

# Town of St. George Municipal Employees Handbook Personnel Policies and Procedures



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## **Article 1. Purpose and Application**

This personnel policy (to be referred to as “the Handbook”) establishes guidelines and rules to be followed when making personnel decisions pertaining to the municipal employees in the Town of St. George (Town). The objective of this policy is to ensure that fair and consistent practices will be followed for all personnel.

The Select Board specifically reserves the right to repeal or modify any policy in the Handbook as necessary, with or without prior notice.

Per Articles 203 and 204 of the Town Charter, the Town Manager:

- shall act as Personnel Director.
- shall review the Handbook as required under the Town Charter and submit any recommended changes to the Select Board for their approval and adoption.
- be responsible to the Select Board for the administration of all departments and offices under his control.
- has executive authority to remove all persons whom he/she is authorized to appoint and report all removals to the Select Board, consistent with the Policy of the Town of St. George.

The policies set forth in this Handbook are intended as informational guidance, and are not to be interpreted as promises of specific treatment or as creating contractual rights for any employee. In addition, conflicts or changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were or have yet been incorporated into the policy. Further, to the extent any practices, informal or otherwise, conflict with any specific policy set forth in this Handbook, the policies in this Handbook shall control. Upon adoption of the Handbook, any and all informal practices shall be considered null and void.

Each employee shall be furnished with a copy of the Handbook. Each employee shall be required to read the Handbook, and acknowledge their receipt and agreement to comply with the policies set forth in the Handbook. When any of the policies set forth in the Handbook are updated, they supersede the prior policies in this document and employees will be provided with copies of the update. It shall be the responsibility of all employees to acquaint themselves thoroughly with this material and any subsequent revisions.

Except where either otherwise specifically noted in this Handbook, permitted under the Town Charter, or required under state or federal law, the policies set forth in this Handbook, including the “just cause” or the disciplinary and appeal provisions in Article 4 of this Handbook, do not apply to:

- Members of Town Boards

- Volunteers
- Elected and Election officials
- Appointed committee members
- Temporary, seasonal, or per diem employees
- Independent contractors
- Vendors

## **Article 2. General Provisions**

### **2.01 Hiring**

The Town of St. George is an equal opportunity employer. In practice this means that the most qualified applicant for an open and available position will be offered the position without regard to factors other than necessary qualifications for that position. In order to determine who is most qualified there must be a clear statement of the duties of the position and of the skills required. Each applicant's qualifications are to be judged against the requirements used by the supervisor to advertise the position. The Town will not accept nor maintain unsolicited applications, resumes or letters from prospective applicants where there is no current open and available position that the Town is actively seeking to fill.

The Town Manager has the responsibility to seek out the most qualified employees for the Town. In no instance shall the Town Manager be limited to current employees when seeking to fill a position. In any instance where the Town Manager does not believe that the pool of applicants for an open and available position meets the required standards or best interests of the Town, the Town Manager has the authority to re-open the hiring process to additional candidates, or amend the standards to meet the Town's needs and best interests.

Applicants for employment, whether internal, external or for promotion/transfer, may be required to consent in writing to a background check, which may include, but is not limited to, a credit and driving history check, criminal background check, reference checks, and a pre-hire physical and/or psychological examination. Any applicant who refuses to consent to a background check will not be considered for the position. Certain offers of employment to positions will be contingent on a satisfactory medical examination by a physician designated by the Town at Town expense. The physician must evaluate the candidate's qualifications to perform the essential functions of the position, with or without reasonable accommodations, with specific reference to the job description and actual duties, and without posing a direct threat to the health or safety of the applicant or the safety of others.

### **2.02 Equal Employment Opportunity**

The Town of St. George is an equal opportunity employer. All applicants and employees shall receive equal employment opportunities, and the Town shall make employment decisions without regard to religion, sex, sexual orientation (including gender identity and expression), race, color, genetic history, ancestry or national origin, age, or physical or mental disability,

Veteran status, status as a whistleblower, or any other category protected by state or federal law. The Town shall employ, without regard to any of these categories, the most-qualified persons who are available at the salary levels established for each position.

### **2.03 Hiring of Relatives**

It is the Town's practice to hire and promote on the basis of an individual's merit, knowledge, skills and abilities. The employment of relatives in the same area of an organization may create conflicts and the perception of favoritism, and impact employee morale. For that reason, except as may be authorized in extreme circumstances by the Town Manager, such as emergency temporary staffing, employment of immediate family member within the same department or where one relative could hire, supervise, discipline, conduct performance reviews or set any other conditions of employment for another relative is prohibited. These restrictions are also applicable when assigning, transferring or promoting an employee.

For the purposes of this policy, relative includes the following: parents, spouse, domestic partner, brother, sister, child, stepchild, stepparents, adopted child, grandmother, grandfather, mother-in-law, father-in-law, son-in-law and daughter-in-law.

This policy does not apply to Firefighters or Election Officials. In addition, this policy does not apply retroactively for employees who were not in conformity with this policy on its date of adoption.

### **2.04 Employee Classifications**

Employee classification relates to work schedules, exempt/non-exempt status, and eligibility for benefits.

#### **(a) Probationary employee**

Any full or part-time employee appointed or hired to a regular position shall be considered a probationary employee for the first 180 days of employment. Probationary employees are eligible for benefits in accordance with this policy, but are not eligible to due process or the grievance and appeal procedures in this Handbook.

#### **(b) Regular employee (also known as Regular full-time employee)**

Has completed the probationary period and is hired to work a regular weekly work schedule of at least 35 hours per week. Such employees may be exempt or non-exempt, based on the federal Fair Labor Standards Act criteria.

Non-exempt employees are paid on an hourly basis and are eligible for overtime pay for all hours actually worked over 40 hours during the Town's work week. Exempt employees are paid on a salaried basis and are not eligible for overtime pay. Regular employees are eligible for benefits in accordance with this policy.

#### **(c) Part-time employee**

Hired to work less than 35 hours per week, even if on occasion they are required to work in excess of 35 hours. Part-time employees are eligible for only those benefits which are required by federal and/or state laws unless as otherwise provided in this policy, and may be provided such benefits on a pro-rated basis. They may also be classified as exempt or non-exempt.

#### **(d) Temporary/Seasonal employee**

Hired to full-time or part-time positions for a limited period, usually less than six months.

Temporary employees are not eligible for benefits, and are not eligible to due process or the grievance and appeal procedures in this Handbook..

### **2.05 Status of Employment Probation**

Any full or part-time employee appointed to a regular position shall be considered a probationary employee for the first 180 days of employment.

During the probationary period, any unpaid break in service lasting longer than two weeks except for military leave shall not be credited towards the 180 days probationary period. Every employee must complete the probationary period prior to becoming a regular employee. During the probationary period, the Town may remove an employee for any reason, including a determination that the employee is unable or unwilling to perform required duties, has a poor attitude towards the job, co-workers or the public, or has unsatisfactory work habits. Any such determination is final and not subject to grievance or appeal.

