

PERSONNEL POLICIES AND PROCEDURES MANUAL FOR PEMBROKE

Approved January 19, 2016

**This document supersedes all personnel policies previously
established or approved by the Town of Pembroke.**

WELCOME TO PEMBROKE!

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

As an employee of the Town, 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 important part of this process.

This Personnel Policies and Procedures Manual explains our personnel policies and benefits. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you in your capacity as an employee, you should address your specific questions to your Department Head.

We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,

Pembroke Board of Selectmen

ABOUT THIS MANUAL

The policies outlined in this Manual should be regarded as guidelines only, which may require changing from time to time. The Board of Selectmen retain the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This Manual supersedes and replaces any and all prior Manuals, policies, procedures, and practices of the Town.

This Manual also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This Manual is not, and should not be construed as an express or implied contract and does not modify any existing at-will status of any Town employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the Town has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

Please also be aware that the Board of Selectmen reserve the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, in its sole discretion. If and when provisions are changed, you will be given replacement pages for those that have become outdated. A copy will also be placed on our bulletin boards.

The Town Administrator and Board of Selectmen shall be responsible for the overall administration of the plan.

Department Heads shall be responsible for adherence to this plan within their departments. Department heads may adopt departmental policies, which shall become effective only upon the approval of the Board of Selectmen. Department policies shall not be inconsistent with the policies established in this plan, unless the Board of selectmen determines a variance from the policies is warranted due to the circumstances of the particular department.

RECEIPT AND ACKNOWLEDGMENT OF PERSONNEL POLICIES AND PROCEDURES MANUAL

This Personnel Policies and Procedures Manual is an important document intended to help you become acquainted with Pembroke. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Manual.

- I have received a copy and understand that it is my obligation to read the Personnel Policies and Procedures Manual. I understand that the policies described in the Manual are subject to change at the Board of Selectmen's sole discretion at any time. I understand that this Manual supersedes and replaces all other previous manuals and personnel policies for the Town as of January 19, 2016.
- I acknowledge that I have the right to terminate my employment with the Town at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements.
- I am aware that the descriptions of benefits in this Manual are not contractual in nature and do not guarantee any continuance of said benefits.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with non-Town employees, except as required by law.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Policies and Procedures Manual.

Employee's Name **(please print)**

Date: _____

Employee's Signature

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SECTION I. GENERAL PROVISIONS

1.1 OUR WORKPLACE

As you review this Manual, you will notice that terms such as “workplace” and “premises” appear in many of the Town’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this Manual, please understand that we are discussing not only Town buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle you may be traveling in or using for Town related business.

1.2 EQUAL EMPLOYMENT OPPORTUNITY AND POLICY AGAINST DISCRIMINATION

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation, benefits and training.

In support of our commitment to equal employment opportunities, the Town prohibits any and all discrimination or harassment of one employee by another employee or supervisor on any of the bases discussed above. Any employee who harasses or discriminates against another employee, citizen, or visitor on any of the bases discussed above will be subject to discipline, up to and including termination. Prohibited conduct includes:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that are based on or that relate to race, color, religion, gender, national origin, genetic information, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status;
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, genetic information, ancestry, age, disability, sexual orientation or veteran status; and,
- offensive comments, jokes, innuendos, and other statements or conduct based on an individual’s membership in any of the legally protected categories listed above.

Please also refer to the section titled Anti-Harassment for more information on prohibited conduct.

The Town prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor) who is on our premises or who comes in contact with our employees. Any supervisor or employee who harasses or discriminates against another employee or non-employee on any basis discussed above will be subject to discipline, up to and including termination.

If you experience or witness what you believe may be harassment and/or discrimination in violation of this policy, you should immediately report the incident. All reports must be made in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment and/or discrimination or who participates in good faith in an investigation of a complaint is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Manual.

1.3 SEXUAL HARASSMENT POLICY

A. Introduction

The Town's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town of Pembroke. Further, any retaliation against an individual who has complained about sexual harassment and/or retaliation against an individual who has cooperated in an investigation of sexual harassment is unlawful and will not be tolerated.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment. Where it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

B. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or

- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Town premises or who comes into contact with Town employees.

It is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, the following are some examples of prohibited conduct:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets; sexual jokes; written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body; sexual gestures;
- Suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; and
- Discussion of one's sexual activities.

C. Complaints of Sexual Harassment

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, you are not required to do so. If you believe that you have been subjected to sexual harassment, you should report the incident immediately. All reports must be made in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

D. Retaliation

Retaliation against an employee who complains in good faith about sexual harassment or who participates in good faith in an investigation of a complaint is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Manual.

1.4 REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION

Any employee who feels that he or she has experienced sexual or other unlawful harassment and discrimination or retaliation should immediately report such actions. All reports must be made in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

- A. If you believe that you have experienced sexual or other unlawful harassment, discrimination or retaliation, you should report the incident immediately in writing to the department head. If the complaint is against your department head, then the complaint should be forwarded to the Town Administrator. If the complaint is directed at the Town Administrator, then the reporting should be to the Chairman of the Board of Selectmen.
- B. Supervisors and managers who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and/or complaint immediately to the Town Administrator or the Chairman of the Board of Selectmen, depending on the situation noted above.
- C. The Town will promptly investigate incidents reported through this procedure. This complaint may be investigated by an outside source. Any employee, supervisor, or agent of the Town who has been found to have engaged in conduct that violates our policies against discrimination and/or harassment will be subject to appropriate remedial and/or disciplinary action, up to and including termination. The complainant will be informed generally of the outcome of the investigation and whether remedial action is being undertaken by the Town.
- D. The Town will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

1.5 ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES

In accordance with the Americans with Disabilities Act of 1990 ("ADA") and RSA 354-A, the Town prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing

essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify the Town Administrator if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

SECTION II. EMPLOYEE CLASSIFICATIONS

2.1 EMPLOYMENT AT-WILL

Unless otherwise provided in a written contract or unless set forth by statute, Town employees are considered to be employees at-will. Employment at-will status enables both the Town and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this Manual, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

2.2 EMPLOYMENT CLASSIFICATIONS/POSITION DESCRIPTIONS

At the time that you are hired, you are classified as regular full-time, regular part-time, part time or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in this Manual or as required by law, the benefits described in this Manual apply only to full-time employees. All other policies described in this Manual apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Town Administrator.

Also when hired, you will receive a copy of your job description for your records.

All approved position descriptions will be retained at Town Hall. Any position description may be changed at the discretion of the Board of Selectmen with such notice as they, in their sole discretion, determine to be appropriate. Position descriptions do not alter the at-will status of employees.

REGULAR FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work 40 or more hours per week.

REGULAR PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work less than 40 hours, but at least 20 hours per week. Regular part time employees are eligible for pro-rated holiday, vacation, personal, and sick time.

PART-TIME EMPLOYEE: An employee who is assigned to a regular workweek of less than 20 hours per week, including Fire Department employees.

CALL FIREFIGHTERS: Are employees who do not work a set schedule. Call Firefighters are not eligible for benefits described in this Manual except to the extent required by state or federal law.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

NON-EXEMPT AND EXEMPT EMPLOYEES: All employees will be classified as either “exempt” or “non-exempt.” Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town policy.

Upon hiring, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact your department head or the Town Administrator

2.3 PROBATIONARY PERIOD

All new employees will be required to successfully complete a probationary period, commencing on the first day of employment. The probationary period will be at least six (6) months in duration, but no longer than one year, and may be extended for an additional period by the department head. During the probationary period, an employee will accrue Vacation, Personal and Sick time. Vacation and Personal cannot be used until the employee has reached their 90 day period. However, during this 90 day period Sick time can be used. The probationary period for Fire and Police personnel shall be one year or until successful completion of their required Academy whichever is later.

The Department Head shall meet with each new employee at the conclusion of their probationary period to review the employee’s performance. Where appropriate, the Department Head will offer remedial suggestions for improvement.

Upon satisfactory completion of the probationary period, employees enter the “regular” or in the case of Fire “Call” employment classification, although they remain employed on an at-will basis.

All employees who have been promoted to new positions or take a lateral transfer, shall be required to complete a six (6) month probationary period in the new position before the promotion is considered to be fully approved. All previous accrued time will transfer over. In this instance, employees who are transferring time will be eligible to take time

providing that it is approved by their department head. The department head at their determination may extend the probationary period.

SECTION III. COMPENSATION AND HOURS OF WORK

3.1 REPORTING OF TIME WORKED

It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets or to punch a time clock. In addition to this, your department head may require you to fill out a weekly or monthly report of the work that had been worked on and completed. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. If there are any changes needed to your weekly time card, then you must initial the change, indicating that you agree to the change and the accuracy of the change. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

3.2 PAY/PAY PERIODS

Employees are paid on a BIWEEKLY basis on Thursdays for all hours worked during the calendar preceding pay period. Please review your paycheck for errors. If you find a mistake, report it to your department head or the Town Administrator immediately. Paychecks will be distributed only to your department head or their designee. Employees may have pay directly deposited into their bank accounts at no charge if they provide advance written authorization to the Finance department.

3.3 WORK WEEK/HOURS OF WORK

The Town's work week begins on Sunday at 12:00 a.m. (midnight) and ends on Saturday at 11:59 p.m. Because of the nature of our business, your work schedule may vary depending on your job and department. The department head, with the approval of the Board of Selectmen, will determine workday hours. Any changes to scheduled hours will require the approval of the Board of Selectmen before they can be implemented. When hired, your department head or the Town Administrator will inform you of your hours of work.

The Town requires the presence and diligent efforts of employees in order to provide the requisite level of service to our community. Currently the normal weekday hours for the Town Hall will be Monday through Friday 8:00am to 4:30pm. The current hours for Public Works are Monday through Friday 7:00am to 3:30pm. The Board of Selectmen reserve the right to alter or amend any employee's work schedule at its own discretion and in accordance with the needs of the Town. An honor code of conduct exists

whereby employees are entrusted to work their scheduled hours. Employees are encouraged to embrace this show of responsibility and commitment to the Town, the community and to each other. Employees who are asked by the Town to keep time records must also adhere to this honor code when completing their time records. Time records must be completed fully and accurately, and employees may not provide any false information on time records or any other Town records. If an employee is late or leaves early, they will put in for leave time, vacation time, comp time or personal time only. No time will be made up to compensate for late arrivals or leaving early.

3.4 PAYROLL DEDUCTIONS

A. Payroll Deductions for All Employees

There are two categories of payroll deductions, those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, medicare, and wage garnishments as required by law (i.e. child support payments, court-ordered payments, IRS garnishments. If authorized by an eligible employee, the Town will also make payroll deductions for health insurance, savings plans, and voluntary contributions to a retirement plan. These deductions will be itemized on your check stub.

Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization, as follows: union dues; health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; housing and utilities; payments into savings funds held by someone other than the employer; voluntary payments for the recovery of tuition for non-required education costs; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider; parking fees; pharmaceutical items, gift shop, and cafeteria items purchased on the site of a hospital by hospital employees; fees for the employee's use of a qualifying fitness facility; contributions to a political action committee; installment payments of loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of unearned advances on vacation or other paid time off where supported by appropriate documentation; required clothing not considered to be uniforms; the use of a demonstrator vehicle as defined in RSA 261:111; and legal plans and identity theft plans without financial advantage to the employer.

B. Payroll Deductions for Salaried Exempt Employees

The Town complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried exempt employees receive a predetermined salary which is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town or due to the

operating requirements of the Town. The Town recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions.

The Town prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Exempt employees should also note that it is permissible for an employer to apply vacation, sick, personal and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

C. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance department as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town will not tolerate retaliation against employees who have expressed concerns using this procedure.

3.5 REIMBURSABLE EXPENSES

A. Mileage

With prior approval by your department head, legitimate expenses will be reimbursed by the Town to the employee. The employee must submit receipts in order to be reimbursed. Reimbursement will be made through the accounts payable system. See your department head with any questions as to whether and what expenses may be reimbursed.

Employees will be reimbursed for mileage expenses when they utilize their personal vehicle for Town business. Approval must be obtained in advance by the employee's department head. Employees will be reimbursed for mileage based on the GSA rate at the time of travel. Employees will also be reimbursed for tolls and parking fees when receipts are submitted to their department head providing that they were on Town business. Before an employee uses their own personal vehicle for travel, every effort should be made to use a Town vehicle or carpool to save costs.

B. Travel/Lodging

Employees will be reimbursed for lodging and travel expenses for the actual amounts when receipts are submitted. Employees must ask for government rates where applicable for lodging. The Town will only reimburse for actual lodging expense for a single room rate. Phone expenses, room service or other expenses will not be reimbursed by the Town. The Town will only reimburse for bus, train, or air travel expense for a coach or economy class ticket. Additional luggage fees will be reimbursed as well as the cost of travel to and from the bus terminal, train station or airport when receipts are submitted.

Employees will receive per diem rates for food (one meal) when they are required to conduct business outside of the town for a minimum period of 8 work hours in any given day. Employees who are required to lodge overnight on town business are eligible for the full per diem rate for three meals. Per Diem rates are based on the GSA rate for the area in which the employee is conducting town business. Employees must obtain permission from their respective department head in advance for approval for reimbursement of these expenses. Department heads must obtain approval from the Board of Selectmen to be reimbursed for their respective expenses.

Meal reimbursement is only available when other meals are not provided. The purpose of this policy is to ensure that employees are not paying for meals out of pocket.

The Town will not reimburse for any alcoholic beverages, nor will they pay for anyone other than the employee's food, travel or lodging costs.

C. Tuition Reimbursement

Any full time employee who has completed one year of continuous full time employment may request tuition reimbursement for job related courses taken at their own initiative. Reimbursement shall be subject to departmental budget restrictions.

Employees shall receive in writing their supervisor's approval and shall make the request prior to registering for the course. The request shall be submitted to the department head outlining the institution offering the course, course content, tuition cost, benefit to the employee and to the Town.

The department head will review the request and will submit a recommendation to the Town Administrator for final approval.

In order to receive reimbursement, the employee must submit documentation of achieving a passing grade of A for one-hundred percent, B for seventy-five percent reimbursement and C for fifty percent reimbursement and a receipt for the tuition cost of the course.

Employees who voluntarily terminate employment within one year or less of continuous service after the completion of course shall reimburse the Town for

50% of all tuition monies received.

3.6 OVERTIME/CALL BACK

From time to time, it may be necessary for you to perform overtime work. All overtime must be approved in advance by your department head. Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. Obviously if a person requires assistance near closing time and you are staying to help them, pre-approval is not necessary. Most non-exempt employees are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week.

An employee who has been called back to work after the conclusion of his/her regularly scheduled work period, and is paid on an hourly basis (non-exempt), shall be compensated for a minimum of two hours worked.

Employees exempt from the overtime provisions (Salaried) of the FLSA are expected to work whatever hours are necessary in order to complete their essential job functions and responsibilities. Generally to meet these expectations, an exempt employee will need to work 40 or more hours per week. Exempt employees are not eligible to accumulate compensatory time or take compensatory time in lieu of vacation or sick leave. If an exempt employee is required to work on a paid holiday or scheduled time off, due to operational requirements of the department, the employee shall be granted another day off for those hours worked.

3.7 COMPENSATORY TIME

Compensatory Time: Compensatory time may be granted by the department head in lieu of overtime pay, as follows:

- A. Prior to the performance of any work for compensatory time, the employer and employee must come to an agreement on the accrual and use of the compensatory time.
- B. Compensatory time is accrued at 1½ times the overtime hours. (Ex. Overtime Hours = 5 x 1.5 = 7.5 Hours Comp Time)
- C. The department head shall grant the employee's request for use of authorized, accrued compensatory time within a reasonable period of time, unless to do so would disrupt the operations.
- D. The amount of accrued compensatory time is limited to a maximum of 40 hours.
- E. At the end of employment for any reason, the employee will be paid for unused compensatory time at the final regular rate received by said employee.

- F. In order to accurately reflect and keep track of time, each employee earning either overtime or compensatory time must note on a separate sheet the day the overtime or compensatory time occurred, the purpose, and the duration. Each payroll week, the employee will submit to their department head a spreadsheet listing the day, time and reason as well as a running tally of time earned and time used. If the employee chooses to use compensatory time, they will fill out a leave slip designating the time used.

3.8 BREAKS AND MEAL PERIODS

Two 10 minute break periods will be allotted to the employee. One 10 minute break will be in the morning and the other in the afternoon. Break times should be coordinated so that there is office coverage. Employees on paid break must stay on Town property. Unpaid meal periods should be no longer than 30 minutes and must be scheduled with your department in order to provide office coverage. The employee can leave Town property for lunch if they choose. Lunch breaks must be reflected on your timesheet or time card. Break or lunch time shall not be used to make up for tardiness nor is it allowed to be used to leave early or combined together. Individuals wishing to use the internet along with their personal devices may do so during their lunch and break time only. Cell phone usage and smoking breaks are to be done on lunch and break time only.

SECTION IV. TIME AWAY FROM WORK AND OTHER LEAVE BENEFITS

4.1 HOLIDAYS

Full-time and regular part-time employees are entitled to the paid holidays listed below, provided that the employee normally works on that day and provided that the employee works his or her assigned day preceding and following the holiday. For hourly employees, holiday pay will be paid at the straight time hourly rate and will be pro-rated for employees that regularly work fewer than eight (8) hours on that day. Part time, call firefighters and Temporary employees are not entitled to paid holidays.

Holidays are observed on the dates specified by the laws of the State of New Hampshire. Holidays falling on a Sunday will be observed on the following Monday. Holidays falling on a Saturday will be observed on the preceding Friday.

Employees who are absent for unauthorized reasons on a day directly preceding or directly following the holiday shall forfeit pay for the holiday. In addition any employee on a leave of absence, or who has been suspended without pay shall forfeit their holiday pay if it coincides with the leave or suspension

If a non-exempt employee works on a scheduled holiday as part of their regular work schedule, they shall be paid their normal hourly rate for time worked plus eight hours holiday pay at their normal hourly rate. If a non-exempt employee is required to work an unscheduled holiday they shall be paid 1 1/2 times their normal hourly rate for time worked on the holiday plus eight hours holiday pay at their normal hourly rate.

All nonexempt permanent and probationary police officers shall be compensated for holidays in the following manner:

- (1) If the employee works on a scheduled holiday as part of their regular work schedule, they shall be paid their normal hourly rate for time worked plus eight hours' holiday pay at their normal rate of pay.
- (2) If a holiday falls on a regularly scheduled day off, the affected employee shall be paid at their normal hourly rate for the day in addition to their regular weekly pay.
- (3) Emergency Personnel – If the employee is scheduled to work on a scheduled holiday as part of their regular work schedule and they request that day off, and if approved by their supervisor, and the employee uses their accrued time, they shall be paid their normal hourly rate for the day taken plus eight hours holiday pay at their normal rate of pay.

Holidays:

New Year's Day
Martin Luther King Day/Civil Rights Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Thanksgiving (Day after)
Christmas Day

4.2 VACATION

Vacation is a time for you to rest, relax, and pursue special interests. The Town provides paid vacation as one of the many ways in which we show our appreciation for your hard work and continued service.

Full-time and regular part-time employees are eligible for paid vacation. Part time, Call firefighters and Temporary employees are not entitled to paid vacation time.

Vacation time is granted to eligible employees based upon length of service and anniversary date. If there is a break in service, eligibility for vacation will be based on the employee's most recent hire date.

No part of an employee's scheduled vacation may be converted to sick leave. If illness or injury occurs during a vacation, sick leave benefits will not begin until the employee is scheduled to return to work.

Vacation pay for a full week will be paid based on the normal straight time scheduled hours; i.e., if someone normally is scheduled for forty (40) hours per week, their vacation pay will be for forty (40) hours for each full week requested.

Vacation is earned during the Calendar year and is accrued according to the following schedule:

<u>Years of Continuous Service</u>	<u>Vacation Time</u>
1 to 4 years of completed service	80 hours (2 weeks) (accruing at a rate of 1.54 hours per week)
5 to 9 years of completed service	120 hours (3 weeks) (accruing at a rate of 2.31 hours per week)
On 10 th anniversary	8 additional hours per year of service to a maximum of 200 hours (5 weeks)

Employees must have a minimum of 90 days service before vacation can be taken. The purpose of vacation leave is to provide the employee with a break from his/her annual work schedule. Therefore, the maximum number of vacation hours that may be carried over from December 31st of one year to January 1st of the next year is 80 hours. Any balance of unused vacation hours over 80 hours shall lapse and be forfeited by January 1st. In cases where Town operations have made it impractical for an employee to use vacation time, the department head, with the approval of the Town Administrator and Board of Selectmen, may authorize accrual beyond 80 hours.

Vacation schedules shall be determined in each department by the department head, based on seniority and other departmental priorities. Vacation days of 8 hours or more must receive prior approval from the Department Head.

A paid Holiday falling within a vacation is not considered as a day of vacation.

Regular part-time employees will be paid for vacation time on a pro-rated basis in accordance with his/her regular hours of work. For instance, if a regular part-time employee regularly works five (5) hours per day, then the part-time employee will only be entitled five (5) hours of pay when he/she takes a vacation day.

