

TOWN OF LYMAN



Personnel Policy Handbook

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SECTION 1: INTRODUCTION

1.1: Introduction and Purpose

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

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

This Personnel Policy Handbook is a resource to help you understand our organizational needs and expectations. Our business make up is service and we will strive to ensure we continue to provide citizens of Lyman with excellent services in the most efficient and effective manner possible. For this reason, it is important all persons conducting business on behalf of the Town, whether of an employee, board, committee, or volunteer status are expected to adhere to all Town policies and procedures.

This handbook includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, employee leave policies, discipline and grievance processes, performance management, and other related policies. The policies in this handbook apply to all employees. These policies and procedures are not intended to and do not constitute a binding employment contract with any individual or group of employees. These policies and procedures are developed to provide reasonable assurances that all rights and benefits of employees and applicants for employment are protected and respected.

The rules, regulations, policies, and procedures in this handbook constitute the Town's Personnel Policy Handbook and they have been adopted for information and guidance and for use by the Town of Lyman Select Board, Town Manager (or Designee), Supervisor/Department Head, and Employees of the Town. The Town Manager (or Designee) is responsible for the administration of the provisions of this handbook and has the authority to take appropriate action in dealing with cases of violations of it.

In implementing this handbook, the Supervisor/Department Head of the Elements of Town Government, with approval of the Town Manager (or Designee), are authorized to generate and implement departmental rules and regulations supplemental to the policies in this manual. Such rules and regulations bear the same authority as the policies in this handbook.

1.2: Mission Statement

The Town of Lyman partners with our community members to deliver superior services in the most effective manner possible. We respect members of the public, each other, and treat all with

courtesy and dignity. We rely on teamwork to provide a seamless experience for all customers. We uphold high standards in our personal, professional, and organizational conduct. We continuously strive to meet the needs of our residents through available resources by being flexible and promoting the use of innovation. We accept responsibility for our personal and organizational decisions and actions. We openly communicate with the public and each other by sharing information.

Our Expectations of Excellent Services

- Listening to your customers and team members
- Responsiveness
- Effective communications
- Taking ownership
- Creating a positive, helpful, friendly environment
- Teamwork
- Going above and beyond to help customer with their needs

1.3: Municipal Code of Ethics

The Municipal Code of Ethics applies to all Town officials whether elected, appointed, volunteering, or an employee of the Town. It is the responsibility of all employees to review and become familiar with the ethics policy and abide by it. Refer to policy labelled “Municipal Code of Ethics”.

SECTION 2: EQUAL OPPORTUNITY EMPLOYMENT & INCLUSIVITY

2.1: Equal Opportunity Employment

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence, and need. As an Equal Opportunity Employer, the Town of Lyman shall employ, upgrade, and promote the best qualified candidates who fit the mission statement of the Town and who are available at the salary level established for the position, without discrimination as to race, religion, age, sex, physical or mental disability, sexual orientation (including gender identity and expression), national origin or ancestry, marital status, genetic information, protected veteran or military status, color, pregnancy, familial status, political affiliation, whistleblower activity, or any other status protected by law.

This policy applies to all terms and conditions of employment including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, benefits, and training.

2.2: Americans With Disabilities Act

The Town is committed to complying with all applicable provisions of the Americans with Disabilities Act of 1990 (ADA), as amended. It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job.

Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town.

The Town encourages individuals with disabilities to come forward and request reasonable accommodation. Employees with a disability who believe they need reasonable accommodation to perform the essential functions of their job should notify their Supervisor/ Department Head and Town Manager (or designee) as outlined in 2.4 of this section. The Town will maintain all medical information in a confidential manner in accordance with the ADA.

2.3: Pregnancy Worker's Fairness Act

The Town does not discriminate based on pregnancy or related conditions, including lactation and the need to express breast milk for a nursing child. The Town also does not discriminate based on sex, which can include pregnancy, childbirth, and the need for maternity leave.

2.4: Process for Sections 2.2 and 2.3

Employees who have mental or physical disabilities, or pregnancy related medical conditions which may impact their ability to perform the essential functions of their job, shall notify their Supervisor/Department Head and the Town Manager (or Designee) to request an accommodation. Once a request has been made, the employee, Supervisor/Department Head and Town Manager (or Designee) will begin the following steps:

- The employee, Supervisor/Department Head, and Town Manager (or Designee) meet to discuss potential accommodation.
- The employee, Supervisor/Department Head, and Town Manager (or Designee) review the essential functions of the job. It may be necessary to provide a job description or list of essential functions to the employee's medical provider to confirm

the disability and the need for the accommodation.

- The employee, Supervisor/Department Head, and Town Manager (or Designee) will review options for potential accommodation and will work together to come up with ideas that are reasonable and that do not create an undue hardship for the employer (Town).
- In the event that a reasonable accommodation is determined, it will be documented and placed in the employee's medical file.
- The employee, Supervisor/Department Head, and Town Manager (or Designee) will continue to monitor the need for the accommodation to ensure there are not any issues or concerns by either party.
- If the employee rejects the proposed accommodation, the employee may appeal following the Town's grievance policy and procedure.

Any individual with a disability who believes he or she have been subject to discrimination based on disability may discuss the complaint with the Town Manager (or Designee). It is unlawful for the Town, its employees, contractors, or grantees to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

2.5: Religious Accommodations

The Town of Lyman respects the religious beliefs and practices of all employees and will make, on request, accommodation for such observances when a reasonable accommodation is available that does not create undue hardship for the Town.

An employee whose religious beliefs or practices conflicts with their job, work schedule, or other aspects of employment, and who seeks a religious accommodation must submit a written request for the accommodation to their immediate Supervisor/Department Head and Town Manager (or Designee). The written request will include the type of religious conflict that exists and the employee's recommendation of accommodation.

The Supervisor/Department Head and Town Manager (Or Designee) will review the request and consider whether a conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available that is reasonable and that would not create an undue hardship on the Town.

The Supervisor/Department Head and Town Manager (or Designee) will meet with the employee and discuss the merits of the accommodation and conclusion of a decision. If the employee accepts the proposed religious accommodation, the Supervisor/ Department Head and Town Manager (or Designee) will implement the decision agreed upon. If the employee rejects the proposed accommodation, the employee may appeal following the Town's grievance policy and procedure.

2.6: Immigration Law Compliance

The Town only employs United States citizens and Non United States citizens authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1968, it is against Town policy to discriminate in any aspect of employment of a person authorized to work in the United States based on the person's national origin, citizenship, or intent to become a U.S. citizen. In accordance with federal law, every prospective employee is required to provide verification attesting that he or she is legally employable in the United States. The Town retains copies of these documents submitted/signed by an employee. To the extent practical and appropriate, these documents will be kept confidential. However, on request, the Town is required to provide copies of these documents to any applicable state or federal departments.

Providing false documentation or making any false statement related to this verification shall be grounds for immediate discharge. And, if during the course of employment, the Town requests further information relating to an employee's authorization to work in the United States, the employee must furnish the information requested. Failure to cooperate in providing such information shall be grounds for discipline, up to and including termination.

SECTION 3: NON-DISCRIMINATION AND HARRASSMENT

3.1: Non-Bullying

The Town will not tolerate any instance of bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

The Town defines bullying as repeated inappropriate behavior, either verbal, physical, or otherwise, conducted by one or more persons against another or others at the place of work or in the course of employment. Employees have the right not to be bullied, harassed, or victimized and have the right to work in a safe environment free from hostility.

Examples of bullying include the following types of behavior:

Physical Bullying: Pushing, shoving, hitting, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.

Verbal Bullying: Making abusive or offensive remarks; persistent name calling that is hurtful, insulting, or humiliating; making defamatory statements, slandering, ridiculing, or maligning a person or the persons family; using the person as the butt of a joke.

Gesture Bullying: Non-verbal threatening body language or gestures.

Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Additionally, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Shouting or raising voice at an individual in public or in private.
- Making threats of harm or intimidation whether verbal, non-verbal, or in writing.
- Persistent singling out of an individual
- Spreading rumor and gossip regarding individuals.
- Making verbal remarks or obscene gestures.
- Public humiliation in any form.
- Constant criticism of matters unrelated or minimally related to the person's job performance or job description.
- Blocking, cornering, or crowding a person to cause intimidation.
- Personal insults and use of offensive slander.
- Ignoring or interrupting an individual in meetings
- Public reprimands
- Encouraging others to disregard a supervisor's or designee's instructions.

Bullying is **NOT**: Expressing differences of opinions; offering constructive feedback, guidance, or advice about work-related behavior; or reasonable action taken by an employer or supervisor relating to the management and direction of employees or place of employment (i.e. managing an employee's performance, taking reasonable disciplinary actions, assigning work).

3.2: Harassment and Sexual Harassment

The Town of Lyman is committed to maintaining a work environment free from all forms of harassment and intimidation. Harassment is prohibited in connection with any employee activity including, but not limited to, relations with other employees, supervisors, prospective employees, clients, vendors, elected officials, appointees, or members of the public. Reports of harassment will be promptly investigated. Employees found in violation of this policy will be disciplined up to and including termination.

The Town expects that all relationships among persons in the work environment will be professional and conduct themselves in a business-like manner. The Town strictly prohibits and does not tolerate any type of harassment, sexual, or otherwise in the form of unwelcomed or unwarranted verbal, physical, or visual conduct of its employees based on the protected characteristics of race, religion, age, sex, physical or mental disability, sexual orientation (including gender identity and expression), national origin, genetic pre-disposition, color, political affiliation, whistleblower activity, or any other status protected by law.

Definitions of Sexual Harassment:

Sexual Harassment: Unwelcomed and inappropriate sexual remarks, gestures, visual displays, or physical advances in the workplace or other professional situation.

Quid Pro Quo: Harassment that occurs when submission or rejection of such conduct is used as the basis for employment decisions affecting an individual, such as promotions in exchange for sexual favors, or an unfavorable change of duties in response to rejected sexual advances.

Hostile Work Environment: Unwelcomed sexual conduct which creates an intimidating, hostile, or offensive work environment, or interferes with an individual's work performance. Conduct which is not sexual in nature may still create a sexually hostile work environment if it is based on the victim's gender. Such instances may include physical or verbal abuse based on gender, exclusion or isolation of the individual, or tampering with belongings.

Definitions of Harassment:

Behavior which is offensive and intrusive creating an intimidating, hostile, degrading, or humiliating environment towards an individual because of their race, religion, age, sex, color, gender identity or expression, sexual orientation, national origin, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.

