

# Town of Casco, ME



## Personnel Policy

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## **SECTION 1. INTRODUCTION**

### **1.1 PURPOSE**

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the Town of Casco. This policy includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, discipline, and other related activities. All references to masculine gender as used in these Rules and Regulations are intended to include both male and female. The policy and procedures apply to all employees, unless inconsistent with a collective bargaining agreement. These policies and procedures are not intended and do not constitute a binding employment contract with any individual or group of employees.

The goals of personnel management in the Town of Casco:

- A. promote effectiveness, economy, and productivity in delivering services to the citizens of Casco;
- B. a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills; and
- C. provide reasonable assurances that all rights and benefits of employees and applicants for employment are protected and respected.

The Town may change, amend, repeal, or modify any of these policies or procedures at any time for any reason.

### **1.2 AUTHORITY**

The Town of Casco is a municipal corporation, pursuant to the laws of the State of Maine. The Town of Casco operates under the authority of Maine Statute Title 30-A, subsection 2004.

### **1.3 SEVERABILITY**

If any provision of these Personnel Policies is invalid, the validity of the remaining provisions of these Personnel Policies shall not be affected thereby. If the application of these Personnel Policies or any of its provisions to any person or circumstance is held invalid, the application of these Personnel Policies and its provisions to other persons or circumstances shall not be affected thereby. If any provision of these Personnel Policies is held invalid by reason of any conflict with Federal or State Law, the provisions of the applicable Federal or State Law shall automatically become incorporated within these Personnel Policy(ies) in place of the invalid provision(s).

### **1.4 AMENDMENTS AND INTERPRETATIONS**

The Town of Casco reserves the right to unilaterally amend, delete, modify, or change these policies without prior notice and at any time. All changes must be done by a formal vote of the Selectboard, after assuring the proposed change has been posted for at least (10) days within each work location. The Town Manager and Town Selectboard shall have the exclusive and final authority to interpret these policies.

The Selectboard shall receive a copy of all proposed workplace policies changes at or before the initial posting.

## **1.5 ADMINISTRATION**

A. The employment of all personnel shall be the responsibility of the Selectboard and the Town Manager. The Town Manager will serve as the Personnel Administrator for the Town.

B. **DESCRIPTION OF ROLES**

GOVERNING BODY: The term governing body refers to the representatives of the elected Selectboard who provide direction and policies for the direction of the Town.

C. **APPOINTMENTS:**

1. Selectboard appoint the following positions: Town Manager & Assessor
2. Town Manager appoints Code Enforcement Officer, Fire Chief, , Recreation Director, Town Clerk, and Treasurer and the Selectboard confirms appointments
2. Town Manager appoints: all Other Municipal Employees.

D. **PERSONNEL ADMINISTRATOR:** The Manager will review personnel evaluations, disciplinary actions, interview and hiring procedures, salary increases, grievances and all other personnel matters to assure compliance with federal, state, and local employment practices, as well as to promote a sense of consistency and fairness for town employees. The Town Manager or his designee shall also maintain a personnel file for each employee that shall include, but not be limited to, written documentation of all evaluations, salary increases, career improvement initiatives and disciplinary actions. These shall be confidential, to the extent permitted by law.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 EQUAL OPPORTUNITY STATEMENT**

The Town of Casco provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws.

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

### **2.2 COMPLIANCE AND COVERAGE**

All employees are required to abide by the terms of the employment policy and comply with such reasonable rules and regulations as the Town may adopt. Should there be any doubt as to the employee's obligations they will first comply with the rules and then notify their respective supervisor or department head.



- A. All employees shall be covered by this policy, unless otherwise covered by a collective bargaining unit. All state or federal legal requirements covered in this policy, shall apply to all employees, unless there is specific language within other agreements governing those items.
- B. All employees shall receive a copy of the personnel policy at the time of initial hiring or when policy changes occur.
- C. The Town Manager shall be responsible for the administration of this policy. The Town Manager shall be the hiring and firing authority for all employee as applicable under state and federal legal requirements.
- D. The Town Manager shall not be covered by this policy.

## **2.3 HIRING PROCESS**

The Town of Casco seeks to employ the most qualified individuals to serve the citizens and guests of the Town of Casco. To be most qualified, employees are expected to be highly ethical, efficient and have a deep sense of public service as core values and behaviors. The following hiring process shall be used to meet this expectation.