Employees when eligible, shall take at least one (1) week of vacation in consecutive hours. This means 1 complete week of vacation. Holidays that fall within the scheduled week will be counted as eligible days.

Employees shall not take longer than 80 hours of vacation leave in succession unless approved by the Department Head or Board of Selectmen.

You are expected to take your vacation during the year in which it is earned. Vacation time may be taken in full day or when practical in increments of at least one half hour. An employee will not be paid accrued, unused vacation pay upon termination from employment for cause. The employee will be paid for their vacation time for a resignation or retirement provided the employee has given two (2) weeks notice of his/her intent to resign or retire; or in the event of involuntary discharge, the termination was not "for cause," as determined by the Town.

An employee will not accrue any vacation time for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave.

All employees must submit requests for planned vacation time to their department head in writing prior to taking the time off. These requests should be submitted at least two weeks in advance of the requested vacation dates. Vacation may be taken only if the request is approved by department head. However, there are times when an employee may wish to take off some time at the last minute in small increments and will be allowed to providing it is approved by the department head.

For matters of recording time, an employee is allowed to use other accrued time as earned time. If you are taking vacation and you have vacation time you must first use your vacation time. If you do not have enough time accrued you are allowed to use sick and personal. The Board is now looking at your time as being earned.

However, no employee will be paid for time that will result in the employee's time being negative.

In the event of an employee's death, all accumulated vacation time will be paid to the dependent spouse or child or the dependent's estate.

4.3 PERSONAL DAYS (Time)

The Town will provide two (2) paid personal days each to all full-time and regular part-time employees. Part time, Call firefighters and temporary employees are not entitled to any paid personal days. A regular part-time employee will be paid for personal days on a pro-rated basis in accordance with his/her regular hours of work. Personal days may not be carried over from year to year, and employees will not be paid for personal days not taken either during the year upon separation from employment. All personal days must be approved in advance by the department head.

Employees must have a minimum of 90 days service before personal days may be taken.

Personal time is your to use however you decide.

In the event of an employee's death, all accumulated personal time will be paid to the dependent spouse or child or the dependent's estate.

4.4 SICK LEAVE

The Town provides paid sick days to all full-time and regular part-time employees. Part time, Call firefighters and temporary employees are not entitled to any paid sick days. Sick time may be used in half hour increments all the way to a full day. Employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of 4 hours for each calendar month. A regular part-time employee will be paid for sick days on a pro-rated basis in accordance with his/her regular hours of work.

Sick days are to be used for bona fide cases of sickness, accidents, doctor, dental or eye appointments, maternity leave, etc. Sick leave may also be granted for the employee's bodily injury, illness or injury of the employee's child, or spouse. Employees should, however, make every effort to schedule appointments outside the work day. Additionally, employees must attempt to make other arrangements to allow a spouse or family member to care for a dependent under these circumstances. The Town may, at any time, ask you to submit satisfactory medical verification of an illness from your health care provider. Failure to provide verification may result in loss of sick leave benefits or, in cases in which sick leave abuse is detected, disciplinary action.

As is the case with Vacation time, if an employee is out sick or has a doctors appointment, they must first use sick time. If they do not have enough time, they can use vacation and personal to cover.

However, no employee will be paid for time that will result in the employee's time being negative.

An employee will not accrue any sick leave for those pay periods in which the employee is on unpaid leave status, unless required by law.

Sick leave so granted and not used shall accrue to the credit of each such employee, up to a maximum total accumulation of 96 hours. Upon reaching the maximum allocation of 96 hours, the employee shall be paid for 48 hours of the accumulated sick leave and shall have 48 hours of accumulated sick leave remaining. No sick leave will be given to an employee in excess of the amount earned and available to the employee.

It is the responsibility of each department head or designated supervisor to ensure the provisions of this policy are observed. Corrective action shall be taken in instances of suspected abuses or misinterpretation of the utilization of sick leave. Department heads will ensure that any sick leave used will be reflected with the submission of time sheets. Any employee falsifying time sheets is subject to discipline, up to and including termination.

In the event of an employee's death, all accumulated sick leave will be paid to the dependent spouse or child or the dependent's estate.

At time of voluntary termination or retirement of employment, an employee may be entitled to receive compensation, at his/her normal base rate, of up to 40 hours of his/her remaining unused sick leave if the employee notifies their supervisor in writing at least two weeks in advance of their departure date and works the remaining two weeks of employment without using sick, vacation or personal leave. Employees shall not be paid unused sick leave upon involuntary termination of employment.

Employees who do not report to work due to illness must contact their department head or designated supervisor at least 30 minutes before the start of their work. For emergency service personnel, that notification should be 1 hour prior to your scheduled shift. Reporting of the absence to any employee other than the department head or their designee will not be accepted as compliance with the daily reporting requirement. Employees who fail to report to work or call in to the department head or their designee, will be considered to have voluntarily resigned from their employment. If an employee has been out for three (3) consecutive work days, they will be considered to have voluntarily resigned from their employment unless they provide the Town with a doctor's note. Department Heads will report their own absence due to sick leave as indicated above however they will report the absence to the Town Administrator. Exempt salaried employees must correctly record absences on their timesheet due to being sick and unable to work as a sick day.

Employees who call in sick are required to remain out of work for the entire day.

Sick time, compensatory time and personal time are the only leaves that can only be used for sick time. If an employee has exhausted all of his/her personal and sick time, the employee cannot use vacation time for illness. Time off will be unpaid.

No employee is allowed to use sick time if it will cause their account to become negative. Only the accrued hours will be allowed to be used.

Anyone violating this policy is subject to discipline up to and including termination.

4.5 FAMILY AND MEDICAL LEAVE

Under the Family and Medical Leave Act ("FMLA"), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

- (1) The birth of the employee's child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);
- (2) The placement of a child with the employee for adoption or foster care, and in order to care for the newly placed child (leave must be taken within twelve (12) months of the adoption or placement of the child);
- (3) The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self-care and the employee is needed for such care ("covered family members");

- (4) The employee's own serious health condition that renders the employee unable to perform his or her job;
- (5) A "qualifying exigency" (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves;
- (6) The employee is a spouse, son, daughter, parent, or next of kin of a "covered service member" (as defined in the Department of Labor Regulations) who has a serious injury or illness and the employee is needed to care for such person.

Eligibility Requirements: To be eligible for FMLA leave, an employee must:

- (1) have worked for the Town for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request.

Leave Entitlement: If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2015, four weeks beginning June 1, 2015, and four weeks beginning December 1, 2015, the employee would not be entitled to any additional leave until February 1, 2016. Beginning on February 1, 2016, the employee would be entitled to four weeks of leave; on June 1, 2016, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness or injury, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

Tracking FMLA Leave: When an eligible employee requests any leave of absence that

qualifies under the FMLA, the Town has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, the Town has the right to designate any time away from work as FMLA leave. In such circumstances, the Town will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

Intermittent and Reduced Schedule Leave: Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the Town approval.

When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term disability, or other benefits. If an employee is a salaried employee, the Town will adjust the employee’s salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the Town’s operations.

Status of Employee Benefits: Employees are required to use any accrued, unused paid time off days (sick, vacation and personal) during FMLA leave unless the FMLA leave is otherwise paid through workers’ compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee’s FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, the Town will maintain the employee’s health benefits under the same terms and conditions applicable to employees not on leave.

If paid leave is substituted for unpaid FMLA leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction.

If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town's payroll system, the employee must pay his or her portion of the premium by making arrangements with the Town.

Health and other benefit coverage may be canceled if the employee's premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under the Town's short or long term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave, but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

Requesting Leave: Employees must complete the appropriate FMLA leave request forms. These forms are available from the Finance Department at Town Hall.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give your department head (thirty) 30 days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town's operations.

If the need for leave is not foreseeable, the employee must give notice to your department head as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all of the Town's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Town of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

Medical Certifications: If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from your department head or the Town Administrator for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Town will not be able to

determine whether you are eligible for FMLA leave and your leave will be denied. The Town reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Town, at its expense, may require an examination by a second health care provider designated by the Town. If the second health care provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third health care provider agreed upon by the employee and the Town to conduct an examination and provide a final and binding opinion.

The Town may also require subsequent medical re-certification. Failure to provide requested re-certifications within fifteen (15) days may result in delay of further leave.

Certifications for a Qualifying Exigency: Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

Confirmation of Familial Relationship: Employees requesting a leave of absence based on a familial relationship (e.g. leaves under paragraphs (3), (5) and (6)), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

Reporting While On Leave: If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact your department head or the Town Administrator on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

No Work While On Leave: The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

Returning To Work: At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or "key employees" may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from your department head or the Town Administrator. The Town reserves the right to clarify and authenticate such certification.

Coordination With Maternity Leave: As stated in our Maternity leave policy, the Town provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee's FMLA leave and Maternity Leave will run concurrently. Please refer to the Town's Maternity Leave policy for more information regarding Maternity Leave.

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

Coordination with Other Town Policies; Reference to FMLA and Federal Regulations: In the event of any conflicts between this policy and other Town policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Town reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Town Administrator.

Employees out on FMLA will not accrue sick or vacation time during their absence.

4.6 MATERNITY LEAVE

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically able to return to work. Employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave, as described in our FMLA policy.

Employees must use their accrued vacation and sick/personal time before taking unpaid leave under this policy. Employees on maternity leave may also be eligible for short-term disability benefits.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA available leave weeks will be allowed to continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with the Town Administrator to pay the entire amount of the appropriate monthly premium in advance each month.

When the employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. An employee who cannot be returned to her original or a comparable position will remain eligible to apply for any available position within the Town.

Employees out on Maternity leave will not accrue sick or vacation time during their absence.

4.7 PERSONAL LEAVE OF ABSENCE

The Town recognizes that due to personal circumstances, it may be necessary for an employee to request more time off than is provided under our policies. A personal leave of absence may be granted at the sole discretion of the Board of Selectmen to employees who have exhausted their leave available under our other leave policies, including vacation, sick, personal, maternity leave and FMLA, and is normally only granted for compelling reasons.

Personal leaves of absence will be unpaid, and an employee on an unpaid personal leave of absence is not entitled to accrue any benefits, including, but not limited to, holidays, vacation time, sick leave, and personal days. However, if the leave of absence is for medical reasons, eligible employees may apply for workers' compensation or short-term disability benefits. The forms for these benefits are available from the Finance department.

Employees who are granted a personal leave of absence may continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue health insurance coverage by making arrangements with the Finance department to pay the entire amount of the appropriate monthly premium in advance each month.

To request a personal leave of absence, please contact the Town Administrator. You may be asked to provide a written request for the leave and/or a health care provider's certificate stating the reason for the leave and the expected date of return to work. If granted, personal leaves typically will not exceed thirty (30) days. An employee who has taken leave for medical reasons must submit a fitness for duty certificate from his or her health care provider before reinstated to work.