Sexual and other types of harassment may take many forms. Such forms may include, but are not limited to:

- Unwelcome sexual advances, gestures, comments, or contact.
- Offensive material including sexually explicit cartoons, pictures, drawings, videos, objects, or other communications including email, internet programs, blogs, or websites.
- Offensive or sexual jokes.
- Pinching, grabbing, sexual assault, or any physical contact of a sexual nature.
- Threats.
- Subjecting employees to ridicule, slurs, or derogatory actions.
- Basing employment decisions or practices on submission to such harassment
- Deliberate blocking of a person's path
- Non-verbal sexual behavior, such as staring or leering at a person's body.
- Use of derogatory stereotypes.
- Refusal to cooperate with employees in performing work-related tasks.

Unwelcome harassment of any kind need not occur in the workplace to be unlawful if the harassment activity creates a hostile or offensive work environment, the activity may constitute actionable harassment regardless of where it occurs.

3.3: Unlawful Discrimination

The Civil Rights Act of 1964 prevents discrimination in the workplace. Any discrimination based on a protected class is illegal with regard to race, religion, national, social, or ethnic origins, sex (including pregnancy). Age (over 40, physical, mental, or sensory disability. Sexual orientation, gender identity or expression, marital status, past or present military service, genetic information, familial status, whistleblower activity, and any other status protected by state and federal law. All such complaints will be addressed and if necessary, appropriate action will be taken.

Employees should report any discrimination immediately to their Supervisor/Department Head and Town Manager (or Designee) and are protected from retaliation in any form. All complaints of retaliation will be investigated promptly, and remedial action will be taken.

3.4: Workplace Threats and Violence

It is vitally important to the Town to protect the safety and security of employees and the public who conduct business in municipal buildings/facilities. Any threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town property will not be tolerated. Violations of this policy will lead to disciplinary action up to and including termination, and if otherwise necessary, arrest and/or prosecution.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on Town Property shall be requested to leave immediately, and if warranted removed by law enforcement. The Town will investigate reported incidents and initiate an appropriate response, which may include, but is not limited to, suspension and/or termination of employment, and/or criminal prosecution of the person or persons involved.

Employees are responsible for making a report regardless of the relationship between the individual who initiated the threat or threatening behavior. Even without an actual threat any behavior an employee has witnessed that they regard is job related or may be carried out on Town-owned property or is connected to Town employment should be reported. Employees shall file a report of the incident as soon they are reasonably able to and direct reports to the Town Manager (or Designee). Reports shall include specific details of an event to be investigated. The report shall include such information as:

- Name of the individual making the threat or engaging in violent acts
- Relationship to organization and/or recipient
- Name of other persons involved including witnesses and victims.
- A brief description of the event including antecedents leading up to the incident.
- Any specific threats or language and/or physical acts of the incident

The Town of Lyman recognizes the sensitivity of the information and will exercise all procedures in a confidential manner and respect the privacy of reporting employees and any victims involved.

3.5: Complaint Procedure

The Town of Lyman respects employees' rights to a safe and professional work environment. An employee, whether being the recipient of bullying, harassment, sexual harassment, or discrimination, is witness to, or otherwise becomes aware of such misconduct that is prohibited by this policy is encouraged to file a report.

Internal complaints may be filed by contacting the Supervisor/Department Head and Town Manager (or Designee). It is the responsibility of the Town Manager (or Designee) to respond to complaints promptly, evaluate appropriate corrective action, and maintain confidentiality of all parties involved. Corrective action is required regardless of whether a complaint is made, or the conduct appears to be unwelcome. Even if the person providing information requests that no action be taken, the Town Manager (or Designee) must engage to actively prevent or stop inappropriate, unprofessional conduct in the workplace.

The Town will not tolerate discrimination, bullying, or harassment of any kind. Every effort will be made to resolve the complaint at the lowest level possible. If an investigation is warranted, it will be conducted promptly and with confidentiality, respecting the rights of the parties involved. All employees are required to cooperate fully in any investigation of alleged discrimination, bullying or harassment. Any report of alleged misconduct that is made in a knowingly false or frivolous manner is prohibited, will not be tolerated, and will be appropriately addressed should it occur, including possible disciplinary action.

If an employee believes they are being harassed or discriminated against, they have the right to file a complaint with the Human Rights Commission (MHRC) within six months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, contact the Commission at (207)-624-6290 or by mail at: Human Rights Commission 51 State Street Augusta, ME 04333-0051

3.6: Whistle Blower's Protection Policy and Anti-Retaliation

The Town of Lyman complies with State and Federal laws of the Whistle Blowers Protection Act (WPA) and encourages its employees to report illegal, unethical or violation of Town policies and procedures by municipal officers, or employees and protects Town employees who report improper government actions. Any employee who is aware of a violation of the law, or condition or practice that risks any person's health and/or safety, is required to immediately report the circumstances to the Town Manager (or Designee). Employees must provide information about the issue and allow a reasonable time for it to be corrected. The employee will

be requested to provide a detailed report in writing. The Town Manager (or Designee) will investigate the report promptly and act in a timely manner to take any necessary remedial action. Employees who report any violations are protected from retaliation from all other employees and supervisors. Violations of this policy may result in appropriate disciplinary action up to and including termination.

SECTION 4: RECRUITMENT AND EMPLOYMENT

4.1: Recruitment Process

It is the Town Manager's (or Designee) duty to hire and appoint all employees of the Town pursuant to Section 4.3 of the Municipal Charter. The Town Manager's office coordinates and oversees the recruitment, interview, and selection process. Within the limits of time in which a position is filled, there shall be as wide a search for qualified candidates as is practicable. The character of this search will vary from position to position but shall consist of an internal posting in Town departments, and may include external advertising, open competitive examination, contact with State and other employment offices, contact with special sources of information, or any combination. It shall be the duty of the Town Manager (or Designee) to seek out the most qualified employees for the Town based on relative knowledge, skills, abilities, overall performance and ability to aptly suit the Town's Mission Statement. It is the Town Manager's (or Designee) duty to keep the Board apprised of all vacancies and the status of filling those vacancies.

Municipal Officials may select deputies as authorized by State law, however, appointment of deputies must be approved by the Town Manager (Section 4.3 (c) of the Municipal Charter).

The recruitment process of the Town Manager is the responsibility of the Select Board as outlined in Article 4.1 of the Municipal Charter.

Employment Applications: All candidates are required to complete a Town of Lyman employment application regardless of whether supporting documentation is provided. Applications for employment shall be submitted on forms provided by the Town. Applications are only accepted for positions in which a posted vacancy exists.

Conditional Offer of Employment: The Town Manager's office (or Designee) coordinates all conditional offers of employment. Conditional offers of employment are approved by the Town Manager (or Designee) and provided to the candidate in writing. The conditional offer of employment outlines the specific and applicable requirements, based on the nature of the job, which must be met in order for the person to be hired. Examples of conditions of hire may

include the applicant's ability to pass a criminal records check or any other lawful pre-employment screenings. The cost of any conditions of employment is the responsibility of the Town.

Offer of Employment: Upon satisfactory completion of all conditions of employment, a written offer of employment is extended. After the offer of employment is signed and returned, the Town Manager (or Designee) will coordinate the on-boarding process with the appropriate Supervisor/Department Head.

The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees.

4.2: Nepotism and Workplace Romance

The Town of Lyman wants to ensure that employment practices do not create conflicts of interest or favoritism based on employment of relatives. This extends to practices that involve employee hiring, promotion, advancement, and transfer.

The employment of relatives in an organization may present a perceived or actual conflict of interest such as favoritism, personal conflicts, and potential conflicts from outside the work environment that are carried into the workplace.

For the purpose of this policy, a relative is defined as someone with whom there has been or is a significant personal relations, including, but not limited to, a spouse, domestic partner, cohabiter (romantic partner/significant other), parent, child, sibling, sibling in-law, parent in-law, grandparent, aunt, uncle, niece, or nephew who is related by blood, marriage, adoption or some other relationship, as further defined below:

Blood Relative: Someone who is related to you by birth rather than marriage or another relationship.

Spouse: A legally married person

Domestic Partnership: Legal declaration per public law 2003, c.672. Two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Cohabiter: To live together as if married, usually without legal sanction.

This policy applies to all current employees and candidates for employment.

To that end,

- Relatives of those currently employed by the Town may be hired only if they will not be working directly for or supervising a relative. Under circumstances where there may be a conflict with this provision the Town Manager (or Designee) shall review such special circumstances and may waive such provision on a temporary basis.
- Current employees may not be promoted, advanced, or transferred into a position where they will be working directly for or supervising a relative.
- For the purpose of this section, a direct Supervisor/Department Head is defined as overseeing the daily performance of the employee and has the authority to recommend or exercise discipline, promotion, and rewards.

Workplace Romance

To avoid actual or potential conflicts, sexual harassment, and other adverse impacts on the work environment that may result from romantic and/or physical relationships within the workplace, the Town prohibits Supervisor/Department Head employees from becoming romantically or physically involved with employees directly under their supervision. In the event a Supervisor/Department Head develops a personal relationship with a subordinate in the course of employment with the Town, those employees shall immediately report to the Town Manager (or designee) who will take further action as necessary and appropriate under the circumstances. Supervisor/Department Head employees who violate this policy may be subject to disciplinary action. In the event that coworkers, neither of whom are in a supervisory role with one another, develop a personal relationship in the course of employment with the Town, the employees shall immediately report to the Town Manager (or designee).

4.3: Employee Classification

The Fair Labor Standards Act requires the classification of all employees according to the overtime provisions of the law. For purposes of paying any compensation, all employees are either “Exempt” or “Non-Exempt” from overtime compensation. All determinations of wage classification status are made through the job evaluation process. The Town Manager (or designee) is responsible for classifying all employees.

Exempt Employees: Are generally executives, managers, professionals, Department Heads, administrative or outside of sales staff who are exempt from minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the US Department of Labor.

Non-Exempt Employees: Are employees whose work is covered by the FLSA. They are *not* exempt from the law’s requirement concerning minimum wage and overtime.

Employee Classification: It is the intent of the town to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time.

Employees of the following classifications are subject to all personnel policy rules and regulations, except where specifically excluded.