Prior to completing the probationary period, an employee shall receive a formal written evaluation from his/her supervisor, which shall become a part of the employee's personnel file. Any employee who successfully completes the probationary period shall transfer to regular or part-time employee status.

### **2.06 Promotions**

The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible positions. No supervisor shall deny an employee permission to apply for a promotional opportunity in any Town department but no such promotion is guaranteed. When the hiring authority determines that an insufficient number of well qualified employees are available from within the Town's ranks, he/she may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration.

The hiring authority shall apply the following standards with respect to promotions and the filling of job vacancies within the Town, with no single standard taking precedence: The job-related skills, knowledge, ability, experience, education and past performance which will contribute to the satisfactory performance of duties of the position.

### **2.07 Demotions**

The Town reserves the authority, but is not required, to demote an employee to an open and available lower position for which he/she is qualified for any of the following reasons:

A. When an employee would otherwise be laid-off because his position is being abolished, lack of work, a cut-back in personnel due to the Town's financial condition or because of the return to work from authorized leave of another employee to such position in accordance with these rules (leave of absence).

B. When an employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.

C. When an employee does not render satisfactory service after being advised of his/her shortcomings and given ample opportunity to improve his performance

D. When an employee voluntarily requests such demotion.

## **2.08 Salaries and Wages**

Salary administration is the responsibility of the Town Manager within the bounds set by the appropriations provided by the Town at Town Meeting. The Town Manager will endeavor, subject to budgetary constraints, to set wages at a level that will attract and keep competent employees, thus minimizing staff turnover and employee replacement costs and nurturing efficient town operations. The Town Manager shall set salary ranges for each position in town government, subject to Select Board approval.

The salary ranges shall be based on compensation for similar positions/jobs in the local public and private sectors. The Town Manager shall be responsible for determining each employee's position within the appropriate salary range, such determination to depend upon experience, length of service, education, professional training, additional duties and other factors as deemed significant by the Town Manager.

## **2.09 Salary Increases**

The decision to provide a salary increase shall be determined during development of the Annual Budget subject to approval by the Select Board.

The Town Manager's recommendation to the Select Board shall be based on the Cost of Living Adjustment (National CPI-W) and other factors such as, exemplary performance, improved productivity, or labor market realities.

The Town Manager shall determine the specific amount of individual employee increases.

Salary increases are subject to approval at the Annual Town Meeting and will become effective with the first full pay cycle of the fiscal year, or on a date designated by the Town Manager.

## **2.10 Overtime**

Non-exempt (hourly) regular full time employees generally will be compensated for overtime work at a rate of one and one-half times their established hourly rate for hours actually worked in the excess of forty hours in one workweek. Overtime hours must be preapproved by a supervisor. Unauthorized overtime hours will be paid, but may also subject to employee to disciplinary action.

"Hours actually worked" for purposes of overtime calculations includes any hours gainfully spent performing assigned tasks and functions of the job. It shall not include hours incurred for vacation time, sick time, paid or unpaid leave time of any nature, compensatory time, worker's compensation leave, or certain travel time unless authorized or required by law.

The Town makes every reasonable effort to distribute overtime equally among employees and their respective departments.

### **2.11 Paydays**

All employees are paid weekly on Wednesday for the previous work week from Sunday through Saturday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's paid time off, the employee may receive his or her earned wages before departing if a written request is submitted at least one week prior to the departure.

Full-Time and Part-time employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Town. Employees will receive an itemized statement of wages when the Town makes direct deposits.

### **2.12 Compensatory Time**

A non-exempt regular full time employee may be compensated with one and one-half hours for work in excess of forty hours per week. Such compensatory time shall be recorded and may be taken at the time of the employee's choice provided it does not interfere with the operational needs of the department or office and has been approved by their supervisor or Town Manager.

[Based on the U.S. Department of Labor, eligible employees may accrue up to 240 hours of Compensatory Time. Fire protection, emergency response employees and employees engaged in seasonal activities may accrue up to 480 hours.]

No employee shall be allowed to carry over more than one week of earned compensatory time into the next calendar year.

The Town reserves the right, as permitted by law, to require employees to use accrued compensatory time off if it is in the best interests of the Town.

Upon separation of employment an employee will be compensated for any earned and unused compensatory time.

### **2.13 Expense Reimbursement**

Employees will be reimbursed for reasonable and actual travel expenses incurred to conduct Town business. When incurring business expenses, individuals are expected to:

1. Exercise discretion and good business judgment with respect to those expenses.
2. Be cost conscious and spend Town money as carefully and judiciously as the individual would spend his or own funds.
3. Report expenses, supported by required documentation, as they were actually spent.

Details regarding Town's travel expense reimbursement policy are outlined in the *Town of St. George Select Board Policy Manual, Travel and Expense Reimbursement Policy*.

#### **2.14 Training and Education**

Educational training programs for employees not only improve the employee's overall ability to function more efficiently, but training also contributes to the municipality's effectiveness. It shall be the responsibility of the Town Manager and supervisor to provide employees a reasonable opportunity to receive education through either internal or external training methods, subject to budgetary constraints.

The Town will authorize and pay for up to one week (five days) training for each regular employee each year. This training must be consistent with the employee's duties and assignments. Days in excess of five and the specific training for each employee will be at the discretion of the supervisor.

#### **2.15 Job Description**

Each employee will receive a job description identifying the nature of the work, job responsibilities, position requirements and the training/experience required. As necessary, the Job Description will identify any physical requirements (for example, the employee must be able to lift 50 pounds) for the position.

The Job Description will be used as part of the hiring process to identify the duties and requirements of the job and also used in the [Performance Evaluation](#) process.

#### **2.16 Qualifications – Position Requirements, Training and Experience**

The supervisor of that position sets the qualifications required for each authorized position within the Town. Over a period of time the qualifications required for any specific position may change. In the event of a change, the Job Description will be updated. To the extent possible training should be provided to allow the current employee holding that position to continue to be qualified for the position.

#### **2.17 Assignments**

Specific employee assignments are the responsibility of the supervisor. Assignments should normally be those related to the employee's [Job Description](#). Other duties may be assigned as required by the supervisor. Each employee is expected to perform the duties assigned.

#### **2.18 Performance Evaluation**

A Performance Evaluation is the examination and review of job performance for purposes of determining continuation of employment, promotion and demotion. The evaluation is based on the content of the [Job Description](#).

The immediate supervisor shall evaluate all employees, regardless of their [Employee Classification](#), annually. In addition, employees shall be evaluated at the completion of the initial probationary period and at least once each year thereafter. The inability of the Town to timely schedule or hold a performance evaluation meeting should not be construed as either an endorsement or criticism of the employee's performance.