Requests for leave will be considered on a case-by-case basis, taking into account the Town staffing needs and other factors. If a personal leave is granted, you may not accept other employment of any kind, including a business of your own, while you are on leave. If you are granted a personal leave of absence, you must inform us when you are able to return to work.

We will make reasonable efforts to reinstate employees returning from personal leaves to the same or similar job as held prior to the leave of absence, subject to our staffing needs and other requirements. Please understand that we cannot guarantee reinstatement from a personal leave. If the Town is not able to reinstate an employee returning from leave, the employee's employment will be terminated, and the employee will remain eligible to apply for employment in the future. If an employee fails to return to work following the expiration of the leave, the employee will be considered to have voluntarily resigned from his or her employment with the Town.

Employees out on Personal leave will not accrue sick or vacation time during their absence.

4.8 MILITARY LEAVE

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as "uniformed services") will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

Military leaves of absence will be unpaid, unless otherwise required by law. You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

Notice of Leave Request: An employee needing time away from work for service or training in the uniformed services should make your department head aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by your department head based on a case by case basis.

Health Coverage: If a military leave lasts less than 31 days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions. For deployments lasting longer than 31 days, the Town may cover the employee at the Town's cost.

New Hampshire Retirement: Upon reemployment the employee is treated as if there was no break in service for participating, vesting and accrual purposes. If applicable,

the employee may elect to make up any missed contributions or elective deferrals, but is not required to do so.

Reinstatement: Employees wishing to be reinstated following military leave should promptly notify your department head of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify the department head of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify the department head of the desire for reinstatement within 90 days of completing service.

The Town will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

Disabled Service Members: If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

Statement against Discrimination and Retaliation: The Town will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

Questions regarding this policy should be directed to the Town Administrator.

Employees out on Military leave will not accrue sick or vacation time during their absence.

4.9 BEREAVEMENT LEAVE

Full-time and regular part-time employees will be granted time off from work without loss of pay in connection with the death of a relative in accordance with the following policy.

In the event of the death of a member of a full-time or regular part-time employee's immediate family, the Town provides three (3) days paid time off. Pay for regular part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse (or legally

recognized equivalent for out-of-state employees), civil union partner, children (including biological or by adoption), step-children, parents, brothers, sisters, step-parents, step-brothers, step-sisters, mother-in-law, father-in-law, grandparents, and grandchildren of the employee. Leave of one day with pay will be granted in the event of the death of his/her sister-in-law, brother-in-law, aunt/uncle, niece/nephew.

4.10 JURY DUTY/WITNESS LEAVE

The Town considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. An employee shall be excused from employment for the day or days required in serving as a juror or witness in any court of the United States or the employee's state of residence. A full-time employee called for jury duty, or subpoenaed as a witness shall be granted paid leave for the period of the civil involvement. Employees who are compensated for jury duty shall be paid the difference between their regular day's pay and the amount of compensation they receive for performing their jury duty, provided they endorse the check received for jury duty to the Town

Employees summoned for jury duty must inform their department head as soon as possible, and must present a copy of the summons to the department head. If released from jury duty on any day, the employee is expected to return to work.

4.11 LEAVE OF ABSENCE FOR VICTIMS OF CRIME

The Town will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, civil union partner, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify their department head as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town. An

“undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, or personal days.

The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

Employees out on leave will not accrue sick or vacation time during their absence

SECTION V. BENEFITS

5.1 MEDICAL BENEFIT PLAN

Eligible employees may participate in our medical insurance plan (carrier) that has been selected by the Board of Selectmen. Full-time employees may enroll in either a single, two-person, or family plan after meeting the eligibility criteria stated in our plan documents. Further information concerning this benefit can be obtained from the Finance department. Enrollment forms may also be obtained from the Finance department. To assist you with the cost of this insurance, the Town currently pays a portion of the premium for single, two-person, or family coverage. The balance is to be paid by the employee through an authorized payroll deduction. The Town may adjust these contribution amounts periodically in its discretion.

Employees who elect not to take health insurance will be reimbursed 10% of what they would be qualified for, based on the current Town cost. Employees that choose to opt out of the health insurance coverage must show proof of coverage from another source. The reimbursement shall be paid each pay period as part of your payroll check over a 12 month period.

5.2 DENTAL PLAN

Eligible employees may participate in our dental plan. Full-time employees may enroll in either a single, two-person, or family plan after meeting the eligibility criteria stated in our plan documents. Further information concerning this benefit can be obtained from the Finance department. Enrollment forms may also be obtained from the Finance department. To assist you with the cost of this insurance, the Town currently pays 100% of the premium for single, two-person, or family coverage. The Town may adjust this contribution amounts periodically at its discretion.

5.3 LIFE INSURANCE

The Town shall select a carrier to provide life insurance for its full time employees. Please see the Finance department for more details. . To assist you with the cost of this

insurance, the Town currently pays 100% of the premium for the employee. The Town may adjust this contribution amounts periodically at its discretion.

5.4 RETIREMENT PLAN

Full time employees are eligible to participate in the New Hampshire Retirement System. For more information, please see the Finance department. Deductions to the plan will be part of you bi-weekly paycheck. Rates are set by the retirement system.

5.5 DISABILITY INSURANCE

Full-time employees are currently eligible to enroll in our short-term term disability insurance. This insurance is designed to provide some income for you in the event that you suffer a non-occupational illness or injury. There may be waiting periods that apply before the benefits will begin. To assist you with the cost of this insurance, the Town currently pays 100% of the premium for the employee. The Town may adjust this contribution amounts periodically at its discretion.

Our short-term disability benefits are governed by detailed plan documents that are available from the Finance department.

If you are enrolled in our short-term disability benefits and you suffer an illness or injury, please notify your department head and the Finance department immediately. The Finance department will tell you which forms must be completed and the medical information that must be supplied to apply for the benefits.

5.6 COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) provides eligible employees and their eligible dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage due to certain qualifying reasons. Please see the Finance Department for more information about COBRA.

5.7 WORKERS’ COMPENSATION INSURANCE AND REPORTING WORKPLACE INJURIES

On-the-job injuries are covered by Workers’ Compensation Insurance, which is provided at no cost to the employee. We ask for your assistance in alerting your department head or the Town Administrator to any condition which could lead or contribute to an employee accident.

Reporting Injuries: If you are injured on the job, no matter how slightly, you **must** report the incident immediately to your department head. Employees must complete the necessary workers' compensation forms and Joint loss management forms immediately following any injury.

Weekly Income Benefits: The amount of the weekly worker’s compensation benefit is set by the New Hampshire Department of Labor.

Temporary Alternative Duty: Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to their department head. Please refer to the Americans with Disabilities Act policy in this Personnel Manual for more information.

Reinstatement: A full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

5.8 TEMPORARY ALTERNATIVE DUTY POLICY

In accordance with the provisions of RSA 281-A: 23-b, the Town will provide temporary alternative work opportunities if they are available for employees who suffer a work-related injury or illness, or an injury outside of work providing they submit to the Town a note from their doctor listing the limitations.

When practicable, employees will be returned to their regular duties with modifications consistent with a healthcare provider's stipulated work restrictions. In the event that such restrictions make it impracticable for an employee to perform his or her normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with the Town.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the healthcare provider's restrictions and the work available at the time of the injury or illness.

The Temporary Alternative Work Program will be available to employees for a period of time extending as long as the circumstances of the illness/injury requires, but not longer than four (4) months as dictated by the treating physician and as such duties are available.

The treating healthcare provider and the ill/injured employee share the responsibility of providing the Town the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities necessary to structure a temporary duty program. The Department Head and/or Town Administrator will work with the employee to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Town may contact the treating physician for additional information.

After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating healthcare provider and returned to the Department Head or Town Administrator. Additional modifications will be made to the return to work program as required.

Upon release by the healthcare professional, the employee will assume normal duties of his or her regular position.

All doctor notes provided to the department head must be turned over to the finance department.

5.9 UNEMPLOYMENT INSURANCE

The Town pays into the unemployment compensation fund established by the State of New Hampshire. Individuals may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security upon discharge from employment pursuant to applicable laws and regulations.

5.10 SOCIAL SECURITY

Social Security is a payroll deduction representing your contribution to the federal government's Social Security Program. The Town also contributes money on your behalf to the Social Security Program.

5.11 LONGEVITY INCENTIVE

The Board of Selectmen may award longevity incentives to those full time and regular part time employees who have devoted years of service to the Town if budgeted. If awarded, the longevity incentive shall be awarded on a one-time lump sum basis for the anniversary dates and in the amounts listed below. The amount of the longevity bonus will not be included in the employee's base pay. The longevity incentive shall be paid in the payroll period that includes the employee's applicable anniversary.

5 years of continuous service	\$100
10 years of continuous service	\$200
15 years of continuous service	\$300
20 years of continuous service	\$400
25 years of continuous service	\$500
30 years of continuous service	\$600

SECTION VI . ON THE JOB

6.1 ATTENDANCE

Attendance and punctuality are important factors for your success in the Town. However, the Town is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

If an employee is unable to report to work, or if an employee will arrive late, the employee must contact his/her department head. The department head should be given as much time as possible to arrange for someone else to cover the position if need be until the employee arrives. If the employee knows in advance that he or she will need to be late or absent, the employee is required to request, in writing, this time off directly from their department head.

For late arrivals, the employee should indicate when he or she expects to arrive for work. If the employee is unable to call in because of an illness, emergency or for some other reason, the employee should arrange to have someone call on his or her behalf.

Absence from work without notifying your department head will be considered a voluntary resignation. Furthermore, three (3) excused absences in a 90-day period, or a consistent pattern of absence, will be considered excessive, and the reasons for the absences may come under question.

Tardiness or leaving early is often as detrimental to the Town operations as it is to employee morale. Three (3) such incidents in a 90-day period will be considered a "tardiness pattern" and may be considered excessive, and the reasons for tardiness or leaving early may come under question. Other factors, like the degree of lateness, may be considered.

All employees should be aware that excessive absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including dismissal from employment.

Attendance records will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as disciplinary, termination, and layoff decisions.

For Town Hall employees the hours of operation for the public is Monday through Friday 8AM to 4:30PM.

The current system of recording time on timesheets is based on the honor system. Each employee recording time should be reflecting the correct time on their timesheets. Anyone not correctly reporting their time will be subject to discipline up to and including termination.

6.2 CONFIDENTIALITY

The Town's information and records relating to Town business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.

No Town information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town may be removed from the Town's premises without permission from the Town Administrator.