- A. **REGULAR FULL-TIME EMPLOYEE:** A regular full-time position is year-round in nature with no predetermined end date and scheduled to work no less than 32 hours per week on a continuing and indefinite basis. The employee is eligible to receive all employee benefits and rights as provided by this personnel policy.
- B. **REGULAR PART-TIME EMPLOYEE:** Regular part-time position is year-round in nature with no predetermined end date and scheduled to work at least 20 hours per week but less than 32 hours per week on a continuing and indefinite basis. An employee in this category may work more than 30 hours per week sporadically for a short duration under certain circumstances but may not work more than 130 hours in a 4-week period. Regular part-time employees who work 20 or more hours per week on a continual and indefinite basis are eligible to receive Earned Paid Leave (EPL), the Town's 457 (b) Retirement Plan per section 8.4, and paid holidays but only if the holiday falls on a day that the employee is regularly scheduled to work.
- C. **VARIABLE HOUR PART-TIME EMPLOYEE:** An employee in this category does not work a consistent schedule from week to week but is generally actively employed on a year-round basis. The employee usually works under 20 hours per week but may work over 20 hours per week sporadically and on occasion due to the nature of the work. Variable hour part-time employees are not eligible for Town benefits except those mandated by State or Federal law, nor do they accrue Paid Time Off (PTO), or received holiday pay. An example of variable hour part-time employees are: Planning Board members, Zoning Board of Appeals.
- D. **TEMPORARY SEASONAL EMPLOYEE:** An employee in this category works a standard work week or less on a regular basis but for a limited period of time, usually not to exceed six months. Temporary employees are paid for hours worked and receive no other benefits except those mandated by State or Federal law. Examples of temporary seasonal employees are: Summer laborers and Summer Camp Counselors.
- E. **PER DIEM EMPLOYEE:** An employee in this category works a variable and flexible schedule. Work hours vary from week to week depending on the department's needs and the availability of the employee. An employee of this type is not eligible for Town benefits except those mandated by State or Federal law. Examples of per diem employees are: Election/Ballot Clerks.

Volunteers and Elected Officials

All volunteers and elected officials are expected to adhere to the Municipal Code of Ethics and the Town's Acceptable Use policy. While some appointees to boards, committees, and commissions may fall under an employee classification of this policy, all Board, Committee, and Commission members are expected to follow guidelines, procedures, and policies described in the Town's Boards and Committee Handbook in addition to all Town policies and procedures.

- A. **APPOINTEES TO BOARDS, COMMITTEES, AND COMMISSIONS:** People appointed to serve in positions on Boards, Committees, or Commissions where there is no compensation are not employees but volunteers providing service to the Lyman community. Recruitment of appointees to boards, committees, and commissions, whether classified as an employee or as a volunteer, is as outlined in the Recruitment and Appointment of Volunteers Policy and in accordance with Municipal Charter Section 5.1.2.
- B. **TOWN SELECT BOARD:** Members of the Town Select Board are officers of the municipal corporation and are not considered employees. Members of the Select Board are eligible for compensation as established by the Municipal Charter (Section 3.2).
- C. **ELECTED OFFICIALS:** All other Elected Official are not considered employees and are exempt from the personnel policy handbook and any benefits allotted herein. However, any elected official is strongly encouraged to adhere to anti-discrimination, harassment, non-bullying, workplace violence and other policies related to Town-owned assets, workplace conduct, and treatment of employees. The Town may take any necessary action against an elected official who violates any Town policy.

4.4: Job Descriptions

The Town Manager (or Designee) maintains job descriptions for all positions. Job descriptions are utilized in all postings and advertisements for job openings.

Job descriptions will contain the following information:

- Position details Title, department, exempt or non-exempt status, classification.
- Supervision received and exercised.
- Essential duties and responsibilities.
- Peripheral or Special duties (if applicable)
- Education and experience qualifications
- Knowledge, skills, and abilities qualifications.
- Physical requirements and work environment.

The Town Manager (Or Designee) will review job descriptions at least on an annual basis during the performance evaluation process and determine modifications. For employee positions that are under the supervision of a Supervisor/Department Head, the Town Manager (or Designee) may solicit recommendations from the Supervisor/Department Head. The Town Manager (or Designee) has final approval of all changes and revisions to job descriptions. The Select Board has final approval on all changes and revisions to the Town Manager's job description.

4.5: New Employee Onboarding

The Town Manager's office (or Designee) will oversee and coordinate with the employee to provide onboarding materials such as:

- Review of Personnel Policies and Procedures, including all other policies outside of this policy handbook that are herein referenced under relevant sections.
- Review of employee's job description
- Review of Municipal Code of Ethics
- Review of the Town's Acceptable Use Policy
- Review of employee benefits and applications, tax withholding and I-9 forms
- Review of building access, security codes, and keys.
- Review of training programs available and applicable to the employee's position.
- Review of probationary period

4.6: Probation

All Regular Full-Time and Part-Time employees are considered probationary employees for the first six (6) months of employment unless otherwise provided for by law. During the probationary period, the Supervisor/Department Head or Town Manager (or Designee) shall conduct an evaluation at or before the completion of six months of employment. The purpose of the probationary period is for the Supervisor/Department Head or Town Manager (or Designee) to observe an employee's work habits, skills, attitudes, competency, and other pertinent characteristics for successful job performance. Any Regular Full-Time or Part-Time employee who receives a promotion or transfer may be required to serve another probationary period. The probationary period shall be considered an extension of the selection process.

During the probationary period, the Supervisor/Department Head may recommend to the Town Manager (or Designee) that an employee be removed if unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability did not merit the continuance of services. Such removal will not be subject to review or appeal.

At the time of hiring, transfer, or promotion, the employee shall be advised of the probationary period.

Performance Appraisal Process for Probationary Employees During the probationary period, employees shall receive written evaluation(s) at two months, four months, and six months of their employment (or any combination thereof as necessary). The Town Manager (or Designee) will review the evaluations. If applicable the Supervisor/Department Head will give a recommendation to the Town Manager (or Designee) regarding continuance of employment. The Town Manager (or Designee) shall conduct reviews of Department Head employees.

4.7: Promotion

Town employees shall be given the opportunity for advancement. Employees shall be given first consideration in filling a vacancy when qualified employees express an interest in the vacancy. Upon approval by the Town Manager (or Designee), an existing employee may fill a vacant position without posting the position for external advertising. Employees may not be promoted to a new position without loss of seniority, pay, or job grade to a vacant position. The Town Manager (or Designee) may authorize reclassifications and/or job title changes when appropriate outside of the normal selection process.

Current employees may be given training opportunities to qualify for promotions. However, based on qualifications, experience, and abilities required for the position, the vacancy may be filled by an outside applicant. Such a decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

4.8: Performance Evaluations

The Supervisor/Department Head shall be responsible for the implementation of employee performance evaluations. The Town Manager (or Designee) shall evaluate the performance of Supervisor/Department Heads.

The annual evaluation period is January 1 through December 31. Regular full-time and part-time employees are evaluated on an annual basis. The performance evaluation shall include a goal setting process for the upcoming calendar year. Employee evaluations must be signed by the employee, Supervisor/Department Head, and Town Manager (or designee). An employee may attach a written statement within ten (10) calendar days after any evaluation given to be included in their personnel file.

Supervisors/Department Heads and the Town Manager (or Designee) should provide frequent and periodic feedback to the employee on job performance. To assist employees in improving their job performance, various tools such as training and implementing performance improvement plans may be utilized.

All job-related employee performance evaluations are strictly confidential and shall only be between the Supervisor/Department Head, Town Manager (or Designee) and the employee. Unless in the event that disciplinary action and/or complaints are at the level of the Select Board and/or Fair Hearing Board, only then, will the Select Board and/or Fair Hearing Board have access to the employee's performance evaluations. Only individuals who have a job-related interest in reviewing an employee's performance evaluation shall have access to the document. (i.e. Supervisor/Department Head, Town Manager (or Designee)).

4.9: Training

Both the Town and its employees benefit from training opportunities reasonably related to the employee's current position. The outcome of training opportunities is to improve the quality of an employee's job performance, which in turn results in more efficient and effective operations. It shall be the responsibility of the Town Manager (or Designee) to provide Town employees with reasonable opportunities for in-service training and attendance at conferences.

Prior approval by the Supervisor/Department Head and Town Manager (or Designee) is required for the course/conference fee and any accommodation reasonably necessary. The approval is subject to available and approved funds in the budget, the relationship of the employee's position and training must be in the best interest of the Town. The Town Manager (or Designee) and Supervisor/Department Head shall authorize employee attendance at out-of-state conferences based on available funds and conditions determined by the Town Manager (or Designee).

4.10: Compensation

PAY DATES: Employees are paid bi-weekly, with the pay week from Thursday through Wednesday. Deductions are taken out each pay period, with insurance premiums deducted based on a two-pay month. Also see section 8.1 for more information on deductions.

PAY RANGES: The Town Manager (or Designee) will prepare pay ranges for all employees in accordance with the approved budget. Each pay range will reflect knowledge, skills, abilities, and responsibilities and shall be related to compensation for comparable positions in other public and private employment. Individual rate changes or re-assignments must be approved by the Town Manager (or Designee) and signed by the employee. The Town Manager will advise the Board as needed and submit an updated list of pay rates/ranges to the Board as part of the annual budget process.

OVERTIME: Any time actually worked in excess of forty (40) hours in one work week shall be compensated by overtime pay at a rate of time and one-half, with the exception of Exempt Employees.

ANNUAL ADJUSTMENT: Any salary or wage adjustment based on the Cost of Living Adjustment (COLA) will commence on July 1 of each respective year in accordance with the approved municipal budget. The Town Manager (or Designee) may recommend a COLA adjustment to the Board, subject to voter approval, taking into consideration the Town's staffing patterns, the relevant labor market, the rate of inflation, and adjustments to compensation packages. Due to budget constraints, economic downturns, or other circumstances and events, the Town Manager (or Designee) may choose not to recommend a COLA adjustment, nor guarantee that levels will remain the same. COLA is not a guaranteed rate and may be changed from the Town Manager's (or Designee) recommendation through the Budget process.

PERFORMANCE BASED MERIT PROGRAM: The Town Manager (or Designee) may each year at his or her discretion establish a performance-based merit program in order to recognize the positive performance of employees. The program will be dependent on available funding.

4.11: Personnel File

The Town Manager's office (or Designee) is responsible for maintaining a centralized personnel file for all employees. Supervisors/Department Heads are required to provide the Town Manager's office (or Designee) personnel paperwork provided by an employee. Access to an employee's personnel file is limited to the employee, the Town Manager (or Designee), Legal Counsel, and other persons determined to have a legitimate need to know.

Employees may review their personnel file by forwarding a written request to the Town Manager's office (or Designee). Personnel files may not be removed from Town Property and are reviewed by the employee in the presence of the Town Manager (or designee). Upon written request, employees shall receive one copy of their personnel file at the cost to the Town per annum (M.R.S.A 26:7 ss 631). If the employee wishes for an additional copy during the calendar year, it will be at the expense of the employee.

The Town Manager's office (or Designee) maintains all personnel files for terminated employees as specified by State and Federal retention laws. Any request for information made under the Maine Freedom of Access Act shall be forwarded to the Town Manager (or Designee).

4.12: Resignation

Employees who are considering resignation from their position with the Town are encouraged to discuss the situation with the Town Manager (or Designee). An employee who chooses to resign should submit their resignation to the Town Manager (or Designee) in writing and provide at least ten (10) working days' notice. The Town Manager (or Designee) will meet with the employee to conduct an exit interview and discuss such matters as the final paycheck and benefits status.