Employees shall be afforded the opportunity to review and discuss their written evaluation with their immediate supervisor and shall sign their evaluation as proof of discussion and understanding although they may not necessarily agree with the evaluation.

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

## **Article 3. Conditions of Employment**

### **3.01 Normal Hours of Work**

As a general rule, the regular workweek is 40 hours per week, or 8 hours per day.

The department supervisor with the Town Manager's approval will establish the hours of work and the starting and stopping time.

It is the responsibility of each department supervisor to ensure that all employees adhere to the department's work hours.

It is understood that salaried employees who are exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to complete work. This policy will be applied within reason.

### **3.02 Records of Hours Worked**

Accurately recording time worked is the responsibility of every hourly (non-exempt) employee. Federal and state laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Hourly employees should accurately record the time they begin and end their work. They should also record departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

### **3.03 Attendance and Lateness**

It is the employee's responsibility to inform his/her supervisor of an unavoidable absence, such as illness, prior to the start of the workday and each day thereafter. If he/she expects to be late, the employee must contact his/her supervisor to inform that he/she will be late and at what time he/she plans to arrive.

### **3.04 Unapproved Absences**

An employee absent from work for three (3) consecutive days without approval, or exhibit a pattern of unexcused absences regardless of the number of consecutive days, shall be deemed to have resigned. The hiring authority will provide written notice to the employee (or to the employee's last known address).

### **3.05 Outside Employment**

A Town employee may engage in outside employment providing the employment does not interfere with their attendance and the proper and effective performance of his/her primary Town duties, result in a conflict of interest or the appearance thereof, or subject the Town to public criticism or embarrassment.

Employees may not work for outside employers while using accrued sick time, on any approved leave of absence, or while out of work on a qualified worker's compensation leave without express prior written permission from the Town.

Town office space, equipment, time and materials are not to be used for outside employment or non-Town business purposes.

Note, however, that full time regular employees shall regard their employment with the Town as their primary employment. They must not accept outside employment which interferes with their Town work schedule, and must receive prior written approval of outside employment from their supervisor before accepting any outside employment. If the Town finds that any outside employment interferes with the employee's ability to perform their Town duties, the employee will be asked to terminate the outside employment. Any refusal shall be considered a voluntary resignation.

### **3.06 Substance Abuse**

To meet our responsibilities to our employees and the public, the Town must maintain a healthy, productive and safe workplace free from the effects of alcohol or drug abuse. Misusing or abusing controlled substances on the job is prohibited, as is selling, manufacturing, distributing, possessing, using, or being under the influence of illegal substances on the job.

Any employee who displays any signs of impairment or substance abuse, or who is in possession of illegal drugs, whether on Town premises or while on Town business, is subject to disciplinary action including suspension without pay and/or termination. Where warranted, such employees will be encouraged to obtain proper treatment.

The legal use of prescription medications is permitted on the job only if such use does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or others. If employees are taking a prescribed medication that may affect their work performance, they are required to advise their supervisor of that fact.

### **3.07 Workplace Injuries and Workers' Compensation Procedures**

When an on-the-job accident occurs, the affected employee is to report it immediately to his/her direct supervisor. The supervisor shall notify the Town Manager's office within 24 hours of the injury or on the following workday of the accident.

Medical bills, when received by either the department or employee, are to be forwarded immediately to the Town Manager's Office. Medical bills are paid in accordance with Workers' Compensation Procedures.

If a worker is receiving Workers' Compensation, he/she must continue to pay his/her share of employee benefits.

#### **3.07-A Fitness for Duty Examinations**

The Town Manager or a supervisor may require a medical examination or other assessment if s/he has reason to believe the physical or mental condition of an employee is negatively affecting the employee's ability to perform the duties of his/her position safely. Such examination will be paid by the Town and with a medical provider designated by the Town. If the employee is currently working, the employee will be put on paid administrative leave pending the completion of the medical providers report. An examination under this section is limited to whether the employee remains capable of performing the essential functions of his/her position, with or without reasonable accommodation, or without threatening the safety of the employee or the safety of others. If, as a result of the examination and/or assessment, the supervisor or Town Manager concludes that the employee cannot perform the duties of the position, with or without reasonable accommodation, or cannot perform them safely, the Town shall take appropriate action, which may include transfer to another position, if one is available, a leave of absence, termination or retirement. Other medical examinations or monitoring in conformity with state or federal mandates may be required.

### **3.08 Policy on Workplace Threats and Violence**

The safety and security of employees of the Town, and also the public which conducts business in the various municipal buildings, is of paramount importance to the Town. Therefore, threats, threatening behavior or acts of violence against or by employees, visitors, guests or other individuals on Town property will not be tolerated. Violations of this policy may lead to disciplinary action of employees, which may include dismissal and may lead to arrest and prosecution of employees or others.

Any person who makes threats, exhibits threatening behavior or engages in violent acts on Town property will be removed from the premises as quickly as safety permits. The Town will initiate any actions necessary to ensure that employees and the public are safe on Town property.

All Town personnel are responsible for notifying the Town Manager of any threats that they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed

that they regard as threatening or violent when that behavior is job-related or might be carried out on a Town-owned site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the Town Manager is not available, personnel should report the threat to their supervisor, or to law enforcement.

### **3.09 Lay-Offs**

Any employee may be laid off by the Town whenever it is necessary because of a shortage of funds, lack of work, or related reasons, which do not reflect discredit upon the employee. The needs of the Town in each particular case shall be the basis for determining layoffs and any recall from layoff. If rehired within two years of the date of layoff, the employee will retain all accrued benefits.

### **3.10 Resignation**

An employee may resign from Town service in "good standing" upon the submittal of a written notice to the Town Manager fourteen calendar days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist. The Town shall also have the discretion to accelerate the employee's departure if in the best interests of the Town.

A statement should accompany the resignation by the supervisor as to the resigning employee's service performance and pertinent information concerning the cause of resignation. The effective date of the employee's termination with the Town is considered to be the last day actually worked.

Upon separation, the Town shall pay all wages owed as well as earned vacation pay, compensatory time and sick time due to the employee, if any, on the next regular pay day.

### **3.11 Employment References or Employment Verification**

All requests for employment references or employment verification must contain the employee's or former employee's signature authorizing the release of the information. The following information will be released in writing by the Town Manager:

1. whether the individual is currently employed by the Town,
2. the employee's current or last job title,
3. the dates of employment at the Town, and
4. if requested, the current or final salary paid to the employee.

### **3.12 Public Relations**

#### **(a) Employee Conduct**

The Town requires that all employees treat the public with promptness, patience, courtesy and respect. The Town also expects all employees conduct themselves in a manner non-discreditable to the Town or their respective departments.

#### **(b) Receipt of Gifts**

All Town employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties.

Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

#### **(c) Political Activity**

Employees may seek or accept nomination or election to any office in the Town government while employed by the Town, provided that no person may hold elective office while employed by the Town. Therefore, any employee elected to any Town Office shall resign from employment prior to taking office. This rule does not prevent Town employees who are not employed in a town school for running for school board.

During the course of their employment, employees shall refrain from using their influence publicly in any way for or against any candidate seeking elective office in the Town government.

This rule is not to be construed to prevent Town employees from becoming, or continuing to be members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any municipal, state or national election.

#### **(d) Confidentiality Policy**

During the course of their duties, employees of the Town are often privy to sensitive and confidential information. Examples of this include, but are not limited to, labor relations, medical records, general assistance requests, and personnel actions. The Town expects any employee with access to such information to respect the confidential nature of the matter, not to share or provide access to such information with members of the public, including family members, and to take all reasonable measures to maintain confidential documents in a secure manner.

The Town is subject to the Maine "right to know" law, MRSA Title 1 sections 401-412. The statute is complicated and covers many complex areas. A mistaken or erroneous release of information – or a refusal to release information -- .could result in liability to the Town. Accordingly, any employee who receives any request for information under the "right to know" statute must direct the request to

the Town Manager or the Town's designated information officer for the Town's official response. Employees must not undertake to respond without receiving specific authorization to do so from the Town Manager or the Town's designated information officer.

**(e) Appearance and Dress**

As representatives of the Town, employees are expected to maintain a neat professional appearance and dress appropriately for their job responsibilities. Appearance also means maintaining good hygiene and grooming while working.

Employees who violate this policy in the opinion of their supervisor or Town Manager may be asked to leave the workplace until they are in compliance. Repeated infractions of this policy may be cause for disciplinary action.

**3.13 Use of Electronic Equipment**

Electronic communications and internet access should primarily be used for official Town business. Incidental personal use of Town computers and systems are permitted as long as the use is not excessive and does not interfere with the employee's job duties or performance.

All uses of electronic communications must be appropriate for use in a business environment. Employees who are provided access to the Town's e-mail system are strictly prohibited from creating, distributing, or soliciting messages or transmissions that contain inappropriate, unprofessional, offensive, or harassing comments, sexually oriented messages or images, communications that constitute slander, defamation, or unlawful trade disparagement of management, employees, customers, clients, vendors, or any other person or entity.

The Town may monitor or review the electronic communications of any staff member at any time, for whatever reason, including, but not limited to, business-related reasons, system maintenance, preventing illegal activity, and guarding the rights or property of the Town. Further, the Town reserves the right to monitor and/or review without prior notice all Town systems, including but not limited to e-mail messages, viewed websites, and documents on Town computers. **Employees therefore should not hold any reasonable expectation of privacy while using Town information systems.**

Employees should not use vulgarities, obscenities, sarcasm or exaggeration in e-mail messages or in any other communications originating in this office. The use of foul or abusive language may be grounds for disciplinary action or dismissal.

Employees are not permitted to download movies, videos, music, games or pornography on Town systems. Use of the internet should be incidental and limited to Town-related business. Telephone conversations may be monitored at any time in order to assure that citizens are receiving quality service and that the guidelines set forth above are being observed by all employees.

The Town also reserves the right to examine the contents of all offices including items contained in desks, file cabinets, shelves and other storage devices, but only when the Town

determines, in its sole discretion, that there is a legitimate business and/or safety reason for doing so.

Any violation of this policy may result in discipline, including but not limited to termination of employment.

### **3.14 Systems Security**

All employees are expected to maintain a secure environment for the Town's electronic systems, software, and services. Use of computer software and other copyrighted materials will be in accordance with licensing agreements and applicable copyright laws. Employees will protect all electronic systems equipment and software from inadvertent introduction of viruses by not downloading software from public bulletin boards and by not installing unauthorized software of any type unless previously approved.

### **3.15 Use of Other Town Property**

Employees shall not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

## **Article 4. Employee Discipline**

### **4.01 Dismissal/Termination**

Termination of an employee's employment with the Town, when not by mutual agreement, must be for just cause. Just causes for immediate dismissal include, but not limited to; violence, stealing, and insubordination; incompetence, frequently absent or late, alcohol and/or drug abuse, and attitude when the attitude problem has a significant negative effect on operations. This list is illustrative and not intended to be comprehensive. The Town reserves the right to take circumstances, including past performance and history, into account when determining the level of discipline.

The words "significant negative effect" as used above shall mean that complaints from other employees and/or the public indicate that in the supervisor's opinion morale and/or public relations are being adversely affected due to the employee's attitude and/or actions.

### **4.02 Progressive Discipline**

The Town has a policy of progressive discipline of employees, which means that repeated instances of poor job performance or misconduct will be subject to progressively more severe sanctions, which may include oral or written warnings, counseling, and suspension with or without pay, demotion or termination. Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence or theft, may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence. **The Town at all times reserves the right to bypass steps in progressive discipline and impose more severe discipline, depending on the circumstances.**

When in the judgment of the appointing authority, whether a supervisor or the Town Manager, an employee's work performance or conduct justifies disciplinary action, the employee may be disciplined. Consideration shall be given to the severity of the performance problem or misconduct and prior disciplinary sanctions, if any, against the employee prior to imposing any discipline. Repeated misconduct or continuing performance problems may be considered cumulative, and subject to progressively more severe discipline, even if the conduct or performance problems vary in nature or severity.

Except in cases of emergency, a supervisor may suspend no employee until the Town Manager ratifies the decision. Except in cases of emergency, no employee shall be suspended for more than three days without first being given an opportunity to discuss the incident or incidents underlying the suspension with either the Town Manager or supervisor, whoever initiated the suspension. Any employee who has been disciplined pursuant to this section shall have access to the [Grievance Procedure](#).

#### **4.03 Grievance Procedure**

The employee grievance procedure is designed to accommodate employees by providing a fair and equitable process for an unresolved dispute related to conditions of employment, including disciplinary action. Complaints concerning allegations of discrimination or harassment should be made pursuant to the procedures set forth in the [Internal Complaint Procedure](#).

All time frames and other procedural requirements must be adhered to unless an extension or exemption is granted in writing by the Town Manager. If the grievant fails to respond within the specified time frames, the grievance will be dismissed, all further steps and appeals deemed waived, and final discipline imposed without action.

- A. Grievances by non-supervisory employees shall be governed by the following procedure:

**Step 1** - To initiate the grievance, the grievant must file a written grievance with his/her supervisor within five working days of the date he/she knew or should have known of the event giving rise to the grievance.

**Step 2** - The supervisor must meet with the grievant to discuss the grievance and provide him/her with a written response addressing each issue raised within five working days of receiving the written grievance.

**Step 3** - If the grievant is dissatisfied with the supervisor's decision, the individual may file a written appeal to the Town Manager within three working days of receiving the written decision. The Town Manager will then respond with a written decision within five working days. The Town Manager's decision is final and binding.