Additionally, the contents of the Town records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from the Town Administrator. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

6.3 COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY

The Town provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and Internet use of all employees. ***For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems.*** The Town reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- **Personal use of the internet and email during working hours is strictly prohibited.**

Employees should be aware that in addition to having the ability to monitor e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), the Town has the ability and the right to monitor such things as Internet web site visits, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Town and may be monitored by the Town at any time.

- Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any resulting law enforcement investigation.

- The Town reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, genetic information, religion, national origin, disability, veteran status, marital status or other protected status in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited.
- Access to non-work related obscene, or offensive web sites is strictly prohibited.
- Any personal use of our computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town including, but not limited to, activities that disclose any confidential or proprietary information of the Town.
- Town computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town's computers, network, or other communications equipment for any reason.
- Use of another employee's account, user name, or password, or access to their personal files without their consent (by anyone other than authorized representatives of the IT vendor) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All passcodes and passwords are the property of the Town. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town's computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Town computers, network, or other communications equipment is strictly prohibited. Hacking into third party

computer or other information systems using the Town's technology is also prohibited, and will be reported to the authorities.

- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately to the Town Administrator.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Town Administrator.
- Accessing the Town's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the Town Administrator.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.
- Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town data and information is considered confidential unless the Town has granted permission for an employee to disclose that information or unless required by law. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work. Employees may not work on Town documents, data, or other business on home computers or other portable technology without the express prior approval of the department head or the Town Administrator.
- All employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a locked drawer, whenever possible.
- Employees are not allowed to introduce to our network, Intranet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to, BlackBerries and palm pilots), USB portable drives, and other removable drive devices.
- Employees also may not copy, transmit, or otherwise remove any information from our network, Intranet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from the Town Administrator.

- Employees may not intentionally download anything from the Internet without prior authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.
- All downloaded files or applications are to be scanned for viruses by the Town Administrator or IT Vendor before being saved on the Town's network. The Town Administrator or IT vendor must review all downloaded applications before being installed on the network. No personal software may be loaded on any Town computer.
- The Town/ retains the copyright to any Town-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.
- All information on the network, Intranet, computers, and other communications equipment is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have received prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.
- All employees are required to report any violations, or suspected violations, of this policy.

6.4 PERSONAL DRESS

We expect all employees to come to work with a neat, well-groomed appearance and appropriate clothing for the job being performed. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance.

If an employee is not dressed or groomed appropriately for work, the employee will be sent home to change. This employee will be required to take the time as unpaid or use personal or vacation time.

Any questions concerning dress should be directed to the Town Administrator or your department head.

6.5 INCLEMENT WEATHER

Employees generally are expected to report to work during inclement weather. However, there may be occasions when the Town will be closed due to severe inclement weather. You should contact your department head or listen to WMUR, Channel 9 for information as to whether the Town will be open for business.

If the Town's departments are not closed due to severe inclement weather, but you are unable to get to work, then you must call your department head to explain why you cannot get to work. If you do not come to work because of inclement weather, you must use your earned vacation or personal time. If your earned benefits have been exhausted, you will not be paid for the time missed, unless otherwise required by law.

If you are an hourly employee and you come to work and the Town closes because of weather, loss of electricity or an emergency beyond our control, you will be paid a minimum of two (2) hours or the time you worked, whichever is greater.

6.6 SOLICITATION AND DISTRIBUTION

No solicitation of any kind is permitted during working time, unless first approved by the Board of Selectmen. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, and membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distribution of any non-work related written materials is permitted in any work area of any kind, unless first approved by the Town Administrator. "Work areas" are defined as any Town office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on the Town's premises at any time, unless authorized by the Board of Selectmen. The Town provides a bulletin board on the first floor in the foyer to post business cards, items for sale etc. There is to be no business cards or magnets located in Town Hall or on desks or tables where they are in the view of the public. Items may be posted in the kitchen only.

6.7 PARKING FACILITIES

Employees are permitted to use the parking spaces at the facility at which they work. The Town assumes no liability to any employee or official for any damage to or by any motor vehicle owned or operated by any employee or official on Town property.

6.8 MOTOR VEHICLE VIOLATIONS

All employees who operate Town vehicles are required within seventy-two (72) hours to notify their department head if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates a Town vehicle is suspended, revoked, lapsed or otherwise restricted, the employee must notify their department head immediately who will notify the Town Administrator. No employee is authorized to operate any vehicle on town business while his or her license is under revocation, lapsed, restricted or suspended. Employees who are required to, but are unable to drive, and/or who fail to comply with this policy, may be subject to discipline, up to and including termination of employment.

All employees who operate Town vehicles may be required to provide an official copy of their driving record annually at the Town's expense.

6.9 OPERATION OF VEHICLES/EQUIPMENT

Only authorized employees may operate Town-owned vehicles and equipment. Unless prior written approval has been granted by the Town, they are not to be used for personal business and are not to be operated at times outside the scheduled workday, nor loaned to anyone for their use. Using a Town vehicle outside the scheduled workday without Town permission will result in disciplinary action, up to and including termination. No Town owned vehicle will be allowed to go home with the employee unless approved by the Board of Selectmen.

Any employee who, as a part of his/her duties, has a need to operate a Town-owned vehicle must hold a valid driver's license and an acceptable driving record. In addition, the Town reserves the right to conduct annual motor vehicle record checks as well at the Town's expense. Employees must cooperate in completing any required authorizations or other paperwork for the motor vehicle records checks. Copies of the reports received by the Town will be furnished to the employee upon request. Having a driving record that, in the opinion of the Town, is unsatisfactory, or one that is unacceptable to the Town's insurance carrier, may be grounds for disciplinary conduct, including but limited to loss of driving privileges and/or dismissal.

Safe Operation: As employees of a public agency, it is expected that the driving habits of all employees will serve as an outstanding example to the community.

Any employee who drives a Town-owned vehicle and receives a citation or any other fine or penalty for unlawfully operating any motor vehicle, Town-owned or non-Town owned, shall notify their department head immediately who will then notify the Town Administrator consistent with the above MOTOR VEHICLE VIOLATIONS policy of the citation and/or fine and also shall be personally responsible for the payment of said fine(s) or any costs associated with the actual fine or legal representation in any such related matter.

Accident: In the event of an accident while on Town business, involving property or vehicle damage, or personal injury, the following steps must be taken:

- The accident must be reported to your supervisor immediately, For CDL drivers refer to CDL section of the policy
- The Police must be notified by the supervisor
- An accident report must be completed with the Insurance Company
- If applicable, obtain the other driver's name, address, phone number, description of vehicle, insurance company information as well as the name(s) of any witnesses.
- No repairs should be completed on any damaged Town vehicle unless express permission is obtained from the Town.

Failure to comply with any of the steps may result in discipline up to and including termination.

Seat Belts: Employees are required to wear seat belts when operating or riding in Town-owned vehicles, or in personal vehicles while on Town business.

Use of Cell Phones and PDAs: The use of Town issued hand-held cell phones or personal digital assistants to make calls during the operation of a Town owned vehicle

or piece of equipment is prohibited. Failure to adhere to this policy shall result in disciplinary action up to and including termination. Hands-free headsets are acceptable. It is strongly recommended, however, that the operator pull over to the side of the road prior to using the cell phone. TEXTING WHILE DRIVING IS AGAINST LAW AND EXPRESSLY PROHIBITED BY THE TOWN.

No personal cell phones, PDA's or tablets are allowed while operating any machinery, vehicle or equipment even if they are hands free.

Personal cell phones should be used during breaks only.

Smoking: Employees are prohibited from smoking in any Town-owned vehicle or piece of equipment at all times. Any violation of this policy shall be subject to disciplinary action up to and including termination.

6.10 SECURITY

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of your department head; or, in an emergency, to the Pembroke Police Department.

6.11 CONFLICT OF INTEREST

The Town expects its employees and officials (Board Members) to conform to the highest ethical and legal standards. Employees and Board members are required to refrain from engaging in any activities that create an actual conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Investing in any of the Town's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general public, and not based on any inside information), or having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.
- Receiving any gifts or favors that exceed \$25 in value from members of the public, or from any Town vendors or suppliers.
- Using, directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose.
- Engaging in practices that violate federal, state or local laws or ordinances
- All employees holding or considering second jobs shall notify their supervisor in order to allow the supervisor to consider whether the job will not create a conflict of interest or interfere

with the performance of the employee's job functions, duties and responsibilities.

Employees with any questions regarding these guidelines are required to discuss them with their department head or the Town Administrator, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination for Town employees and removal proceedings for Board members.

6.12 POLICY AGAINST NEPOTISM

While the Town is committed to hiring the most qualified and capable individuals available for every position, it recognizes the importance of maintaining a collegial and positive work environment. Therefore, no relative may work in the same department as a regular employee if the employment relationship is such that the relative is directly supervised by the employee or where the employment relationship may cause a potential conflict of interest, unless specifically approved by a unanimous vote of the Board of Selectmen.

A relative is defined to include spouse, civil union partner, children, parents, step-parents, step-children, brothers, sisters, immediate in-laws, grandparents, grandchildren, or other person living in the employee's household.

For purposes of the fire department, call firefighters in most communities are a group that consists of many friends, family members and relatives. The current nepotism policy excludes call firefighters. However, if the department were to have full time employees, no full time employee could be related to another full time employee.

6.13 SUGGESTIONS AND IDEAS

We are always interested in your constructive ideas and suggestions for improving our operations. We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement. Suggestions and ideas should be forwarded to your department head.

6.14 STANDARDS OF CONDUCT

All employees are required to comply with our standards of conduct, which are intended to promote consistency and harmony in the workplace, and to support the missions and objectives of the Town. We recognize that no list of rules can be all inclusive. Incidents may arise that are not covered by the standards of conduct which may lead to discipline, up to and including termination. The following areas are intended to guide you in recognizing certain behaviors which are clearly prohibited and which are considered by the Town to constitute cause for disciplinary action, up to and including discharge.

A. Absence and Lateness

Excessive absenteeism and/or lateness; failing to call in when absent; overstaying allotted break time; leaving the work area or work early without permission; misuse of any leave of absence.

B. Employment/Town/ Records

Making a false statement on the application form; falsifying Town and employment records.

C. Attitude

Using abusive language to any person while at work, creating any type of disturbance, demonstrating a lack of cooperation, verbally abusing or neglecting visitors, residents of the Town, or co-workers.

D. Safety

Violation of safety regulations or endangering the health or safety of other persons; failing to report any work-related accidents.

E. Employee Relations

Using abusive or profane language to another employee; negligent or intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking another employee. Using threatening, abusive or profane language or other provocation which might reasonably be expected to result in a disturbance.

F. Crime

Conviction of a crime.

G. Dishonesty

Dishonesty to a coworker, resident, visitor or to the Town.