Under certain circumstances and situations, the Town Manager (or Designee) has the authority to accept verbal resignations. Pay at separation procedure is as outlined in section 7.5 of this Personnel Policy Handbook

4.13: Layoffs

An employee may be laid off whenever is necessary because of a shortage of funds, lack of work, or other related reasons, which do not reflect discredit upon the employee. Layoff decisions shall be based on the needed skill set in each job classification. Seniority within the department may be considered as appropriate.

If the layoff is temporary in nature with the intention to re-employ an employee as soon as possible, coverage in Town sponsored benefits such as health, dental, and vision may continue for 90 days. However, retirement contributions cease until such a time when the employee returns to regular full-time employment.

SECTION 5: DISCIPLINE AND DISPUTE RESOLUTION

5.1: Discipline

The Town shall base disciplinary actions or measures on a “just cause” basis. Under normal circumstances, the Town endorses a policy of progressive discipline to provide employees with notice of deficiencies and an opportunity to improve. All discipline, including verbal warning, must be documented appropriately and specify reason(s) and actions necessary for improvement. Supervisors/Department Heads and the Town Manager (or Designee) should inform the employee promptly and specifically of such lapses of employee conduct. The Town expects employees to comply with its standards of conduct and performance and to correct any noncompliance with these standards.

Types of Action Outlined below are the Town’s progressive discipline procedures. The Town reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense.

1. Verbal warning
2. Written warning
3. Suspension
4. Termination

Verbal and Written Warnings: Identify each issue of discipline, as well as the appropriate corrective measures to be taken by the employee (including their time frame for completion) in order for the Town to consider each issue as resolved. Supervisors/Department Heads are responsible for communicating warnings after consultation with the Town Manager (or Designee).

Suspension of Employment: Is a period of paid or unpaid leave during which the employee is relieved of duty and will not be permitted at the job site or act in the capacity of their duties. This action is taken when performance, conduct, or safety incidents necessitate a review. When immediate action is necessary to ensure the safety of the employee or others, the Supervisor/Department Head shall immediately report to the Town Manager (or Designee). All suspensions are subject to approval from the Town Manager (or Designee).

Termination of employment: May be necessary in cases where corrective actions have failed to improve performance, obtain compliance with Town policies, and/or correct inappropriate conduct. Under no circumstances shall an employee be terminated without Town Manager (or Designee) approval. If immediate removal from the work site is necessary, the employee shall be suspended pending review.

This policy does not provide contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the Town and its employees. Any time the Town determines it is necessary, such as in the case of a major breach of policy or violation of law, the Town reserves the right to immediately proceed to appropriate action, up to and including termination.

Paid Administrative Leave

When the situation warrants, the Town may consider paid administrative leave, which is a non-disciplinary action that allows the Town to remove the employee from the workplace for reasons other than disciplinary issues, such as when an investigation is conducted or when there is a safety concern in the workplace. Notice of paid administrative leave shall provide the cause, time frame, and conditions for reinstatement. As previously stated, paid administrative leave is not considered to be in and of itself discipline.

Documentation

If a disciplinary action is taken, a copy of the decision regarding the action shall be filed in the employee's personnel file and a copy given to the employee. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. The employee has the right to respond in writing and to have this response placed in the employee's personnel file but must do so within ten (10) calendar days of the date of the corrective action. Any disciplinary action that is removed must also have

the employee's response removed at the same time. The employee may request that disciplinary action be removed from the personnel file:

- A. When all corrective action has been taken and a re-review of the disciplinary decision has shown significant improvement.
- B. The employee may request a re-review of the disciplinary decision after a period of five (5) years.
- C. Unless the disciplinary decision is termination, then the record(s) shall remain on file per State and Federal retentions laws.

5.2: Grievance Procedure

Grievances are disputes, claims, or complaints of issues relating to the employer-employee relationship. The procedures outlined below allow Town employees to receive a fair and unbiased review of workplace concerns. As outlined below, every effort must be made to reconcile disputes at the lowest level possible before any complaint or grievance is brought to a higher level. The Town Manager's office (or Designee) maintains records of grievances confidentially and securely. In the event of employee termination, after such termination has been made final by the Select Board, no grievance procedure under this policy shall apply.

- A. Informal Discussion: The employees' concerns should first be discussed with the Supervisor/Department Head or Town Manager (or Designee). Many concerns can be resolved informally when an employee and Supervisor/Department Head meet to review and discuss options to address the issue.
- B. Written Complaint:
 - I. If a grievance is not resolved after an informal discussion with the employee's Supervisor/Department Head, the employee may submit a written complaint within five (5) work days of the incident to the Town Manager (or Designee) to include:
 - A concise explanation of the grievance and details of all previous efforts to resolve the issue.
 - Detailed information including evidence of the issue, related policies, etc.
 - The remedy or outcome desired.

The Town Manager (or Designee) will have five (5) work days to respond to the employee in writing as to either the outcome or the next course of action.

- II. If the grievance arises from an alleged act or omission on the part of the Town Manager, the employee may submit a written complaint within five (5) work days to

the Finance and Human Resources Officer, who will promptly notify the HR Liaison(s) of the Select Board. The written complaint shall include:

- A concise explanation of the grievance and details of all previous efforts to resolve the issue.
- Detailed information including evidence of the issue, related policies, etc.
- A copy of the Town Manager's written response.
- Detailed information regarding the employee's dissatisfaction with the Town Manager's response

The HR Liaison(s) will evaluate the grievance and conduct a period of discovery to review any and all related details pertaining to the grievance and provide a written response within ten (10) work days of receipt of the appeal as to either the outcome or the next course of action.

C. Written Complaint to Select Board: In the event the employee is unsatisfied with the dispute resolution of the HR Liaison(s) the employee may file a written request, within fifteen (15) work days of receipt of appeal, to the Town Manager (or Designee) for a hearing with the Select Board. The Town Manager (or Designee) will promptly inform the Select Board. Upon receipt of the grievance, The Select Board will hold a hearing in executive session (unless otherwise agreed to, in writing, by all involved parties to waive their executive session rights) at their next regularly scheduled meeting that is no less than fifteen (15) work days and no more than twenty (20) work days to review the grievance and issue a decision. The decision of the Select Board shall be final. The written request must include details of the grievance as outlined below:

- A clear and concise statement of the facts giving rise to the grievance, including date, time and place of the alleged incident, if any, relating to the grievance, and characterizing each particular act or omission.
- A copy of any documents relating to the grievance (if any).
- A statement setting forth the remedy sought.

D. Fair Hearing Board: Before any complaint, grievance or concern is brought before the Fair Hearing Board, all other avenues, internal to Town Government, for addressing such matters must have been exhausted. The Fair Hearing Board shall moderate any pre-suspension or termination hearings of Town employees in accordance with Municipal Charter Section 5.2.1 (c) and to determine if due process was or was not applied to the grievances brought to the Fair Hearing Board, section 5.2.3.

The employee may submit a written appeal to the Finance and Human Resources Officer, who will promptly inform the Fair Hearing Board and shall act as liaison to the Fair Hearing Board to provide necessary documents pertaining to the grievance. The Fair

Hearing Board will uphold confidentiality for all parties involved and conduct an unbiased review of the case in accordance with Municipal Charter section 5.2.3. The Fair Hearing Board will render a decision, within 15 work days of receipt of the written appeal, if due process was or was not applied in the disciplinary action process along with any necessary remedial actions to be taken (section 5.2.3 (1)(2) Municipal Charter).

SECTION 6: WORKPLACE GUIDELINES

6.1 Employee Conduct and Public Relations

In order for the Town, Officials, and Employees to maintain a positive relationship with the public they serve, we must abide by policies and procedures that will protect the public and fortify public trust and the trust we place in ourselves and our co-workers. All Town employees must avoid any conduct 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. Employees must always act in the best interest of the Town.

Town employees shall cooperate with the public and uphold standards of efficiency, professionalism, and economy in their work. All departments shall promote teamwork and collaborate efforts in response to public inquiries, ensuring our taxpayers are entitled to the best services we can provide them. Conduct that interferes with the Town's operations, brings discredit on the Town, or is offensive to residents or fellow employees will not be tolerated.

Cooperation, responsiveness, and courtesy are fundamental elements of good service. In efforts to provide meaningful services to Town residents, employees are expected to:

- Give full and productive work to the best of their abilities and skills.
- Demonstrate a constructive, friendly, and positive attitude towards residents, co-workers, visitors, or any other affiliates with the Town.
- Be prompt and timely in responses to public inquiries.
- Respect and follow the policies, guidelines, and procedures of the Town.
- Comply with all Federal, State, and local laws and regulations.

While it's not possible to outline every potential violation, below is a non-exclusive list of types of conduct, which may give rise to discipline for any reason, even if not set forth in the following standards. Examples listed below are illustrative of prohibitive behavior and are not intended to be all-inclusive. Please direct questions about this section to the Town Manager (or designee).

- Being at work while under influence of illegal drugs or alcohol. Also refer to Section 6.16 for the Drug and Alcohol Policy.

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- Possession, distribution, sale, transfer, or use of illegal drugs or alcohol in the workplace while on duty or while operating Town owned vehicles and equipment.
 - Operating equipment or performing duties in an unsafe manner.
 - Fighting or provoking a fight on Town property.
 - Theft of any Town property, materials, equipment, supplies, or other items under ownership of or deemed an asset of the Town.
 - Indecent or immoral personal conduct, including the use of profanity or abusive language, displaying offensive pictures, screen savers, etc.
 - Threatening, coercing, intimidating, or interfering in any way with the work or safety of other employees or residents
 - Displaying or holding pornography either by printed or electronic media
 - Falsification of timekeeping records
 - Excessive absenteeism or any absence without notice. See section 6.3
 - Failure to give complete and accurate information on any forms of other Town documents where data is required or requested of the employee
 - Making false or malicious statements about the Town, or any of its employees or residents
 - Engaging in gambling or other illegal activities on Town property at any time
 - Disclosing confidential information about Town employees or residents
 - Criminal activity
 - Insubordination

6.2: Professional Appearance

Employees are representatives of the Town and expected to have professional conduct and project a positive image. Professional attire is expected of all employees consistent with the work location and nature of work. Employees are asked to use good judgement and present themselves at all times in a manner that best represents the Town. Departments may elect to establish different standards based on job roles, safety, or OSHA requirements.

When determining whether or not attire is appropriate, employees should consider:

- What types of job duties are required in the performance of their roles.
- General location where performance of job duties is carried out.
- With whom an employee is interacting with when transacting Town business.
- Personal safety consideration.

Additionally, employees are expected to come to work in clothing that is neat, clean, in good repair and is free from slogans or symbols that may be offensive to co-workers, the general public and others with whom they do business. Employees must also exercise discretion with regard to safety when specific job functions present different standards in the work environment.

