.

**12.4 Bereavement Leave:** An employee may be excused from work for:

- a) up to five (5) days because of the death of his/her spouse and children and/or;
- b) up to three (3) days because of a death in his/her immediate family.

The employee shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that his/her time off be used for the purpose of handling necessary arrangements and attendance of the funeral. One (1) workday may be granted without pay to employees at the discretion of the Board of Selectmen for attendance at funerals of persons not covered under the above.

**12.5 Immediate Family:** Immediate family includes: Parents, brothers, sisters, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, grandparents, grandchildren, step-parents or other relatives living in the same household with the employee.

**12.6 Jury Duty:** Any employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his or her regular rate of pay, if the service occurs during a workday. Time paid for jury service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probation period who give notice of such absence.

**12.7 Reimbursement of Expenses:** Employees shall be reimbursed for reasonable and authorized expenses incurred while carrying out Town business.

## **12.8 Family Medical Leave:**

An employee who has been employed by the Town of Lyman for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave is entitled to a family medical leave of up to twelve (12) weeks per year. The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specific family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible employees are entitled to:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty" or;
- twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Employees who have worked for twelve (12) months but less than 1,250 hours during the past year and are not eligible for federal family medical leave, may be eligible for a ten-week family medical leave pursuant to the Maine Family and Medical Leave Act.

The twelve (12) month period during which the twelve (12) weeks of family medical leave may be taken is measured forward from the date an employee's first family medical leave begins, and the next 12-month period would begin the first time family medical leave is taken after completion of any previous 12-month period.

- a. To be eligible for a family medical leave, the employee must give at least thirty (30) days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Selectmen's office.
- b. The Town may require certification from a physician to verify the amount of leave requested by the employee.

- c. Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Lyman will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave; said period not to exceed twelve (12) weeks. The employee's share of medical insurance, life insurance, income protection and retirement benefits will continue during the period of unpaid leave at the cost of the employee.
- d. The employee may use accrued time off in accordance with the policies concerning such leaves, to cover absences related to family medical leave; however, the total amount of family medical leave may not exceed twelve (12) weeks.
- e. Paid time off and holidays do not accrue during an unpaid leave period.
- f. Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevent the restoration to the same or equivalent position.
- g. An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, his/her termination date will be the last day she/he was entitled to group coverage.
- h. An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Board of Selectmen.

## LYMAN BOARD OF SELECTMEN

Signed this 16th day of April, 2019

  
\_\_\_\_\_  
John E. Tibbets, Chairman

  
\_\_\_\_\_  
William Single

  
\_\_\_\_\_  
David Dulong, Vice chair

  
\_\_\_\_\_  
Thomas Guillemette

\_\_\_\_\_  
Ralph Blackington

Adopted: April 16, 1990

Revised: September 2, 1997

Revised: September 6, 1999

Revised: March 6, 2000

Revised: August 28, 2002

Revised: July 5, 2005

Amended: September 6, 2005

Amended: September 2, 2008

Amended March 1, 2010

Amended June 20, 2011

Amended August 15, 2011

Amended March 2, 2015

Amended May 15<sup>th</sup>, 2017

Amended September 17<sup>th</sup>, 2018

Amended April 16<sup>th</sup>, 2019

**THIS REVISED POLICY SUPERSEDES ANY AND ALL OTHER  
PERSONNEL POLICIES ADOPTED AND/OR REVISED  
AND AMENDED PRIOR TO APRIL 16<sup>TH</sup>, 2019**