H. Incompetence

Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for the Town's interest.

I. Intoxicants

Bringing, possessing, dispensing, selling, buying or using alcoholic beverages or illegal drugs on Town property or while on the job; being under the influence of or testing positive for these substances during working hours.

J. Neglect of Duty

Negligence in the performance of duties which conflicts with the Town's interest. Neglect of duty resulting in inferior work, equipment breakdown, or waste of materials, supplies or products.

K. Unsatisfactory Job Performance

Failing to demonstrate the requisite skills or abilities to satisfactorily discharge the employee's duties.

L. Telephone, Facsimile, Computer, E-Mail, Copier

Excessive use of Town telephone, facsimile, and/or copier for personal purposes.

M. Theft or Destruction of Property

The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, resident or visitor.

N. Sexual or Other Unlawful Harassment

Discrimination, sexual or other unlawful harassment, and/or inappropriate conduct in violation of Town policies. Retaliation against anyone who has complained of alleged harassment or discrimination or has participated in an investigation of a complaint.

O. Insubordination

Acting in an insubordinate manner toward any supervisor or in disregard of any directive of the Town.

P. Violation of the Town/Policies, Procedures or Rules

Violating or failing to follow the Town's policies, procedures or rules.

6.15 DISCIPLINE

A. Introduction

It is the policy of the Town to take corrective action against employees who violate rules, regulations, or standards of conduct, or who endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: documented verbal warning,

written warning, suspension, and dismissal. While the Town will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance. In addition, nothing in this policy or Personnel Manual undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

B. Documented Verbal Warning

The department head or supervisor shall issue a verbal warning immediately of his or her knowledge of any infraction. The department head or supervisor shall notify the employee of the nature of the infraction and will offer remedial suggestions.

The employee shall have no right of appeal regarding a documented verbal warning.

C. Written Warning

The department head shall issue any written warning immediately of his or her knowledge of any infraction. The warning shall outline the nature of the infraction and will offer remedial suggestions. A copy of the warning will be forwarded to the Town Administrator to be placed in the employee's personnel file.

The employee may appeal a written warning by following the grievance procedure set out below.

D. Suspension

The department head may suspend the employee without pay for a recurring offense or an offense that warrants suspension. The length of the suspension shall depend upon the nature of the offense. The department head shall notify the Town Administrator of the suspension immediately. The employee shall be notified in writing, and a copy of the suspension notice will be forwarded to the Town Administrator to be placed in the employees personnel file.

The employee may appeal a written warning by following the grievance procedure set out below.

E. Termination

The department head shall recommend to the Town Administrator that an employee be terminated. The recommendation shall be made in writing. The Town Administrator will meet with the department head to discuss the recommendation and shall make a recommendation to the Board of Selectmen. The Board shall render a decision within 14 days. The recommendation shall be

in writing, with a copy delivered to the employee in hand or by regular and certified mail, return receipt requested.

The Board may, upon receipt of any such recommendation, direct the Town Administrator to conduct an impartial investigation and to report to the Board the Town Administrator's findings. Any investigation shall be completed within thirty (30) business days.

The Board shall, thereafter, meet within thirty (30) business days to consider the investigation. The employee shall have notice of such recommendation. The employee shall have the opportunity to contest the recommendation by the department head before the Board. The Board may adopt whatever rules of procedure for said hearing it deems fair and equitable.

The decision of the Board on any recommendation for suspension or termination shall be final.

A business day shall have the same meaning as a day when the Town Hall is open for normal business.

Knowledge of any infraction shall mean a determination after an investigation of a violation of policy, procedures or law.

When an employee is required by law to have a hearing before termination, the employee shall be placed on administrative leave with or without pay as determined by the Board of Selectmen pending the outcome of the hearing.

Any provision hereof notwithstanding, theft, use of alcohol or drugs and the unauthorized use of a Town vehicle or equipment, including unauthorized passengers, are grounds for immediate administrative suspension with pay by a department head and may be grounds for termination in any event.

Termination is not a grievable matter. However the employee may request a hearing before the Board of Selectmen to hear the matter. The request for a hearing must be made in writing to the Town Administrator no later than 7 days from being placed on unpaid leave with a request from their supervisor for termination.

1. Termination of Fire Department Employees: Under RSA 154:1 I (a) the Fire Chief has the authority to terminate firefighters.
2. The Fire Chief may terminate any firefighter for recurring offenses or any offense that warrants termination. The Fire Chief shall, if possible, meet with the Town Administrator to discuss any contemplated termination. Regardless, the Fire Chief shall immediately notify the Town Administrator whenever an employee has been terminated. The termination notice shall be made in writing.

3. When an employee is required by law to have a hearing before termination, the employee shall be placed on unpaid administrative leave pending the outcome of the hearing.
4. Any provision hereof, notwithstanding, theft, use of alcohol or drugs and the unauthorized use of a Town vehicle or equipment, including unauthorized passengers, are grounds for immediate suspension without pay and may be grounds for termination.
5. Termination is not a grievable matter. However the employee may request a hearing before the Board of Selectmen to hear the matter. The request for a hearing must be made in writing to the Town Administrator no later than 7 days from being terminated.

6.16 GRIEVANCE PROCEDURE

The Town has a three (3) step grievance procedure:

- A. Step 1. The employee who has a grievance shall submit it first in writing to the department head in an attempt to resolve the matter. The grievance must be filed within seven business days of its occurrence or from the time the employee knew or should have known of its occurrence. The grievance must specify the person allegedly causing the grievance; the time and place of the action being grieved; the nature of the grievance; the specific injury or loss that is claimed; and the remedy sought. The department head shall hold a hearing within seven business days of receipt of the written grievance, excluding the day that the grievance was received, and shall render a decision no later than 14 business days following the receipt of the written grievance. If the department head is responsible for a disciplinary action that the employee is grieving, then the grievance would then go to the department heads immediate supervisor.
- B. Step 2. If the grievance is not resolved to the grievants satisfaction at Step #1, an appeal may be filed with the Town Administrator in writing within seven business days of the receipt of the decision at Step #1. All documentation presented at Step #1, along with the Step #1 decision, shall accompany the appeal to the Town Administrator. The Town Administrator shall hold a hearing within 10 business days of the receipt of the appeal from Step #1, excluding the day that the appeal is received, and shall render a written decision no later than seven business days following the hearing.
- C. Step 3. If the grievance is not resolved to the grievants satisfaction at Step #2, an appeal may be filed with the Board of Selectmen in writing within seven business days of the receipt of the decision at Step #2, at which time a hearing will be scheduled within 10 days. All documentation presented at Steps #1 and Step #2, along with Step #1 and Step #2 decisions, shall accompany the appeal to the Board of Selectmen. The Board of Selectmen shall render a written

decision no later than 15 business days following receipt of the appeal, excluding the day that the appeal is received.

At no time shall any employee go outside of the process when filing a complaint or grievance. Any individual who is found to have by passed the chain of command or process, with be subject to disciplinary action up to and including termination.

6.17 PERSONNEL RECORDS

The Town maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee. Your personnel file is our record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon reasonable request, and it must be in the presence of the department head or the Town Administrator. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. File inspection must be done on your own time, and must be arranged through the Town Administrator. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify the Town Administrator as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

The files maintained at Town Hall by the Town Administrator are considered the employee's official file.

Employees must provide to the Town in writing verification that they allow a particular individual or employer the right to access and review their personnel file. All reviews will be done at Town Hall in the presence of either the department head or the Town Administrator.

6.18 PERFORMANCE APPRAISALS

In order for you to improve your performance and better understand the Town's expectations, the performance of employees will be periodically reviewed. You will generally receive performance appraisals from your department head. However, performance review is a continuing process throughout the course of employment, and you may meet with your supervisor to discuss performance more frequently.

The department head will discuss your performance review, giving you the opportunity to understand the expectations of your position and to examine your strengths, as well as areas in which you need to improve. You will have the opportunity to comment on and sign the review. Your signature on the performance appraisal form indicates that you have seen the appraisal; it does not indicate agreement or disagreement with the content of the review.

A performance appraisal is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment. Appraisals are only one of several factors that the Town uses in connection with compensation, promotion, and retention decisions.

All employees shall be evaluated at least once annually on or about their anniversary date of hire. The evaluation shall become the basis for any available merit increase in pay as determined annually by the Board of Selectmen.

Employees may be eligible for a merit pay increase and/or merit lump sum based on their annual performance evaluation. The Board of Selectmen shall determine the parameters for authorizing a merit pay increase, including the administrative personnel authorized to grant the increase, and the amount of the increase, which shall be within the pay range assigned to the employee's position. Notwithstanding the foregoing, solely in the year that a merit pay increase would be prohibited because granting it would cause the employee's pay to exceed the applicable pay range, the Board of Selectmen may authorize a merit pay increase in an amount that would exceed the applicable pay range, in which case the employee shall receive a pay increase to the top of the pay range and the remaining merit pay increase shall be paid as a one-time, lump sum payment. The amount of the one-time, lump sum payment shall not be added to the employee's annual pay the following year. An employee at the top of the pay range for the position held may be eligible for a lump sum merit payment.

6.19 HIRING, PROMOTIONS, TRANSFERS & JOB POSTINGS

The Town Administrator and Board of Selectmen will be notified immediately of all position vacancies. The affected department will work in conjunction with the Town Administrator, as necessary, in formulating job announcement ads.

The Town strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every effort to promote qualified employees from within the Town, if possible, based upon the needs of the Town and employee qualifications. We may also recruit individuals from outside of the Town, depending upon the circumstances.

In an effort to inform employees of promotion and transfer opportunities, we list vacancies for all positions on the bulletin boards as well in published journals, websites or newspapers. Employees who have at least twelve (12) months of service in their present position and who meet the qualifications of the open position are eligible to apply. Generally, in order to maintain stability, employees who have been working in their current position for less than one year will not be considered for another position, unless the Town, in its discretion, decides otherwise. However, a transfer or promotion

initiated by the Town may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting The Town Administrator. The Board of Selectmen will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of the Town, unless otherwise governed by a collective bargaining agreement or other Town policy.

Employees will generally receive a performance evaluation after 6 months in a new position to determine if their probationary status should be extended. Another performance evaluation will typically be conducted after 12 months of service in the new position. Employees may be eligible for a merit pay increase in conjunction with the yearly evaluation, depending upon the circumstances.

Date of hire: The employee's date of hire shall mean the effective date of the individual's employment with the Town. The date of hire shall be used to determine length of service.