6.3: Attendance and Punctuality

In order to provide effective services to Lyman citizens, it's important for employees to be regular and punctual in attendance. Employees are expected to report to their designated work location based on their regular work schedule. In the event an employee cannot report to work as scheduled, the employee shall notify their immediate supervisor within thirty (30) minutes of the time that employee was scheduled to work. Exempt Employees should maintain consistent and regular scheduled hours but are also required to work outside their normal schedule. For discretionary time off for exempt employees, refer to section 7.3.

Tardiness, unexpected absences, or failure to report as required may result in disciplinary action. If an employee is absent for more than three (3) days due to illness or injury, they may be required to provide a medical statement from their doctor indicating the reason for the absence. Employees may also be required to produce a statement from their doctor assuring they are fit for duty to return from an absence. A physician's statement or fitness for duty certificate may be required where absence is continuous for a period of several working days and after surgery or accident, regardless of the length of absence. Failing to report an absence properly or excessive absences or lateness, even when reported may be grounds for disciplinary action up to and including termination.

6.4: Confidentiality

During the course of their duties, employees of the Town are often privy to information about individuals, which is sensitive and will be kept confidential. Examples include, but are not limited to, labor relations, General Assistance, and personnel actions. Employees are expected to respect the confidential nature of such information. Violations may be grounds for disciplinary action up to and including termination.

6.5: Outside Employment

Town employees may engage in outside employment; however, no employee may engage in outside employment which in any manner interferes with the performance of the duties of their position, or results in a conflict of interest. Employees must inform their Department Head/Supervisor and Town Manager of their outside employment.

6.6: Political Activities

Except as otherwise provided by law, no person who is an employee of the Town shall be eligible to hold any elective office in the Town Government.

While in the employment of the Town, an employee shall not:

- Engage in political activity while on duty;
- Use the influence of his or her employment capacity for or against any candidate for any County, State, Federal, or Town elective office (i.e: Select Board, Budget Committee, or School Board);
- Use Town facilities, equipment, materials, or supplies to communicate, organize, assist, or advocate for or against any candidate for any County, State, Federal, or Town elective office, or for or against a political cause, regardless of whether he or she is on or off duty.

For the purposes of this section, political activity means to advocate expressly for or against any candidate for any County, State, Federal, or Town elective office; to circulate nomination papers, petitions, or campaign literature for any County, State, Federal, or Town elective office; to advocate expressly for or against a political cause; and/or to knowingly give, solicit, accept, or receive a political contribution for any candidate for any County, State, Federal, or Town elective office or for a political cause.

This provision is not to be construed to prevent Town employees from carrying out the duties and responsibilities of an employee's position; from becoming, or continuing to be, members of any political organization; from attending political organization meetings from donating personal time, service, or resources to a political cause or candidate for any office; from expressing their views on political matters; or from voting with complete freedom in any election.

6.7: Conflict of Interest

Town employees are expected to treat everyone they serve with complete impartiality and are prohibited from using their official position for personal gain. Employees will not have any material financial interests in any private or professional activity that will be in conflict with their job responsibilities and will not represent private interests that are in conflict with the Town's interest.

Employees shall treat all citizens and others doing business with the Town with courtesy and respect and will not grant any citizens any favor, benefit, or special privileges beyond what is provided to all citizens. Employees will place public interests above individual, group and special interests.

Employees shall keep confidential any information not available to citizens that becomes known to them by virtue of their position with the Town. Matters of personnel, including recruitment, selection, or promotion shall be handled on the basis of qualification, ability, and merit.

Employees must disclose to the Town Manager (or Designee) the nature and extent of any financial or personal interest in any Town contract, agreement, purchase of goods or services, or projects. The Town Manager (or Designee) will review such disclosures of conflicts of interest and determine appropriate practices to maintain partiality.

6.8: Solicitation

The Town of Lyman prohibits solicitation, distribution, and posting of materials on or at Town property by Town employees, except as may be permitted by this policy. The sole exception to this policy is charitable and community activities sponsored by the Town and Town-sponsored programs related to the Town's services.

Employees may not solicit other employees during work times, except in connection with Town approved or Town-sponsored events. Employees may not distribute literature of any kind during work times, or in any work areas, except in announcements in connection with Town-sponsored events. The posting of materials or electronic announcements are permitted with approval from the Town Manager (or Designee).

6.9: Town Equipment and Materials

All Town-owned equipment, vehicles, tools, materials and supplies are the property of the Town of Lyman. The following shall govern the personal use by employees of Town-owned equipment (including computers, laptops, and cell phones) or supplies.

- I. Town equipment (including computers, laptops, and cell phones) or supplies will not be used by an employee in the conduct of private business activities, for compensation, or profit.
- II. Town equipment that is issued to an employee for purposes related to their job functions (i.e. laptop, cell phone, devices designated for out of office use) will not be used for an employee's personal use or the personal use of another.
- III. Town equipment, that is otherwise not issued for out of office use, will not be removed from Town premises for an employee's personal use or the personal use of another.
- IV. Employees are expected to follow the Town's Acceptable Use Policy.
- V. The Town's letterhead will not be used for personal correspondence or in personal business correspondence.
- VI. With approval of the Town Manager (or designee), an employee may use Town equipment such as computers, photocopy machines, or faxes occasionally for personal tasks, so long as these tasks are performed on the employees own time and cost of supplies will be reimbursed to the Town for any supplies consumed in their personal use of Town equipment. Employees are responsible for any damage to Town equipment occurring during personal use thereof.

Additionally, employees may have access to heavy equipment, such as vehicles, loaders, tractors, or other types of machinery to perform essential functions of their job. Employees are expected to adhere to all workplace safety policies and procedures. Supervisors/Department Heads may employ stricter practices and determine who may operate Town-owned heavy equipment within their department.

Smoking and smokeless tobacco are not permitted in any Town-owned vehicles or heavy equipment.

All employees must use seat belts while in Town-owned vehicles or heavy equipment, either as an operator or a passenger. This policy also applies when an employee is using his or her own personal vehicle for Town business.

Any employee that is operating Town-owned vehicles or heavy equipment will not use any cellular device or any other type of electronic device that impairs or distracts the employee from the safe operation of vehicle equipment.

Employees in violation of any section of this policy may receive disciplinary action up to and including termination.

6.10: Cell Phone Use

The Town allows employees to bring personal cell phones to work, however, use of personal cell phones is expected to be kept at a minimum for calls and text messages. Urgent calls to/from family members or for emergency matters can be made/received and should be kept brief. While occasional phone calls are acceptable, frequent or lengthy personal calls and texts can be disruptive and non-productive and not in the best interest of the Town. For this reason, it is expected that employees make or receive personal phone calls and text messages during non-work time as much as practicable.

When sending text messages for Town business-related matters, employees are expected to use discretion and good judgement. As with email and other documents related to Town business, text messages made on Town-owned and personal cellular phones are subject to Maine's Freedom of Access Act (FOAA). Sending text messages of a confidential or inappropriate nature should be avoided.

Employees who willfully violate this policy are subject to progressive disciplinary action for disruptive, excessive use, or continuous non-compliance.

6.11: Workplace Safety

The Town of Lyman strives to provide a safe work environment for all employees and the general public conducting business in Town facilities. All employees have a responsibility in keeping the workplace safe, healthy, and productive, and to provide safe and efficient services to the public. Supervisors/Department Heads are responsible for ensuring worksites and office areas are free from recognized job hazards and performance of job duties is done in a safe manner.

The Town's goal is to minimize hazards such as human injury, property loss, or fire. All employees must report all accidents or injuries immediately to their supervisor and/or Town Manager (or Designee). Employees shall exercise caution when operating machinery. Horseplay, practical jokes, or shortcuts that jeopardize the safety of others will not be tolerated and will result in disciplinary action up to and including termination.

Employees should report unsafe working conditions to their Supervisor/Department Head and Town Manager (or Designee).

Despite employees' best efforts in maintaining a safe work environment, workplace injuries may occur. In the event of a workplace injury, employees are required to follow procedures as outlined in section 8.6 of this Personnel Policy Handbook.

6.12: Social Media

All employees are expected to follow the Social Media Policy which has been established as a separate policy titled "Communications and Social Media Policy" as well as relevant social media sections of the "Acceptable Use Policy"

6.13: Technology – Acceptable Use

Technology resources, computer information systems, and networks are an integral part of the business of the Town. The Town provides technology resources to employees to support them in accomplishing their work-related tasks. Employees are expected to review the Town's Acceptable Use Policy upon employment and annually.

6.14: Purchasing Procedures

All employees are expected to follow policy and procedures as outlined in the "Town of Lyman Purchasing Procedures" which has been established as a separate policy.

6.15: Inclement Weather and Emergency Closings

Certain emergencies may require closure of municipal facilities in order to provide appropriate emergency response and/or maintain the safety of employees and the public. Those emergencies may include, but are not limited to, major medical crisis, public health or safety threats, fires, serious workplace injuries, vehicular and pedestrian accidents. The Town Manager (or Designee) shall have discretion to close the municipal facility for such emergencies. Employees will be paid for the remainder of their scheduled shift from the time of the official closing. In the event the emergency occurs before the Town office opens, employees will be notified of the closure as soon as is reasonable. While the Town will always make every effort to keep municipal facilities open to continue public services, if an employee feels their safety is at risk by remaining at work, the employee may use available accrued time off to remain at/return home.

During periods of inclement weather, the Town Manager (or Designee) may decide to close the Town Office. Employees will be paid for the remainder of their scheduled shift from the time of the official closing. In the event the Town office remains open during inclement weather an employee may use available accrued paid time off if they are unable to arrive at work.

6.16: Drug and Alcohol

The Town of Lyman strongly believes in a safe environment free from substance misuse for all employees and members of the public conducting business with the Town. Employees are expected to report for work and perform their duties in a manner that does not jeopardize the health, safety, and well-being of co-workers and the public.

No employee of the Town shall possess, dispense, distribute, store, use, or be under the influence of any alcoholic beverage, malt beverage, fortified wine, intoxicating liquor, illegal drugs, intoxicants, controlled substances, or other useable substances during working hours, including rest breaks and meal breaks.

Employees shall not smoke, ingest, possess, distribute, or be under the influence of tetrahydrocannabinol (THC) or psychoactive cannabis products in the workplace, or at any time during which the employee is working, expected to work, and/or is on duty. The prohibitions of this paragraph apply to all cannabis usage, medicinal and recreational, whether or not lawful under Maine law.

As provided in the Drug-Free Workplace Act of 1988, employees are required to notify the Town Manager (or Designee) of a criminal or civil conviction for drug violation occurring in the workplace no later than five (5) calendar days after such conviction. The Town Manager (or Designee) will:

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- Take appropriate personnel action against such employee up to and including termination; and/or
 - Require the employee to satisfactorily participate in a substance use disorder treatment or rehabilitation program.