Non-supervisory employees may not file a grievance against the Town Manager for any such Step 3 decision(s), or appeal the Step 3 decision to the Select Board. Under no circumstances shall a non-supervisory employee governed by this process bypass these Steps, or attempt to bypass these Steps by grieving to the Select Board or to any individual Select Board Member.

- B. Grievances by supervisory-level employees who are directly supervised by the Town Manager shall be governed by the following procedure:

Personnel grievances by supervisors against the Town Manager by employees who are supervised directly by the Town Manager shall be heard by the Select Board. Steps 1-3 above do not apply. Such grievances must be filed in writing to the Chairperson of the Select Board within five working days of the date the grievant knew or should have known of the event giving rise to the grievance. The Select Board will act as a body while addressing such grievances, and shall set the time for a meeting with the grievant. The Select Board may utilize any process it deems appropriate for the meeting and the attendant circumstances. Any decision by the Select board will be final and binding.

## **Article 5. Time Off From Work**

### **5.01 Holidays**

The Town of St. George observes the same holiday schedule as observed by State of Maine agencies. In addition one personal preference holiday will be available to each employee per year. Regular employees will be paid at their regular rate for these holidays.

### **5.02 Vacation**

Each regular or part-time employee shall earn annual vacation time with pay in accordance with the employee's term of continuous employment and in accordance with the following schedule:

1. . For the first year of employment:
  - a. the employee shall accrue one day of vacation time for each month worked during the first calendar year of employment, up to a maximum of ten days.
  - b. Vacation days cannot be utilized during probation.
  - c. accrued vacation days are considered earned upon completion of probation.
  - d. Vacation days must be taken in the calendar year following the year they are earned.
2. For the second through fifth year of employment the employee shall earn ten vacation days each year. Employees who have not yet completed probation shall earn a total of 10 days of vacation upon satisfactory completion of the probation period.
3. For the sixth through tenth year of employment the employee shall earn fifteen days of vacation each year.

4. For the eleventh year of employment and from then on the employee shall earn twenty days of vacation each year.

A year's vacation is considered "earned" on January 31<sup>st</sup>.

Vacation within these limits shall be taken when authorized by the supervisor, taking into consideration employee preference, workload, and conflicts with other employees' vacation plans. In the case of conflicts in vacation schedules the needs of the Town will take precedent, and thereafter request by the employee with the most seniority will prevail.

All vacation must be taken by the end of January of the next year. By mutual agreement between the Town Manager and employee the employee may be paid for unused vacation days.

Any pattern of taking sick days just prior to or immediately after a paid holiday shall be considered misconduct, and may result in disciplinary action, up to and including termination.

### **5.03 Illness, Sick Leave and Work Related Injury**

The general policy is that if an employee of the Town is sick or otherwise disabled the employee should not come to work. The employee must, however, contact their supervisor and report that they will be absent due to illness, or have someone else make the report.

Consecutive days of illness in excess of three days require medical verification, acceptable to the supervisor, prior to returning to work. Any use of five sick days in any three month period will require medical verification, acceptable to the supervisor, prior to returning to work.

A regular employee earns up to fifteen (15) days of short-term sick leave per year at a rate of 1.25 days per month.

- A. Short-term sick leave days may be accumulated and carried over to following years to a total of twenty-five (25) days.
- B. Short-term sick leave accumulated in excess of twenty-five days can either be held for long-term sick leave, up to fifteen (15) days, or converted from 1-day to 1-hour [Personal Time Off](#) up to sixteen (16) hours.
- C. Upon leaving employment, accumulated short-term sick leave will be compensated at the rate of 50% of the current pay.

Long-term sick leave is only available for an extended illness (extensive surgery, heart attack and cancer are examples). Long Term sick leave can only accumulate up to fifteen (15) days and is not eligible for conversion.

In the event of a Long-term illness, employees must use his/her sick leave in the following order:

1. Earned Short-term sick leave
2. Accumulated sick leave
3. Long-term sick leave up to fifteen (15) days

[Workers' Compensation](#) rules must be followed by the supervisor and employee in cases of on-the-job accidents.

#### **5.04 Personal Time Off**

Personal time off is at the discretion of the supervisor. Unused short-term sick leave can be converted to "earned" personal time off up to sixteen (16) hours at a rate described in section 5.03.

#### **5.05 Bereavement Leave**

Full-time regular employees are eligible to receive paid time off for bereavement. There shall be five days allowed for the death of a spouse or child, three days for another immediate family member, with additional time available at the discretion of the Town Manager through the use of sick leave. Special consideration is allowed in this category at the discretion of the Town Manager.

#### **5.06 Military Leave/Reserve Service Leave**

In accordance with state and federal law, all employees will be granted time off from work for annual training obligations or active service in the United States uniformed services.

Employees engaged in active military service would be placed on military leave of absence status. You should advise your supervisor of the dates of your military service as far in advance as possible, and provide copies of any orders, unless military necessity prevents such notice.

The employee is expected to return to work upon expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the employer. If applicable, employees may choose to continue insurance benefits for the duration of leave by assuming the Town contribution. Vacation and sick leave will not continue to accrue during the leave unless the employee is using earned time. The Town will comply fully with the Uniformed Services Employment and Reemployment Rights Act, USERRA.

You should discuss with your supervisor concerning your rights and the requirements of reemployment.

An employee who is a certified disaster service volunteer under state law (30-A MRSA §2705) may, upon the request of the American Red Cross, be granted leave to participate in specialized disaster relief services for the Red Cross, and with the approval of the municipal officers:

Be granted leave not to exceed 15 days per year without loss of pay, vacation time, sick leave, or earned overtime accumulation;

Be granted leave using the employee's compensated time off, with the employee's consent; or

Be granted a leave using a combination of paid leave and compensated time off.

This provision applies only to relief services related to a disaster declared by the governor or

the President of the United States.

#### **5.07 Jury Duty / Witness Leave**

Any employee shall be excused from work with pay when required to respond to a summons for jury duty, to serve as a juror, or attend court for prospective jury service. In order to receive such pay, the employee must present the Town with a copy of any jury duty notice or summons.

#### **5.08 Unpaid Personal Leave of Absence**

An employee may be granted a leave of absence without pay and insurance benefits, unless paid by the employee, in the discretion of the Town Manager on recommendation of the supervisor, with such leave not to exceed one year in length, when the leave will not unreasonably burden the Town or employee's coworkers.

The granting of the leave shall protect the employee's existing continuous service for the leave period. Vacation or sick leave will not accrue during the absence, nor will the employee receive pay for the municipal holidays.

Unpaid personnel leave **will not be granted** unless and until the employee has utilized and exhausted all accrued leave benefits, such as vacation, sick and compensatory leave. In addition, if the leave qualifies as Family and Medical leave, Worker's Compensation leave, or both, then those categories of leave shall be granted instead, if applicable and the employee qualifies.