Anniversary date: The employee's anniversary date shall mean the date the employee began his/her employment in the most recent position. A regular employee who is promoted, demoted or transferred will have his/her anniversary date changed to the effective date of the promotion, demotion or transfer. When employees are granted merit wage increases, the pay increase will become effective immediately. Promotional anniversary dates will be used for any merit increase. If an employee transfers to another department or is promoted, they will still be required to be on probation for at least six months. Any prior benefits accrued will transfer over and the employee does not have to wait to pass probation to use the time

Residency: Applicants shall be citizens of the United States of America or hold proper certification that enables them to work in this country. The Board of Selectmen may require that employees reside within the Pembroke Town limits if there is a compelling reason to justify such residency.

Pre-employment examination: The Town may administer pre-employment medical examinations to test the qualifications and ability of applicants, as determined necessary by the Town. The Town may contract with any competent agency or individual to prepare and/or administer examinations. All costs will be at the expense of the Town.

Interviews/appointments: The department head will review the applications that are submitted and conduct interviews of candidates. The department head will then present a final candidate to the Town Administrator for his/her review. The Town Administrator shall review the recommendation and present the final candidate to the Board of Selectmen. The Board of Selectmen shall have the final authority concerning the actual

appointment of the employee. The Board has the authority to interview any prospective candidate.

Employees who will be working with children, elderly, potentially entering the homes of citizens, or those collecting and managing money will be required to submit to the Town a completed copy of their motor vehicle record and will be subject to a complete criminal background check. The cost will be at the Town's expense. Employees who are in safety sensitive positions such as Police, Fire, and Public Works, must pass a drug/alcohol test at a location determined by the Town. This cost will also be at the expense of the Town.

SECTION VII. EMPLOYEE SAFETY AND HEALTH

7.1 HEALTH & SAFETY PROGRAM

Safety is of great concern to the Town. It is important that we all keep safety foremost in our minds to ensure that our work environment is as safe as possible. Safety can only be achieved through teamwork. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- A. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- B. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated and is prohibited. Possession of alcohol or any illegal drugs on Town property is prohibited.
- C. The use, adjustment, and/or repair of machines or equipment is to be performed by you only if you are trained and qualified and it is a Town vehicle. No personal vehicles or equipment are to be worked on using Town equipment or in any Town owned building
- D. Get help when lifting or pushing heavy objects.
- E. Understand your job fully and follow instructions. If you are not sure of a safe procedure for performing work, ask your supervisor.
- F. Know locations, contents, and intended use of all first aid and fire-fighting equipment.
- G. Wear personal protective equipment as directed in accordance with the job you are performing.

- H. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- I. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.
- J. We understand that at times family and children may be in to visit. Not only can this lead to chaos and noise but safety issues. Each employee should be mindful of their other co-workers and any visits should be kept to a minimum. No extended periods where the child or children are being taken care of while the employee is working will be allowed.
- K. At no time should any employee bring in their pets to work with them.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

7.2 SAFETY COMMITTEE

The Town maintains an active Safety Committee comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

7.3 WORKPLACE VIOLENCE

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. Moreover, violence and verbal or physical threats of violence of any kind in the workplace or on Town/property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including separation from employment. Responsive action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence or threat of violence, you must immediately report the matter to your department head or the Town Administrator, or if the risk of danger is imminent, the police should be contacted directly, and then the Town Administrator should be contacted as quickly as practicable.

7.4 ALCOHOL AND DRUG POLICY

The Town is committed to providing a safe work environment that is free from the effects of illegal drugs and alcohol.

Illegal drugs and alcohol use in the workplace can create health, safety, and security issues for our employees, citizens and visitors. The Town of Pembroke is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of our commitment, Pembroke prohibits the following conduct and other conduct which, in our determination, is inconsistent with our commitment:

- The manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, or drug paraphernalia at any time on Town premises;
- Use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on Town premises;
- Reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions;
- Reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be hung over, or otherwise appearing or being unable to effectively interact with citizens, visitors and co-workers and work safely and properly without impairment;
- Failing to submit to a required fitness for duty exam.

Pembroke also maintains the following reporting requirements:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by the department head.
- If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on Town premises or while working for the Town, The Town of Pembroke reserves the right to report the incident to law enforcement authorities;
- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he or she should immediately report the behavior to their department head.

Investigations and Searches:

When the Town determines that there is reasonable cause to suspect that an employee has violated this policy, the Town reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases, other belongings, and vehicles brought on Town premises or at locations where work-related activities are being conducted. Cause to suspect shall be solely in the judgment and discretion of the Town.

Violations of this Policy:

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action, up to and including termination,

and may also have legal consequences.

Fitness for Duty Exams:

The Town reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for the Town to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by the Town. Within the Town's discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of a fitness for duty exam.

DOT Testing

For those employees who are required to possess a CDL license and are required to follow DOT Regulations 49 CFR Part 382 the policy is as follows:

A. POLICY STATEMENT

- No driver shall consume drugs or alcohol while on company time or property. This includes unpaid meal and break periods.
- No driver may consume alcohol four (4) hours prior to on-duty time as per 382.205
- No driver shall possess or be in control of any alcoholic beverage or controlled substance within any company building or vehicle.
- No driver will participate in the unauthorized use, abuse or sale of any controlled substance.
- We do not permit the use or sale of any controlled substance at any time.
- Participation in the Town of Pembroke's drug and alcohol testing program is a requirement of all drivers that qualify.

B. APPLICABILITY

- All drivers who operate Commercial Motor Vehicles (CMV) must be subject to testing in 382.103.
- All drivers who hold a Commercial Driver's License (CDL) and drive vehicles in the following categories:
 1. Vehicles with a gross weight rating of 26,001 pounds or more.

2. Vehicles with a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds.
3. Vehicles designed to transport 16 or more passengers.
4. Vehicles of any size used to transport materials found to be hazardous and which require the vehicle to be placarded under Hazardous Materials Regulation 49 CFR Part 172, subpart F.

C. TESTING

- No driver shall report for duty or remain on duty that requires performing a safety-sensitive function when the driver uses any controlled substance, except when the use is at the instruction of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV as per 382.213.
- Although this policy prohibits the use of any controlled substance not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine (DOT required) to test for the presence of the following substances:

DOT: Marijuana
 Opiates
 Cocaine
 Phencyclidine
 Amphetamines

Non-DOT – Testing will be analyzed per individual by urine, hair follicle, saliva, and/or sweat. Drugs to be testing for are the five above plus additional substances if desired, but not required and not limited to:

(At the discretion of the employer per individual circumstances)

Benzodiazepines
Barbituates
Methadone
Methaqualone
Propoxyphene
Ecstasy

Expanded Opiates

- Alcohol screening tests are performed via breath analysis or saliva testing. A trained Breath Alcohol Technician (BAT) or Saliva Test Technician (STT) using the approved testing device; QED, (Quantitative Enzymes Diagnostics) and will perform these tests.
- A trained BAT will perform confirmation testing on an evidential breath-testing device that is on the National Highway Traffic Safety Administration's Conforming Products List.

D. REASONS FOR TESTING

1. Pre-employment (382.301)

- Prior to the first time a driver performs a safety-sensitive function, or any duty for the company, he/she will undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative test result is received from the Medical Review Officer (MRO). If a pre-employment controlled substance test indicates a confirmed positive, the company will rescind the employment offer.

2. Post-accident (382.303)

- Any incident at the discretion of the Designated Employer Representatives (DER) in addition to the requirements of 382.303.
- As soon as practicable following an occurrence involving a Commercial Motor Vehicle (CMV) operating on a public road in commerce, the Company Employer shall test for alcohol and controlled substances each driver who:
 - a. Performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b. Receives a citation under State or local law for a moving violation arising from the accident if the accident involved:
 - 1. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - 2. One or more vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

- Per DOT regulations, drivers are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Testing will be performed as soon as possible, but not more than eight (8) hours after the accident for alcohol and within thirty-two (32) hours for controlled substances.
 - a. As per Part 382.303 D1, if an alcohol test is not completed within 2 hours following an accident, the Employer must document the reason why the test was not administered. After 8 hours if the test is not administered, the Employer must cease attempts to test and document why the test was not administered.
 - b. As per Part 382.303 D2, if a drug test is not completed within 32 hours following an accident, the Employer is responsible for ceasing attempts to test and documenting the reason why the test was not administered.
- All drivers will immediately contact a supervisor/employer for instructions. The driver will not drive to the testing facility. Either, the testing collector will travel to the accident, if applicable, or the driver will be brought to the testing facility.

E. RANDOM TESTING (382.305)

- All drivers subject to the Federal Motor Carrier Safety Regulations as outlined under APPLICABILITY section of this policy shall be required to submit to alcohol and substance abuse testing in a random program. The program shall be outlined as:
- The substance abuse testing program will be managed by Onsite Drug Testing of New England, LLC (ODTNE) located at 2 Industrial Park Drive Concord, New Hampshire 03301. ODTNE will perform all aspects of program management including, but not limited to, random selection, blind samples, quarterly statistic reports, scheduling and/or collecting samples.
- Drug screen collections and alcohol tests will be performed at the Town of Pembroke, a worksite of the Town of Pembroke that has the proper accommodations, a collection site or at Onsite Drug Testing of New England, LLC, Concord, N.H.
- Per the DOT regulations, random selection and subsequent testing will be performed at an annual percentage rate of 50% of eligible driver positions for controlled substances and 10% for alcohol. These tests will spread throughout the year and shall be performed with little or no notice to the drivers. When the driver is notified of

the need to be tested, he/she shall be immediately ready or proceed directly to the collection site and submit to the required testing. The testing rates are eligible to change at the beginning of each year, per the Federal Motor Carrier Safety Regulations. The Town of Pembroke has the right to do Non-DOT substance abuse testing in addition to the DOT required testing.

F. REASONABLE SUSPICION (382.307)

- Per the DOT regulations 382.307d, reasonable suspicion alcohol testing shall only be required before, during or after the driver is performing a safety-sensitive function.
- Per the DOT regulation 382.307, whenever the Company has reasonable suspicion to believe that a driver has violated any alcohol or controlled substance prohibition contained in this policy, it will require the driver to submit to an alcohol and/ or controlled substance test. Any suspicion shall be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic effects of controlled substances. These observations will only be made by a supervisor or company official who has received appropriate training and will be documented by that individual in a Supervisor's Report of Reasonable Suspicion within twenty-four (24) hours after his/ her observation. Whenever possible, three (3) DER's shall concur with regards to the observations about the reasonable suspicion.
- All testing shall be conducted as soon as possible after the determination to test has been made. If the driver needs to be transported to the collection site, it will be by a supervisor and the driver will not be allowed to perform any safety sensitive function or drive any company vehicle until negative results are confirmed. Appropriate measures will be taken to transport the driver home after the test has been taken to ensure the safety of the driver and the general public. Such measures may include but are not limited to calling a family member, calling a taxi or driving him/ her home.