6.17: Smoking

Smoking of tobacco products is prohibited in any buildings/facilities owned by the Town. Employees are allowed to use tobacco products during their break times but must be outside of a building, away from any public entrances or within a designated smoking area and should not interfere with any person conducting business with the Town. No litter associated with tobacco may be discarded on or in Town property.

SECTION 7: PAYROLL AND WORK SCHEDULES

7.1: Payroll

Payroll payments are made on a bi-weekly basis, outlined in 4.10 of this personnel handbook, to every employee for salary or wages earned. Pay days are on every other Wednesday, with direct deposit commencing on said day.

Direct Deposit: The Town requires employees to use direct deposit for payroll to the financial institute of their choice. The Town does not make payroll advances to its employees, nor does the Town make loans to employees.

Overcompensation - Pursuant to State Statute Title 26 §635: In the event of overcompensation, the Town will not withhold more than 5% of the net amount during subsequent pay periods without the employee's written permission, except under the circumstance of the employee voluntarily terminating employment, the Town will deduct the full amount of overcompensation from any wages due. The town may not exceed the amount of overcompensation paid to the employee in the three years preceding the date of discovery of overcompensation. The Town may deduct more than 5% of net pay if:

- The employee agrees in writing;
- The employee voluntarily quits, or
- The employee "knowingly accepts" the overcompensation

For the purpose of this section, *net amount*, means the amount of money due an employee as compensation after any deductions or withholdings other than the Town's withholdings for the purpose of recovering any overcompensation.

Tax Withholding Forms: The Town follows IRS guidelines and rules for tax withholding forms (Federal W-4 and Maine Withholding). Employees may amend their tax withholding forms and it will be the employee's responsibility to determine and elect the appropriate tax withholding from wages. Tax withholding forms are available from the Finance and Human Resources Officer.

7.2: Time Cards and Time Clock.

The Town is required to keep records of hours worked by its non-exempt employees. Non-exempt employees will record their work hours by using a time clock system. In the event the time clock system is not in function, non-exempt employees will record their work hours in writing and report the record to the Finance and Human Resources Officer (or Designee) for processing payroll.

7.3: Discretionary Time Off for Exempt Employees

Fair Labor Standards Act (FLSA) Exempt employees are required to work outside the normal schedule of working or office hours and are compensated on the basis of accomplishing the tasks demanded of the position without regard for specific number of hours worked. Exempt employees are not eligible for overtime pay or compensatory time.

Exempt employees may take occasional discretionary time off without applying paid time off accruals for such time off taken when:

- A. It does not interfere with department operations, or the operations of other departments.
- B. With prior approval by the Supervisor/Department Head or Town Manager (or Designee)

7.4: Temporary Telecommuting (Remote Work)

Employees may on occasion need to conduct their work by Telecommuting/ Remote work methods, such as when an employee works any hours from a location other than Town facilities. Telework arrangements can provide a mutually beneficial option for both the Town and its employees. Employees are expected to be responsible in their conduct of remote work and ensure that work goals can be met.

The Town Manager (or Designee) will determine which positions are most suitable for temporary remote work options and shall make their determination based on the Town's needs and the positions' responsibilities. Not all jobs can be performed from off-site locations. Positions requiring face-to-face interaction with customers and office personnel may not be suitable for telecommuting.

At the discretion of the Town Manager (or Designee) the eligibility of telecommuting/ remote work options of an employee may be revoked. Notice of revocation shall be given as far in advance as possible but is not required. Reasons for revocation may include, but is not limited to, failure to follow applicable policies and procedures, changes in job responsibilities, limited or significantly decreased necessity, and any other reason as determined by the Town Manager (or Designee).

Employees must be able to carry out the same duties, assignments, and other work obligations when working remotely as they would when working on Town premises. Candidates for temporary telecommuting arrangements must demonstrate good time-management and organizational skills, be self-motivated and self-reliant. Employees are expected to demonstrate professional conduct when engaging in remote meetings, webinars, trainings, etc.

As a general rule, the Town will not be responsible for costs associated with the setup of an employee's remote workspace, such as remodeling, furniture, or lighting, nor for repairs or modifications to the remote workspace. However, if the employee is in need of a reasonable accommodation in accordance with the American's with Disabilities Act (ADA), an employee shall follow the process as outlined in section 2.4 of this Personnel Policy Handbook.

Town Records: During remote work, employees shall be required to maintain all work product and records in a manner consistent with the Town's standard record keeping practices and in full compliance with the Maine Freedom of Access Act and Records Retention Rules established by the Maine State Archivist. Employees shall not delete or destroy any records that are otherwise required to be maintained by the Town per these laws and rules. It shall be the responsibility of the employee to ensure he or she can satisfy these record keeping requirements while working remotely.

Emergency Telecommuting/ Remote work: In the event of an emergency such as inclement weather, emergency closures or pandemic, the Town Manager (or Designee) may allow or require employees eligible for remote work to temporarily work from home to ensure continuity in business and productivity. Employees are required to follow any and all guidelines provided by related policies and procedures.

Determining equipment needs for each employee will be on a case-by-case basis. Any employee with accessibility to perform remote work is expected to follow and adhere to the Town's Acceptable Use Policy. Employees are expected to use any assigned Town-owned equipment for

Town business purposes only. Employees must keep equipment safe and avoid any misuse. Additionally, other sections including 6.9 of this Personnel Policy Handbook shall apply.

Violations of this policy or any other related policies and procedures shall be grounds for disciplinary action up to and including termination.

7.5: Pay at Separation

Upon retirement or separation in good standing from the Town, an employee will receive a percentage of their accumulated Paid Time Off accruals (PTO) or Earned Paid Leave accruals (EPL), whichever applies, as separation pay in their final paycheck. “Good standing” shall mean ten (10) working days’ notice to the Town in advance of the employees last actual day worked, in the case of proper resignation (section 4.12 of this Personnel Policy Handbook), valid retirement, or separation of the employee from the Town service for other than cause. The percentage amount is determined by the following:

- A. Upon retirement or separation in good standing, an employee who has completed one full year of employment, whether full-time or part-time, and up to ten (10) consecutive years from the date of hire, shall receive 35% of their accumulated PTO or EPL accruals in their final paycheck.
- B. Upon retirement or separation in good standing, after ten (10) years of continuous full-time or part-time employment, the employee shall receive 50% of their accumulated PTO or EPL accruals in their final paycheck.
- C. Upon retirement or separation in good standing, after twenty (20) years of continuous full-time or part-time employment, the employee shall receive 70% of their accumulated PTO or EPL accruals in their final paycheck.
- D. If an employee dies, 100% of their accumulated PTO or EPL accruals will be paid to the estate of the decedent unless otherwise directed by a probate court.

SECTION 8: BENEFITS

8.1: Health and Life Insurance

Health Insurance Benefits: The Town will provide a Maine Municipal Association (MMA) group insurance plan, which provides Maine Municipal Employees’ Health Trust medical coverage. The Town’s MMA Employees’ Health Trust coverage and level of service shall be established by the Select Board during the budgeting process. Currently the Town offers a POS C with a 100% employer share for a Single Plan and will pay 70% of the difference of a single plan and that of a family two-person, or employee and child(ren) plan.

Regular Full-Time employees and their families are eligible to participate. An employee must apply for coverage during open enrollment. The Town does not automatically enroll employees under any coverage plans. Employees are responsible for applying for any changes in coverage during the open enrollment period. Coverage will begin the first month following the employees' hire date.

Insurance Opt-Out: Any Regular Full-Time employee who does not elect to receive health insurance benefits and can demonstrate they have eligible insurance coverage, shall be eligible to receive 50% of the equivalence to a single plan, biweekly through payroll.

Life Insurance Benefits: All Regular Full-Time employees of the Town are eligible for basic life insurance equal to one year of their annual salary as provided by State Statute and established by the Select Board annually. Upon the first month after the employee's hire date, coverage shall be automatically applied. If an employee does not participate in the Town's health insurance coverage, they will also receive the Town's life insurance benefits unless the employee refuses life insurance coverage in writing.

Supplemental Life Insurance Coverage: Above what the Town will cover for basic life insurance Regular Full-Time employees of the Town are eligible to opt in to supplemental Life Insurance coverage at the cost to the employee. Available Supplemental Life Insurance Coverage is as outlined below:

- Life Insurance equal to two (2) years of an employee's annual salary where the Town will cover the cost of one year and the employee will cover the cost of the additional second year.
- Life Insurance equal to three (3) years of an employee's annual salary where the Town will cover the cost of one year and the employee will cover the cost of the additional two years. The insurance company may request access to an employees' medical information for this option.
- Dependent Life Insurance is offered to all employees at 100% cost to the employee.

For any employee that is not eligible to receive the above benefits, they shall have the option to opt into any benefit provided by the Town at 100% cost to the employee.

8.2: Dental and Vision Insurance

The Town will provide 100% employer share of a single plan for dental insurance for Regular Full-Time employees. Any employee that is not eligible for the single plan for dental, the employee may opt in for this benefit at 100% cost to the employee. For additional supplemental or family dental plans, any employee may elect to opt in at 100% cost to the employee.

Vision insurance is provided to any employee at 100% cost to the employee.

8.3: Income Protection Plan (IPP)

The Town offers Income Protection Plans to Regular Full-Time and Regular Part-Time employees to help cover the employee in the event of serious injury or illness where the employee must take an extended leave. Eligible employees can elect to opt in at 100% cost to the employee to one of three plan options;

- Income protection up to 40% of the employees weekly salary
- Income protection up to 55% of the employees weekly salary
- Income protection up to 70% of the employees weekly salary

8.4: Retirement

All Regular Full-Time employees may elect to participate in Town sponsored retirement programs. The Town will only provide employer contributions to a single plan for each eligible employee. The Town currently offers eligible employees the option of a Maine Public Employees Retirement System (MainePERS) plan or a Mission Square 457 (b) Retirement plan. All Regular Part-Time employees may participate in the 457 (b) Retirement plan and the Town will provide contributions as listed out under section B, below:

- A. MainePERS: New employees must elect whether to participate in the MainePERS within two (2) weeks of their date of hire. Under federal law, an employee elected in MainePERS will not be able to leave the MainePERS plan for the duration of their employment with the Town. If an employee declines to join MainePERS, they will not be able to later elect to join MainePERS. The MainePERS plan is a Defined Benefit (DB) pension plan. Employees contribute a percentage of earnings to MainePERS. The Town will also contribute a set amount to MainePERS on behalf of employees. Participants in MainePERS and enrollees may also contribute to the Towns Mission Square 457 (b) plan, however the Town will only match contributions to MainePERS if an employee contributes to both MainePERS and Mission Square 457 (b)
- B. Mission Square 457 (b): Eligible employees may elect to participate in the Town's 457 (b) Retirement Plan at hire or any time during employment. If the employee selects this as their primary retirement plan, the Town will match employee contributions up to 6%. Employees may contribute additional amounts so long as it's in compliance with federal regulations.