#### **5.09 Parental Leave**

Employees who need to leave work for the birth or adoption of a minor child, and who are not eligible for unpaid Family and Medical leave (FMLA), may request parental leave. If an employee is eligible for FMLA leave, the employee must apply for FMLA leave governed by the Town's FMLA policy.

If FMLA does not apply, an employee may request up to eight consecutive unpaid weeks for parental leave for the birth or adoption of a child. The employee must use accrued vacation, sick and compensatory time during the parental leave; the remainder of the leave after paid benefits are exhausted shall be unpaid. Upon completion of the maternity leave, the employee may return to his/her regular position of work.

#### **5.10 Family Medical Leave Act**

Please note that depending upon the number of employees employed by the Town at the time of your request for Family Medical Leave, either the State and Federal FMLA , or both, may not apply to the Town.

## A. Federal FMLA

Employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during their prior twelve (12) months with the Town may be eligible to take up to twelve (12) weeks of unpaid leave (FMLA leave) for the following reasons:

1. Birth of a child of the employee;
2. Placement of a child into the employee's family by adoption or by a foster care arrangement;
3. Care of the employee's spouse, parent, or child who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. "Military Family Leave" due to "any qualifying exigency" arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active status in either the National Guard or Reserves.

In addition, employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twenty-six (26) weeks of unpaid "Military Family Leave" leave to care for a seriously injured service member (regular armed forces, National Guard or Reserves) who is the spouse, child, parent or next of kin of the employee. The 26-week period includes any 12-week period permitted for any other qualifying FMLA reason.

## B. Maine FMLA

Employees who have worked for the Town for 12 months but for less than 1,250 hours during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave under Maine law. Such employees should follow the procedures set forth herein to apply for a Maine FMLA leave.

Maine FMLA law permits family and medical leave to be taken for the following reasons:

1. Birth of a child of the employee or a child of the employee's domestic partner;
2. Placement of a child under 16 years of age into the employee's family by adoption or by a foster care arrangement;
3. The serious health condition of the employee's spouse, parent, child, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), domestic partner, or domestic partner's child, or the death of one of the aforementioned individuals who is a member of the military and who dies while on active duty.
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. The donation of an organ by the employee; or
6. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial

arrangements), or child, if that person is a member of the military and dies or incurs a serious health condition while on active duty.

### C. Procedures

Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the Family and Medical Leave Act. For example, if an employee used four weeks of leave beginning February 1, 2011, four weeks of leave beginning June 1, 2011, and four weeks of leave beginning December 1, 2011, the employee would not be entitled to any additional leave until February 1, 2012. On February 1, 2012, the employee would be entitled to four weeks of leave, and on June 1, 2012, the employee would be entitled to an additional four weeks, etc.

The right to FMLA for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Town agree. If both spouses are employed by the Town, the combined leave shall not exceed twelve (12) weeks.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital; hospice or residential medical care facility;
- any period of incapacity requiring absence from work or other regular daily activities for more than three (3) calendar days that also involves continuous treatment by or under the supervision of a healthcare provider; or
- continuous treatment by or under the supervision of a healthcare provider for a chronic long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) calendar days; or
- prenatal care.

In the case of unpaid FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family member's or the employee's own serious health condition, the Town has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours

leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Employees are required to use their available vacation time during any unpaid FMLA leave period, and available sick/personal time is required to be used when unpaid family leave is taken because of the employee's serious health condition. In the case of family leave due to reasons other than the employee's serious health condition, the employee may opt to use available sick/personal time. The remainder of the FMLA leave will be unpaid. The FMLA period and the use of any accrued time during the FMLA protected leave will run concurrently.

Employees out on paid Worker's Compensation leave or paid Disability Leave may elect to use available sick and/or vacation leave during their absence, but **are not** required to do so.

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Town at least thirty (30) days' notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the Town, the employee must provide such notice as soon as practical. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- give at least thirty (30) days' notice, or as soon as practical if treatment starts in less than thirty (30) days; and
- make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the Town, subject to the approval of the healthcare provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical. Any FMLA leave request based on a family member's or employee's own serious health condition must be supported by certification from a healthcare provider. The employee must provide a copy of the certification to the Town in a timely manner; (Fifteen calendar days will be allowed to provide the certification.) Certification from the healthcare provider must contain:

- the date the serious health condition began;
- the possible duration of the condition;
- the appropriate medical facts regarding the condition;
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job;

- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date and duration of the treatment should be specified; and
- in the case of intermittent leave or leave on a reduced hours basis for medical conditions that do not necessarily involve planned medical treatment, an estimate as to the anticipated frequency and timing of the absences should be given.

During FMLA leaves of absence, the Town will continue to pay its portion of the health insurance premium, if any, and the employee must continue to pay his/her share of the premium, if any, including family plan premiums. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of any unpaid FMLA leave, the employee may be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

During FMLA leave, the employee shall not accrue employment benefits, such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

The Town may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave. Employees with chronic or continuing health issues may be required to provide recertification every six (6) months.

Employees who return to work from FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Upon returning to work from a FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks, up to two vacation days may be taken during the next 90 days.

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days notice is not possible. All necessary forms are available from the Town Manager or his designee. Appropriate forms must be submitted to the Town Manager and/or his designee to initiate a family leave and to return the employee to active status.

Each employee taking leave that meets the requirements for FMLA leave will be provided the "Response to Your Request for Leave" form. Other forms relating to FMLA leave can be obtained from the Town office.

#### **D. Application**

All necessary forms are available from the Personnel Director.

1. Applications for family leave of absence must be submitted to the Personnel Director in writing and signed by the employee's immediate supervisor.
2. Applications should be submitted at least thirty days before the leave is to commence or as soon as possible if thirty days notice is not possible.
3. Appropriate forms must be submitted to the Personnel Director to initiate a family leave and to return the employee to active status.
4. Each employee taking leave which meets the requirements for FMLA leave will be provided the "Response to Your Request for Leave" form.

#### **5.11 Leave for Victims of Domestic Violence**

In accordance with Maine Law, the Town will grant you a reasonable and necessary amount of time off from work without pay if you are a victim of domestic violence, domestic assault, sexual assault or stalking, and you need the time to:

- A. Prepare for or attend court proceedings,
- B. Receive medical treatment, or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

You must request the leave as soon as circumstances make it clear that time off is necessary. Approval of leave will be dependent upon:

- A. whether your absence will create an undue hardship for the Town,
- B. whether you requested leave within a reasonable time, and
- C. whether the requested leave is impractical, unreasonable or unnecessary given the facts made available to the Town at the time of your request.

If your leave is approved, you will be required to first use any accrued paid vacation or sick time before taking unpaid leave. Vacation and sick days do not accrue during your leave and holidays are not paid while you are on leave. You will not be discriminated against for taking or asking for leave.