G. RETURN TO TESTING (382.309)

- FMCSR Part 382.309 says each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subpart B of this part concerning alcohol, the driver shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 units.

And

- Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subpart B of this part concerning controlled substances, the driver shall undergo a return to duty controlled substance test with a result indicating a verified negative result for controlled substance use.

H. FOLLOW-UP TESTING (382.311)

- Following a determination under Part 40.289a., that a driver is in need of assistance in resolving problems associated with alcohol misuse or use of controlled substances, each employer shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a DOT certified Substance Abuse Professional (SAP) in accordance with the provision of Part 40.289b. Follow-up testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
- Driver is responsible for any costs accrued by testing positive.
- Driver will not be allowed to work for the Town of Pembroke, from the time of a confirmed positive screen through the time of a confirmed negative screen. Driver is allowed to utilize accrued personal time and vacation time and will continue to be on the Town's insurance policy but they must pay the Town their portion prior to each month while suspended. Any payment not received by the first of the month will be grounds to terminate.
- If after 12 months, the driver is still in the follow-up program, the Employer reserves the right to terminate employment.
- Following a second confirmed positive drug and/or alcohol screen, the driver will be terminated.
- If the driver is terminated during a follow-up program, they are required by the FMCSA regulations to continue in a program while working for any Federal Motor Carrier.

I. REFUSAL TO SUBMIT (382.211)

- Any driver who refuses to submit to any required test under any circumstance shall be prohibited from performing any safety-sensitive function and shall be subject to discipline as outlined in CONSEQUENCES OF POSITIVE TEST RESULTS.
- Refusal to submit (Definitions 382.107) shall be determined by any of the following circumstances, but are not limited to:

- a. Failing to provide adequate breath, saliva or urine for testing without a valid medical explanation after the driver has received notice of a required test as well as refusal to submit to a medical evaluation as required by Subpart 40.193d.

(In the case of a Pre-Employment drug test, the driver is deemed to have refused to test on this basis only if the Pre-Employment test is conducted following a contingent offer of employment.)

- b. Engaging in conduct that disrupts the collection process.
- c. Engaging in any conduct that creates reason to believe that a urine specimen has been altered, substituted or adulterated for the purpose of affecting the validity or accuracy of a controlled substance test result. This includes refusing to submit to an observed or monitored collection.
- d. Failure to appear for any test, except Pre-Employment within a reasonable time as determined by Onsite Drug Testing of New England, LLC after being directed by the employer.
- e. Leaving the scene of an accident without a valid reason before tests have been conducted.
- f. Failure to remain at the testing site, until the testing procedures are completed.
- g. Failure to submit to a second test that the Employer or Collector has directed the driver to take.
- h. A result reported by the MRO as being a verified, adulterated or substituted test.

J. ALCOHOL & DRUG TESTING PROCEDURES (Part 40, 382 and 383)

- All procedures for drug and alcohol collection and testing shall be performed in accordance with FMCSA regulations Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing) and 383 (Commercial Driver's License Standards; Requirements and Penalties).
- Specimen collection procedures are as follows:

- a. Positive photo ID is required either by a Federal, State or Local Government or by the DER of the Company.
 - b. Driver will be directed to remove outer clothing, including jacket, coat, hat etc. in addition to emptying their pockets of items that could adulterate the specimen. Driver is allowed to keep their wallet. A receipt will be issued for items left with the collector upon request.
 - c. Driver will be advised that failure to comply with the directions of the collector, constitutes a refusal to test.
 - d. Driver will be instructed to wash their hands prior to the collection and not again until after the specimen has been given to the collector.
 - e. Driver will choose a collection kit to be used for specimen.
 - f. Driver will be instructed to provide a sufficient specimen and is given a reasonable time limit to provide the specimen.
 - g. Driver will be instructed to initial the sample bottles, fill in their information on the chain of custody in view of the collector.
 - h. Driver will be given copy 5 of the chain of custody.
 - i. Driver will be instructed they may leave the collection facility.
- A split sample will be performed as per the DOT regulations to allow a donor that has tested positive to request the second sample be sent to a secondary laboratory for verification. (The Town of Pembroke will pay for the second sample to be tested if it is reported as different from the original test result.)
 - All specimens will be collected at locations that afford privacy for the driver. Providing a urine sample will not be directly observed or monitored unless the driver's conduct indicates an attempt to tamper with or adulterate the specimen.
 - If the specimen temperature is outside the acceptable range, you will be required to submit to a new collection using direct observation procedures as per 40.67.

- Urine samples will be tested for drugs at laboratories certified by the US Dept. of Health and Human Services (DHHS).

K. TESTING RESULTS (Subpart D, 382.401)

- All controlled substance and alcohol test results will be reported and maintained in a confidential manner and only shared with those who have a bonafide need to know, the DER, Onsite Drug Testing of New England, LLC and Department Of Transportation Agents.
- A negative-dilute specimen is considered a confirmed negative and no further action is needed.
- A negative drug or alcohol test result is indicative of having passed the test. No further action needs to be taken.
- A positive alcohol result is defined as a confirmation alcohol test of greater than or equal to 0.04 units and a drug test determined and reported as positive by the MRO.
- No driver shall report or remain on duty that is performing a safety-sensitive function while having an alcohol concentration of 0.02 units or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.02 units or greater shall permit the drive
- All drug test results, positive or negative, will be reviewed by a MRO prior to being reported to the employer. In the case of a positive test result, the MRO will contact the driver and discuss the results prior to reporting them to employer. If the driver can show a legitimate medical reason for testing positive, the MRO will report the result as negative to the employer.
- A positive controlled substance result means that the driver has failed the test and needs to be removed from safety-sensitive functions immediately. Within 72 hours, the driver may opt to have the split drug test sample sent for re-test. This must be done in writing. If the split result is other than positive for the same substance, the test is canceled and the driver may return to his safety-sensitive function.

L. CONSEQUENCES OF POSITIVE TEST RESULTS (Part 40, Subpart 0)

- The consequences under this part for drivers found to have an alcohol concentration of 0.02 units or greater, but less than 0.04 units is suspension of safety-sensitive functions for 24 hours. (This time off is not paid and the Driver may be allowed to utilize accrued personal time or vacation time.)
- The DOT requires that anyone who refuses to test be treated as though the test was positive and all consequences for a positive test apply.

- A driver who has a verified positive test will be provided information by the employer on where to go to get guidance regarding substance abuse. All drivers that test positive must be evaluated by a substance abuse professional as per 382.503.
- Consequences for the first verified positive result will be:
 - a. Immediate suspension without pay from safety-sensitive functions.
 - b. Meet with a SAP for evaluation and referral.
 - c. Follow the SAP's referral including but not limited to a Substance Abuse class.
 - d. Submit to a return-to-duty test (drug and/or alcohol) of which the results are negative.
 - e. Submit to a minimum of 6 follow-up tests maintained by the SAP and DER within the first year following the evaluation. (Follow-up tests are in addition to being selected for random testing and are paid by the driver)
 - f. Upon completion of the SAP referral program (302.605 and Part 40, Subpart 0), the Employer will allow the driver to return-to-duty.
- Consequences for the second verified positive result will be grounds for termination.

M. GENERAL REQUIREMENTS

- All drivers must read, understand and sign the Alcohol and Drug Testing, Driver Awareness and Training Handbook to meet requirement 382.601.
- The receipt with signature, will be kept in the driver qualification file or personnel file.
- All drivers are required under Part 382.601b.11 to report any other driver's or co-driver's behavior showing any signs and symptoms of an alcohol or controlled substance problem to their immediate supervisor.
- The Town of Pembroke shall insure that each driver sign a statement certifying that he/she has received a copy of the materials described in 382.601d. (Alcohol Misuse and Controlled Substances Use, Training and Referral).

- a. If a prospective driver refuses to acknowledge receipt of a copy of the materials listed above, the driver will not be hired.

7.5 SMOKING POLICY

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking policy within our buildings and in or on Town vehicles.

Anyone wishing to smoke must do so only during authorized breaks in the designated area. Designated smoking areas will be properly posted and enforced by the appropriate department head. The Town hopes and expects that our employees will comply with the non-smoking policy. If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to your department head or the Town Administrator.

If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

7.6 WORKPLACE SEARCHES

To safeguard the safety and property of our employees, residents, and the Town and to help prevent the possession and use of illegal drugs on Town premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town property. In addition, the Town reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town and are issued for the use of employees only during their employment with the Town. Inspections may be conducted at any time at the discretion of the Town.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

SECTION VIII. OTHER

8.1 SOCIAL NETWORKING AND BLOG POSTINGS

Postings on social networking sites such as Twitter, Facebook and MySpace as well as on blogs has become a common activity of many individuals. The Town prohibits employees from any such postings, viewing or in any way participating in such sites while on work time or using any of the resources or equipment of the company unless they are directed to by their supervisor for updating Town sponsored sites. The Town

internet resources are only to be used in accordance with the office rules and policies on confidentiality, harassment, use of the internet and use of office equipment.

The Town neither encourages nor discourages any of its employees from posting on social networking sites or blogging on their own time, using their own equipment. However, employees should be aware that these postings are public, even if access to them is restricted they may be forwarded out of the restricted group by those who have rightful access, and live on virtually forever. And, even if a posting is taken down it never truly disappears but rather continues to exist somewhere in cyberspace. As a result, employees need to be mindful that social networking postings (whether images or comments), even though done on personal time and using personal equipment, can cause damage to not only their own reputation and interests but also the reputation and interests of the Town, co-workers, and the public we serve.

Should you choose to blog or participate in any social networking site on your own time, using your own resources and equipment, you are requested to follow the following guidelines:

1. You must never disclose any confidential information of the Town or any information whatsoever about the Town's residents.
2. Your postings must not violate any laws or policies of the Town, including but not limited to harassment, violence, or confidentiality of other employees or residents.
3. Should you reference the Town in any way you must state that the views, opinions, ideas or information belong to you personally and are not in any way attributable to the Town.

Employees should report violations of this policy to The Town Administrator. It is the responsibility of all employees to help the Town ensure compliance with the policy.

Violation of any aspect of this policy is subject to disciplinary action, up to and including termination of employment, regardless of whether such conduct occurred away from work or on non-work time.

SECTION IX.SEPARATION FROM EMPLOYMENT

9.1 REQUESTED NOTICE OF DECISION TO TERMINATE EMPLOYMENT

Should you decide to resign from your employment with the Town, we ask that you notify your department head of your decision at least two (2) weeks in advance of your planned departure date. Your thoughtfulness will be appreciated, and will allow the Town to maintain work schedules and provide important services to the public.

9.2 EXIT INTERVIEWS

In most instances, employees who terminate their employment will be asked to participate in an exit interview with the Town Administrator.

Updated 8/5/19