Social Security: The Town provides Social Security and Medicare coverage in compliance with federal law to all employees.

8.5: Open Enrollment

The open enrollment period will be once a year during a period established by the Maine Municipal Employee Health Trust. During the open enrollment period, employees are able to:

- Enroll in health, dental, and vision plans
- Add or remove dependents from health, dental, and vision plans
- Drop coverage in health, dental, and vision plans

In certain life-event situations, employees may be able to opt in outside of the normal open enrollment period. For questions about Open Enrollment dates and how to make changes, please contact the Finance and Human Resources Officer.

8.6: Workers' Compensation

The Town participates in a federally mandated Worker's Compensation program. The following actions are required by employees:

- I. All injuries to personnel, no matter how minor, during the work schedule will be reported immediately to the Town Manager (or Designee), but in no event later than sixty (60) days after the date of injury. Maine law requires the Town to file a First Report of Injury with Workers' Compensation within seven (7) days of receiving notice of the injury.
- II. An employee suffering from an on-the-job injury will be sent to a medical facility, specified by the Town, for examination at the Town's expense.
- III. The employee will receive their normal pay for that day, and if eligible may be entitled to use Paid Time Off (PTO) for any regularly scheduled time missed between the incident and the date that workers' compensation benefits may begin.

8.7: Unemployment

Federal and State law govern unemployment benefits. The Town provides such benefits as mandated under these laws.

8.8: Holidays

The Town of Lyman recognizes all holidays as currently recognized by the State of Maine.

New Year's Day	Labor Day
Martin Luther King Jr. Day	Indigenous Peoples' Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth Day	Christmas Day
Independence Day	

If a regular holiday falls on a Sunday, the following Monday is considered a holiday; If on Saturday, the preceding Friday is considered a holiday. For Christmas Day and/or New Year's Day; if said holiday falls on a Tuesday, Wednesday, Thursday or Friday, the work day prior will be a half day.

Paid holidays will be granted to all Regular Full-Time employees. Regular Part-Time employees whose normal work schedule falls on the holiday, will receive holiday pay equal to the hours the employee would normally work that day.

An employee on approved unpaid leave, such as unpaid extended sick leave or leave of absence, shall not be entitled to holiday pay.

8.9: Paid Time Off (PTO)

Regular Full-Time employees are eligible to earn Paid Time Off (PTO) accruals to cover any sick leave, personal days, or vacation time. The Town encourages employees to use their PTO accruals and take time off to enhance a positive work/life balance. Employees may use their PTO accruals at any time after their date of hire pending approval from a Supervisor/ Department Head or Town Manager (or Designee).

Time Off Request Using PTO:

Requests for use of PTO accruals shall be submitted to the Supervisor/ Department Head or Town Manager (or Designee) in a timely manner. The Supervisor/Department Head shall approve time off requests for employees working within their department. The Town Manager (or Designee) shall approve time off requests for Supervisors/Department Heads. If the request is denied, the authorizer shall provide in writing the reason for denial.

Time Off Requests Without PTO:

Requests for time off shall be submitted as stated above. However, when the balance of PTO is insufficient to cover the requested length of time off, the authorizing Supervisor/Department Head shall have discretion to approve or deny the request. If the request is approved, the employee may use any remaining balance to cover any portion of the requested time off and in excess of the available PTO the remainder of requested time off shall be unpaid. If the request is denied, the authorizer shall provide in writing the reason for denial. In extenuating circumstances, such as bodily injuries unrelated to worker's comp, prevention of communicable illness among others in the workplace environment, and any other such circumstances, the Town Manager (or Designee) may approve or deny the use of future, unaccrued PTO hours for the employee on a short-term basis.

All Approved PTO requests will be submitted by the authorizing Supervisor/Department Head to the Finance and Human Resources Officer for payroll purposes.

If a holiday falls within the employee's time off period, the employee shall not have that day charged against their accumulated PTO. "Holiday" shall be defined by section 8.8 of this Personnel Policy Handbook.

All Regular Full-Time employees eligible for PTO accruals will be able to roll over any unused PTO accruals or up to a maximum of 35% of their annual accruals, whichever is lesser. Rollover of PTO will be effective each year on July 1 and will be automatic.

Any eligible PTO payout will be as follows under section 7.5.

Exempt Employees: Accruals will be calculated bi-weekly at a prorated amount based on the Specific Eligibility Table under this section of the Personnel Policy Handbook.

Non-Exempt Employees: Accruals are prorated based on the number of their regular scheduled hours worked and will not exceed a regular schedule of forty (40) hours per week.

Specific Eligibility of PTO: This table is based on 37.5 hours worked per week. Years of service shall be continuous for employee eligibility.

Years of continuous service	Paid Time Off (PTO) hours
0 through 2 years	105
3 through 5 years	145
6 through 15 years	183
Over 15 years	245

8.10: Employee Recognition Program

The Town of Lyman believes recognizing employees' achievements is essential for raising staff moral and engagement. As part of the recognition program merit pay may be awarded. See section 4.10 for the Performance Based Merit Program. Additionally, the Town Manager may coordinate with the Select Board other special events, awards, incentives, or gifts for recognition of employees and volunteers of the Town. The program will be dependent on available funding.

SECTION 9: EMPLOYEE LEAVE

9.1: Personal Days

Any Regular Full-Time or Regular Part-Time employee will receive time allocation equal to two (2) regular scheduled work days. Personal time does not accrue year to year and is not subject to pay out at separation.

Whenever possible, personal time must be requested and approved by the Supervisor/ Department Head or Town Manager (or Designee). Personal time will be applied for the regular scheduled hours of the day(s) being requested. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

9.2: Earned Paid Leave

The Town of Lyman provides Earned Paid Leave (EPL) pursuant to State law Title 26 M.R.S.A sec. 1043(11).

All employees under section 4.3 of this Personnel Policy Handbook are eligible for EPL accruals. The Town provides a benefit greater than EPL to Regular Full-Time employees through its Paid Time Off (PTO) policies under section 8.9. To comply with Maine's Earned Paid Leave Law, eligible employees may utilize up to 40 hours of accrued benefit time during the calendar year for any type of time off as needed.

Accrual of Earned Paid Leave: All eligible employees, other than Regular Full-Time employees, are entitled to earn one hour of paid leave for every 40 hours worked, up to a maximum of 40 hours in one year of employment. Accruals begin at the start of employment. Any unused EPL will roll over into the next fiscal year of employment. However, the maximum amount of EPL available to the employee will not exceed 40 hours in one year. Rollover of EPL will be effective each year on July 1 and will be automatic.

Time Off Requests Using EPL:

Requests for use of EPL accruals shall be submitted to the Supervisor/ Department Head or Town Manager (or Designee) in a timely manner. If the request is denied, the authorizer shall provide in writing the reason for denial.

Time Off Requests Without EPL:

Requests for time off shall be submitted as stated above. However, when the balance of EPL is insufficient to cover the requested length of time off, the authorizing Supervisor/Department Head shall have discretion to approve or deny the request. If the request is approved, the employee may use any remaining balance to cover any portion of the requested time off and in excess of the available EPL the remainder of requested time off shall be unpaid. If the request is denied, the authorizer shall provide in writing the reason for denial. In extenuating circumstances, such as bodily injuries unrelated to worker's comp, prevention of communicable illness among others in the workplace environment, and any other such circumstances, the Town Manager (or Designee) may approve or deny the use of future, unaccrued EPL hours for the employee on a short-term basis.

All approved EPL requests will be submitted by the authorizing Supervisor/Department Head to the Finance Department for payroll purposes.

Any eligible EPL payout will be as follows under section 7.5.

9.3: Leave for Victims of Domestic Violence

In accordance with Maine law, the Town will grant employees reasonable and necessary amount of unpaid leave if the employee or the employee's child, parent, or spouse is a victim of domestic violence, domestic assault, sexual assault or stalking, and if he/she needs time to prepare for or attend court hearing, receive medical treatment, or obtain necessary services to remedy a crisis caused by domestic violence.

As soon as an employee becomes aware of the need of a leave of absence, they must make a written request to the Town Manager (or Designee). If leave is approved, the employee will be required to first use any accrued Paid Time Off (PTO).

9.4: Military Leave

The Town complies with all State and Federal law, governing the rights of employees who are entitled to leave and other rights and obligations applying to their military service. All employees in the military service will be granted time off from work for annual training obligations or active service in the Military. Employees engaged in active military service will be placed on military leave of absence status. Employees receiving orders for military training or service

should notify their Supervisor/Department Head or Town Manager (or Designee) of the dates of their military service as far in advance as possible unless military necessity prevents such notice.

Military leave and rights to re-employment after such leave are available to employees under the terms and conditions of applicable Federal and State law, as may be amended from time to time.

9.5: Family Medical Leave

The Town complies with the Family and Medical Leave Act (FMLA) of which entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. FLMA will run concurrently with all other leave and leave benefits, including but not limited to, Workers' Compensation, Maine FMLA and will run even while the employee is using their own accrued leave (such as Paid Time Off and Earned Paid Leave). Family Medical Leave and rights to re-employment after such leave are available to employees under the terms and conditions of applicable Federal and State law, as may be amended from time to time.

Eligible Employees:

Only eligible employees are entitled to take FMLA leave. An *eligible employee* is one who:

- Works for a *covered employer* (The Town of Lyman)
- Has worked for the employer for at least 12 months.
- Has at least 1,250 hours of service for the employer during the 12-month period immediately preceding the leave.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, outlining the employer's intention to rehire the employee after the break in service.

Leave Entitlement:

An eligible employee shall be entitled to twelve (12) work weeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:

- the birth or placement of a child for adoption or foster care.
- to care for a spouse, child, or parent who has a serious health condition.
- for a serious health condition* that causes the employee to be unable to perform the essential functions of their job; or
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or call to covered active-duty status.
- a serious health condition, which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would

occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

**A serious health condition* means an accident, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

When both spouses are employed by the Town, they are each entitled to twelve (12) work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

An eligible employee may also take up to 26 work weeks of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, child, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.

The Town requires employees to "substitute" (run concurrently) accrued Paid Time Off (PTO) or Earned Paid Leave (EPL) to cover all the FMLA leave period. However, employees may maintain up to forty (40) hours of PTO time for future time off.

Notice:

Employees must provide notice as far in advance as possible or as soon as possible and practicable under the circumstances.

If the Town acquires knowledge that a leave may be for a FMLA-qualifying reason, the Town will provide the employee with notice concerning their eligibility for FMLA leave and their rights and responsibilities under the FMLA. The Town will also notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employees' FMLA entitlement.