#### **5.12 Family Sick Leave**

: An employee may use up to a maximum of forty (40) hours of “Family Sick Leave” per fiscal year due to the illness of a member of the employee’s immediate family. “Immediate family” shall mean the following individuals living in the employee’s household: spouse, domestic partner, father, mother, child, stepchild, or other family member. Family Sick leave may also be used for transporting such immediate family members to health care appointments. Eligible employees may use such time for doctor, dental and other health care provider visits. Employees utilizing such leave are required use any banked and accrued vacation, sick and/or compensatory time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

#### **5.13 Employee Status When All Paid Leave is Used**

When an employee has used all leave including sick and vacation leave, and the employee is still unable to return to work, employee compensation shall cease immediately. The Town will no longer pay any amount toward life and medical insurance. The employee will then have the opportunity to continue the benefits by paying the cost themselves.

## **Article 6. Employee Benefits, Programs and Services**

### **6.01 Overview**

Regular full-time employees are eligible to participate in the Town’s benefits programs, currently programs offered through the Maine Municipal Employees Health Trust (MMEHT), and a [retirement plan](#) (Deferred Compensation Plan offered by ICMA). A number of the programs (such as Social Security, Workers' Compensation, and Unemployment Insurance) cover all employees in the manner prescribed by law.

The following is an overview of the Town’s current benefit plans. These descriptions are only summaries of the benefits currently provided. For complete details regarding the terms, conditions, restrictions, eligibility requirements and coverage, employees should refer to the summary plan descriptions, which are provided to eligible regular employees, or contact the Town Manager, who will provide Employees with a summary sheet pertaining to the current level of benefits.

The Town reserves the right to change or eliminate any benefit plans at any time and for any reason, without advance notice by the Town. In the event of any discrepancy between the summaries contained in these policies and the specific insurance documents or summary plan descriptions, the insurance documents and summary plan descriptions will govern.

## 6.02 Cafeteria Plan

### Health, Dental and Life Insurance

The Town has established the **Town of St. George Section 125 Cafeteria Plan (“Plan”)** for the benefit of its eligible employees and to provide these employees with the opportunity to choose among certain qualified benefits under Section 125 of the Internal Revenue Code.

The Cafeteria Plan is available to all regular employees who work 35 or more hours per week on a twelve-month basis. Employees should be aware that the start date of benefit coverage varies and should not be confused with the eligibility to participate date.

To participate, eligible employees must return a properly completed *Benefit Election* form to the Town Manager within the appropriate time period. In addition, employees may be required to complete individual carrier applications or other forms for certain elected benefits. The *Benefit Election* form will be made part of the employee’s personnel file.

All Cafeteria Plan benefits are offered through Maine Municipal Employees Health Trust (MMEHT).

#### (a) Health Insurance

The Town pays employees hired before 7/1/2016 the individual medical insurance premium for the *Point of Service – A* plan. For employees hired after 7/1/2016 and before 11/9/2020, the Town pays the individual medical insurance premium for the *Point of Service 200* plan. For employees hired after 11/9/2020, the Town pays the individual medical insurance premium for the *Point of Service C* plan.

Employees have the option of choosing a more expensive health insurance plan, at their expense, using pre-tax dollars.

Employees who do not participate in the Health Insurance plan may use the equivalent of the health insurance premium for other programs offered by MMEHT. Any unused premium funds will be added to the employees Town Retirement Plan.

If employees wish to add their partner and/or children to their MMEHT Health Insurance plan, they receive top-up dollars:

- The top-up for a current employee with children is 75% of the difference between the POS C “employee with children” and the POS-A “employee only” baseline premium.
- The top-up for a current employee & partner, or employee & partner with children (called here “family”) is 75% of the difference between the POS C “employee and spouse” and POS-A “employee only” baseline premium.
- These top-up dollars may not be re-assigned to other employee benefits.
- For employees hired after 7/1/2016 and before 11/9/2020, the baseline premium becomes POS 200 “employee-only”.
- For employees hired after 11/9/2020, the baseline premium becomes POS C “employee-only”.

**(b) Basic Life and Accidental Death & Dismemberment (AD&D) Coverage**

Basic Life insurance is available either with the MMEHT health insurance, or as a stand-alone plan. Employees enrolled in a MMEHT health insurance plan receive a Basic Life insurance benefit equal to one times their annual salary, at no additional cost to either the employee or the employer.

Eligible employees who are not enrolled in a MMEHT health insurance plan (for example, because they have coverage through a spouse's health insurance plan) may choose to enroll in "Life No Med", which is the Basic Life insurance benefit, for a nominal pre-tax monthly premium.

The Basic Life insurance plan includes an equal amount of Accidental Death & Dismemberment (AD&D) coverage, which means the benefit amount is doubled if the covered person dies as the result of an accident.

**(c) Dental Insurance**

Employees may elect to participate in this plan using pre-tax wages.

**(d) Vision Insurance**

Employees may elect to participate in this plan using pre-tax wages.

**6.03 Retirement Plan (ICMA Deferred Compensation 457 Plan)**

A 457 Deferred Compensation Plan is a supplemental retirement savings program that allows you to make contributions on a pre-tax basis. Federal, and in most cases, state income taxes are deferred until your assets are withdrawn, usually during retirement when you may be in a lower tax bracket.

In 1983, the residents of the Town of St. George voted at the Annual Town Meeting to establish and contribute to a Retirement Plan for eligible Town Administration employees. Annual funding for this benefit is subject to approval by the Selectboard and commitment by the approval of the Annual Budget.

For employees hired before 10/1/2017, the Town currently contributes 5 percent of the full time regular employee's base pay to a Section 457 Deferred Compensation Plan administered through ICMA. Employees are encouraged to add to that amount, up to the legally allowed maximum.

For employees hired after 10/1/2017, the Town will pay 4 percent of the full time regular employee's base pay to a Section 457 Deferred Compensation Plan administered through ICMA. Employees are encouraged to add to that amount, up to the legally allowed maximum; the first 4 percent of this employee contribution is matched dollar for dollar by the Town.

All employees may make a change to their retirement plan once a year, in the month after the Annual Town meeting. Grandfathered employees may switch to the new retirement plan during this same period.

If an employee opts to allocate a portion of the cafeteria benefits plan to the retirement plan, the town will not view that as dollars to match.

#### **6.04 Benefits for Part-time Regular Employees**

Part-time employees may enroll in the programs of the MMEHT or deferred compensation plan offered by the Town to the full-time regular employees, with any and all costs of the plans attributed to the part-time employees to be paid by them. All other categories of employees may not participate in the Town Benefits Program.

#### **6.05 Programs and Services**

##### **(a) Social Security**

If employees have worked the required length of time and retire, die or become disabled, Social Security provides monthly cash benefits to replace part of their working earnings. Through Medicare, funded by Social Security payments, employees may also be eligible for medical insurance after the age of 65. The employee and the Town support the required Social Security program payments. The combined payment is forwarded to the employee's Social Security account, administered by the federal government.