Certification:

In the event an employee is requesting a leave, or the employer has acquired information the employee is going to be on leave due to their own serious health condition or a covered family member's serious health condition, the Town may require certification in support of the leave from a health care provider.

FMLA is generally unpaid, however, an employee may substitute any paid leave available to the employee under the Town's policy (such as PTO or EPL). Employees should determine which paid leave they wish to use and a fixed amount to use each pay period with the Finance and Human Resources Officer for payroll purposes prior to going on leave.

Maintenance of Benefits:

An employee shall be entitled to maintain group health insurance coverage on the same basis as if they had continued to work at the Town. To maintain uninterrupted coverage, the employee will be required to continue paying their share of insurance premium payments. If an employee is receiving concurrent PTO or EPL time, the premium will be deducted from the paycheck, as is normally the practice. The Town will bill for benefits premiums in the case that the employee is unpaid. Employees may opt for an automatic ACH withdrawal to cover benefits costs. The payment shall be made by the 15th of each month. If the employee's payment is more than sixty (60) days overdue, the Town will no longer maintain the coverage.

If the employee informs the Town that they do not intend to return to work at the end of the leave period, the Town's obligation to provide health benefits ends. Vacation, sick, and holidays will not accrue beyond the twelve (12) weeks leave period, consistent with the Town's leave policies, unless the employee is utilizing available accrued vacation, sick, or personal time. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined. Seniority of position is not affected.

Job Restoration:

Upon return from FMLA leave, an employee shall be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Employees accepting employment elsewhere while on FML may be disciplined, up to and including discharge.

9.6: Maine Family Medical Leave

If not eligible for FMLA, an employee may qualify for Maine Family Medical Leave (MFML). To be eligible under MFML, an employee is required to have worked for the Town for 12 consecutive months. Under the Maine Family Medical Leave Act, employees are (1) eligible for 10 work weeks of unpaid FML (2) during a two-year period (3) for the employee's serious health condition, the birth or adoption of a child, including a domestic partner's child, the serious health condition of a child or grandchild, domestic partner's child and grandchild, domestic partner or spouse, sibling, or death of an employee's spouse, domestic partner, parent, sibling, or child who is a covered service member who dies while on active duty.

Request for MFML will be analyzed under both Maine and Federal FMLA.

9.7: Parental Leave

Regular Full-Time or Regular Part-time employees who have completed at least one full year of employment with the Town will be granted an additional four (4) weeks of paid time upon the birth or adoption of their child to be used concurrently with Family Medical Leave. Such time shall be used in addition to the employee's current Paid Time Off (PTO) balance. Parental Leave expires twelve (12) months after the date of birth or placement.

Requests for paid parental leave shall be submitted to the Supervisor/Department Head or Town Manager (or Designee). Requests shall be made in a timely manner at least 30 days prior to the proposed date of leave (or if the leave was not foreseeable, as soon as possible). All Approved requests for Parental Leave will be submitted by the authorizing Supervisor/Department Head to the Finance and Human Resources Officer for payroll purposes.

9.8: Bereavement

All Regular Full-Time and Regular Part-Time employees shall receive bereavement leave as provided by the town. In the event of the death of an employee's spouse, legally recognized partner, children, mother, father, or legal guardian, the employee shall be granted five (5) days' leave of absence, with full pay, to make household and service arrangements and attend death services. In the event of the death of an employee's sister, brother, stepparents, stepchildren, grandmother, grandfather, spouse's grandparents or grandchildren, father-in-law, mother-in-law, sister in-law, or brother in-law, the employee shall be granted up to three (3) days' leave for absence, with full pay, to make household adjustments and arrange for or attend the death services. For relatives other than mentioned above, such as aunt, uncle, niece, nephew or first cousin, the employee may use available personal time, Paid Tim Off (PTO), or Earned Paid Leave (EPL) for absences. The employee may be required to furnish their immediate supervisor with proof of death.

9.9: Jury Duty

Regular Full-Time and Regular Part-Time employees who are called for jury duty should promptly notify their Supervisor/ Department Head or Town Manager (or Designee) to ensure appropriate arrangements are made. The employee will receive his or her regular paycheck and are required to forward payments received for their jury duty to the Finance and Human Resources Officer, with the exception of mileage reimbursement. This procedure will compensate employees for any difference in pay. Employees excused from jury duty must report back to work if it is during their normal working hours.

9.10: Life Threatening Illness

In the event an employee submits a physician's certification to the Town Manager (or Designee) that the employee has a life-threatening illness and is expected to result in premature death, the Town Manager (or Designee) may make an exception to the existing sick leave and PTO/EPL sections of this Personnel Policy Handbook and pay the employee's entire accrual record to the employee.

SECTION 10: REIMBURSEMENT OF EXPENSES

10.1: Mileage Compensation

Employees required to drive personal vehicles for approved, legitimate municipal purposes shall be compensated by the Town at the amounts set by the IRS Per Diem daily rates (when government rates are available), the IRS mileage reimbursement rate, or another rate agreed to by the Town Manager (or Designee). Compensation may be approved as a "reimbursement" under an Accountable Plan. Elected Officials, Volunteers, and those appointed to Boards, Committees, or Commissions are excluded from mileage compensation benefits unless otherwise approved by the Town Manager (or Designee) for specific purposes, excluding regular meetings.

Employees will be paid by an approved appropriation in the departmental budget. The appropriation will be in the best interest of the Town. Travel will be accomplished at the least cost to the Town. Expenses incurred in excess of the approved appropriation will be subject to approval by the Town Manager (or Designee).

Accountable Plan – Mileage Reimbursement:

Eligible mileage reimbursement will be granted at the prevailing IRS rate per mile if using personal vehicles for approved business-related travel. Home to office travel is not compensable.

The Town shall reimburse employees for business travel at the lesser of (a.) mileage from home to destination (excluding "normal place of business". For the purpose of this policy, "normal place of business" shall mean the location the employee works on a day-to-day basis), or (b.) mileage from normal place of business to destination.

Employees are responsible for documenting all travel logs on the official mileage reimbursement log approved by the Town Manager (or Designee). All travel logs shall be submitted to the Town Manager for approval on a monthly basis. At the discretion of the Town Manager (or Designee),

travel logs may be submitted on a every other month or quarterly basis and such requests will be reviewed on a case-by-case basis.

10.2: Meals, Lodging and Other Expenses

Meals:

The Town will reimburse employees for meal expenses incurred in the event of long-term arrangements, such as the necessity for overnight lodging (i.e: attending training beyond the employee's residency where travel to and from would create an unreasonable burden on the employee). The employee must furnish all detailed meal receipts for reimbursement (a summary of the total paid will not be accepted). The Town will reimburse up to \$40 per meal. The Town will not reimburse for the items:

- Sales Tax
- Alcoholic beverages, movies, admissions, and personal incidental expenses that may be incurred while traveling for work-related purposes but are not otherwise related to or necessary for the performance of work.

The Town does not encourage employees to purchase any goods or services for the Town. However, under certain circumstances, such as emergencies or unusual events an employee may make appropriate purchases upon approval of the Town Manager (or Designee) and provided that other means of the Town's Purchasing Procedure was not reasonable given the circumstances.

10.3: Parking Fees and Tolls

Employees will be reimbursed for parking fees and tolls provided that the cost was incurred during travel for legitimate Town business. The employee shall document such fee(s) incurred with their travel logs and additionally shall furnish all appropriate receipts. The Town will not reimburse employees for parking tickets and/or motor vehicle violations or infractions.

10.4: Reimbursement Procedure

Employees shall submit any required official forms with attached itemized receipts, if applicable, no later than thirty (30) days to the Town Manager (or Designee) for approval.

SECTION 11: MISCELLANEOUS

11.1: Freedom of Access Act Policy

All employees are expected to adhere to the Town's Freedom of Access Act Policy entitled "Town of Lyman, Maine Policy Governing Access to Public Records Under the Freedom of Accesses Act". Refer to this policy for procedural details.

Additionally, all Town records, whether classified as public or confidential, are the property of the Town of Lyman including but not limited to; final and/or draft form documents; emails either sent, received, junk, draft, or deleted; audio and/or video recordings; any data, text, and voicemail on Town cellular devices, historical records, and any other record required to be maintained in accordance to the Maine State Archives Local Government Record Retention Schedules. All Town records will be maintained in accordance with State and Federal law.

Training: Any employee required by State law Title 1 M.R.S sec. 412 shall complete the minimum requirements of training within 120 days of their oath of office. If the oath is annual, then the training must be completed annually.

No employee shall destroy and/or permanently remove any record of the Town either knowingly or unknowingly and any violation will be subject to disciplinary action up to and including termination. Any employee found in violation shall be responsible for the cost for recreation and/or replacement of said documents.

11.2: Severability

If any provision of this Personnel Policy Handbook to any person or circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the Personnel Policy Handbook which can be given effect without the invalid provision or application. For this purpose, the Personnel Policy is severable.

11.3: Amendments & Interpretation

The Town of Lyman reserves the right to unilaterally amend, delete, modify or change these policies without prior notice and at any time for any reason. The Select Board and Town Manager (or Designee) shall review these policies at least on an annual basis. The Town Manager (or Designee) and Town Select Board shall have exclusive and final authority to interpret these policies.

11.4: Definitions

Appointed Official: Anyone appointed to a board or committee to perform duties in the capacity of that board or committee.

Designee: A person, employed by the Town, who has been assigned specific duties and/or employment role(s)

Employee: An individual working for the Town on a permanent or temporary basis drawing wage or a stipend from the Town and as classified in section 4.3.

Financial Interest: A direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

Immediate Family: Spouse, children, parents, siblings, including step, half, and in-law relations, a domestic partner of a Town official, or persons sharing the same household and intermingling financial assets with a Town official.

Special Interest: Any interest which will allow some form of personal gain, usually pecuniary in nature.

Town Official: Any elected, appointed, volunteer, or employee of the Town that in their capacity serve a role in the functions or business operations of the municipality or provide any such services related to municipal affairs.

Volunteer: Anyone conducting specific business and/or duties on behalf of the Town as delegated by the Town Manager or Select Board either on a temporary or permanent basis and does not receive wage or stipend from the Town.

This revised policy supersedes any and all other Personnel policies adopted and/or revised prior to April 16th, 2024

- 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, 2017
- Amended: September 17, 2018
- Amended: April 16, 2019
- Revised: April 16th, 2024

Revision/Amendment adopted and signed by a majority of the Select Board on this 16th day of April, 2024 :

_____ Ralph "Rusty" Blackington - Chair

_____ Thomas Hatch -- Vice Chair

 _____ Jessica Picard

 _____ Amber Swett

 _____ Victoria Gavel

A Majority of the Board of Selectpersons
Lyman, Maine