The amount of your retirement benefit will depend on the employee's pre-retirement earnings and the age at which the employee retires.

##### **(b) Workers' Compensation**

The Town pays the full cost of Workers' Compensation insurance for all employees as of their first day on the job. The Workers' Compensation policy is designed to provide partial salary coverage and coverage for medical expenses if an employee experiences a job-related injury or disability. Workers' Compensation insurance does not provide benefits for injuries or illnesses arising out of employees' voluntary participation in off-duty recreational, social or athletic activities that are not part of their job duties.

##### **(c) Unemployment Compensation Insurance**

Employees may be eligible for payments for specified periods under state unemployment law. The Town pays taxes to support this state program and there is no deduction from pay.

## **Article 7. Employment Related Policies**

#### **7.01 American's With Disabilities Act**

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act, and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

#### **7.02 Non-Discrimination and Anti-Harassment Policy**

The Town is committed to providing a workplace that is free from discrimination and discriminatory harassment. It is a violation of Town policy and/or state and federal law for any employee to discriminate against or harass another employee based on race, color, religion,

national origin, ancestry, age, sex, sexual orientation (including gender identity and expression), physical or mental disability, genetic information or history, veteran status, or status as a whistleblower, or any other category protected under state and federal law, and for any supervisory employee to permit any such act of harassment in the workplace by anyone, whether or not an employee.

Any employee of the Town who believes that he or she has been discriminated against in employment on the basis of any protected category must report the behavior and follow the Internal Complaint Procedure set forth below. The Town takes allegations of discriminatory treatment very seriously. The Town will investigate every allegation of discrimination and take whatever prompt remedial action is necessary to stop discrimination and remedy any effects of discrimination.

### **Definition of Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **Description of Sexual Harassment**

The following type of conduct is considered sexual harassment and is not permitted. This list is illustrative and not intended to be comprehensive:

- A. Physical assaults of a sexual nature such as:
  - a. rape, sexual battery, molestation or attempts to commit these assaults; and
  - b. intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- B. Unwanted sexual advances, propositions or other sexual comments, such as:
  - a. sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;

- b. preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
  - c. subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of that employee's job more difficult because of that employee's sex.
- C. Sexual or discriminatory displays or publications anywhere in the workplace by employees, such as:
- a. displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the Town and who is posed for the obvious purpose of displaying or drawing attention to private portions of his/her body.
  - b. reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - c. displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semiprivate lockers/changing rooms).

In addition, unwelcome sexual advances need not occur at work in order to be considered harassment. The activity is not permitted regardless of where it occurs, if the harassing activity creates a hostile or offensive work environment.

### **7.03 Internal Complaint Procedure**

Any employee who believes he or she has been the subject harassment should report the incident or act immediately to any Town supervisor or to the Town Manager.

Each employee alleging discriminatory harassment will be requested, but not required, to put the specifics in writing. Employees who observe or learn of conduct which could be construed as sexual harassment should immediately bring those concerns to the town's attention.

All information will be held in confidence to the extent possible and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint.

The individual may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333

Any employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline, up to and including termination.

No employee will be punished or penalized in any way for reporting, complaining about or filing a claim concerning discriminatory harassment, or for participating in any investigation of a discriminatory harassment complaint.

All reported complaints will be investigated by a person assigned by the Town, and we will seek to keep any information obtained as confidential as possible, although confidentiality cannot be assured. In determining whether the conduct in question is sexual harassment, the nature of the conduct and the context in which it occurs must be examined. In the event that it is determined that sexual harassment has occurred, appropriate action will be taken, up to and including the dismissal of the person engaging in the harassment.

Retaliation Prohibited: Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form, and should report any retaliation immediately to any supervisor or the Town Manager.

In addition, the Town also encourages employees to report other conduct which effects the workplace and working conditions, including harassment based on any other protected category, such as race, national origin, age, etc. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees who report such conduct will be protected from retaliation in any form, and should report any retaliation immediately to any supervisor or the Town Manager. All complaints of retaliation will be investigated and prompt remedial action will be taken.

#### **7.04 Workplace Smoking Policy**

Smoking is not permitted inside Town municipal buildings, town vehicles, or town leased property.

In addition, due to the potential safety hazard of smoking in the general vicinity of recyclables, trash, demo debris, brush & demo wood sites, etc., smoking outdoors at the Solid Waste Facility is also prohibited.

### **Article 8. Personnel Records**

The Town maintains personnel records regarding each employee. An employee may review his/her file(s) in the presence of the staff member responsible for the files during normal office hours. In order for the employee to perform such a review, he/she must make an appointment,

to occur at the convenience of the Town, via written request. An employee may also request copies of the file at no cost once per year,

#### **BULLETIN BOARDS/NON-SOLICITATION**

Bulletin boards placed in designated areas provide employees access to important posted information and announcements. The employee is responsible for reading information posted on the bulletin boards. The Town reserves the discretion to remove items from the bulletin board which are inappropriate.

All solicitations for charities, organizations, groups, businesses, services, etc. must be approved by the Town Manager prior to posting. The Town reserves the right to reject any solicitation, in any format, if the Town Manager deems it not in the best interests of the Town, unless state or federal law requires otherwise. In person solicitation must also be pre-approved by the Town Manager.

#### **Article 9. Severability and Effective Date**

If any article, section or provision of this policy should be found to be invalid or unenforceable by decision of the courts, only that article, section or provision specified in such decision shall be of no force and effect and such decision shall not invalidate any other article, section or provision.

Revisions to the policies may occur from time to time, as the Select Board deems necessary. When any of the policies are updated, they supersede the policies in this manual and employees will be provided with copies of the updates.

Personnel Policies in this document are effective as of November 9, 2020. These personnel policies supersede all existing personnel policies.

## **Employee Receipt and Acknowledgement of Personnel Policies and Procedures Form**

As part of your orientation, the Town of St. George Municipal Employees Personnel Policies and Procedures manual will provide important information. Please read it thoroughly.

Revisions to the policies may occur from time to time, as the Town deems necessary. When any of the policies are updated, they supersede the policies in this manual and you will be provided with copies of the updates.

The St. George Municipal Employee Personnel Policies and Procedures do not constitute an employment contract.

I understand that during my probationary period (applicable to new employees and employees promoted, demoted or transferred to new positions), my employment with the Town is “at will.” I understand that during the probationary period, I have no right of hearing, grievance procedures or appeal.

I acknowledge that I have received a copy of the Town of St. George Municipal Employees Personnel Policies and Procedures manual, and understand that it is my responsibility to become familiar with its contents, and to comply with these guidelines.

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(Employee Signature)

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(Date)

**Note: The signed copy of this form is to be filed in the employee’s personnel file.**