### **A. Announcement of Vacancies:**

- 1. Recruitment notices for all vacancies shall be posted for a minimum of fourteen (14) days prior to the permanent selection to fill any vacancy. Such notice, at minimum, shall include the name of the position, brief description of expected qualifications and closing date.
- 2. The Town Manager will notify the Selectboard of all job postings prior to the first day of any job posting.
- 3. The Town Manager shall not post any position that the Selectboard must confirm appointment of, prior to receiving official approval for such posting.

### **B. Application:**

A standardize form shall be used for all job applications unless otherwise determined that the Town is seeking resumes instead.

- C. **Hiring Preference:** If all are things are considered equal, the Town will give a hiring preference to applicants. The hiring preferences shall be given, in order of highest preference, to current Town employees with outstanding employment records, previous employees that have left with unblemished employment histories, and then residents of the Town of Casco. Hiring preferences may only be used to distinguished between what otherwise would be considered the two highest equally and best qualified applicants. No applicant, including existing employees, may grieve, appeal, or otherwise challenge any employment or promotional decision based on this section.
- D. **Physical Examination:** Upon acceptance of a condition offer of employment, said candidate for employment may be required to submit to a physical examination. The examination appointment shall be set up by the Town, paid for the Town and with the physician chosen by the Town.

E.

## **2.4 CLASSIFICATION OF EMPLOYEES**

The following types of employment shall be available:

- A. Full time employment is an appointment to any position that works at least forty (40) hours per week on a continuous period and is designated to receive all benefits as outlined within this policy or respective collective bargaining agreement.
- B. Part time employment is an appointment to any position that works less than thirty-nine (39) hours per week on a continuous period and is not designated to receive any additional benefits as outlined within this policy.
- C. Temporary employment is an appointment to work an irregular work schedule or a standard work week on a regular period, but for a limited period, usually not to exceed six months. Temporary employees are not eligible for any additional benefits as outlined within this policy.
- D. Seasonal employment is an appointment to a temporary position for an applicable season and is terminated at the conclusion of that season. Seasonal employees are not eligible for any additional benefits as outlined within this policy.
- E. Per Diem employment is an appointment to work on an intermittent and as needed basis. These employees are on call and do not have a regular schedule. Per diem employees are not eligible for any additional benefits, except for as outlined within this policy, unless otherwise defined by Maine law.

## **2.5 PROBATIONARY PERIOD**

All new employees shall be considered probationary employees for the first six months of employment, unless specified differently in a collective bargaining agreement. The probationary period is considered an extension of the hiring process. Probationary employees shall be formally reviewed during the first ninety (90) days of employment. Any probationary employee may be terminated from employment during the probationary period without cause and without appeal.

## **2.6 PROMOTIONS**

Town employees shall be given maximum opportunity for advancement in the service. Present employees shall be given first consideration in filling a vacancy, but it is recognized that the good of the community may require that a vacancy be filled from outside the ranks of employees of the Town of Casco. A decision shall be made only after careful review of the qualifications of all Town employees who apply for the position.

## **2.7 DISABILITY ACCOMMODATIONS**

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

The Town will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. Furthermore, the Town is committed to

taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and the Maine Human Rights Act.

#### A. Policy Statement

This municipality is committed to providing accommodations for eligible individuals with documented disabilities as defined by federal and state law in the most timely and effective manner possible under applicable laws and regulations. The municipality's intent is to ensure that every request for an accommodation is promptly and properly reviewed. The municipality is committed to following the requirements of the ADA and all appropriate federal and/or state laws, rules, and regulations.

All requests for accommodations are to be submitted in writing with the appropriate supporting documentation to the municipality's Town Manager for consideration and review. The review of the request may, at the discretion of the municipality, include an evaluation and determination of the scope of the disability and, if appropriate, requests for additional medical documentation, examinations and/or opinions.

#### B. Process

**1. The employee or the employee's immediate supervisor shall contact the Town Manager for assistance in applying for accommodation.** No department or individual may grant any accommodation, whether formal or informal, without first receiving approval of the Town Manager. If an employee's supervisor makes the request for accommodation on behalf of the employee, the employee must then work with the Town Manager directly. Only that information absolutely necessary shall be shared with the employee's supervisor. The employee's supervisor should not function as an advocate or surrogate for the employee.

a. The Town Manager shall assist the employee in all ways reasonably possible in completing the ADA process in a timely and efficient manner.

**2. The employee shall submit all requests in writing.** Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The Town Manager shall make the determination of the need to know in consultation with the applicable department. Failure to submit any request in writing may result in delay and/or denial of accommodation requests.

a. Any and all appropriate medical information and/or opinions shall be submitted with the written request for an accommodation. The documentation listed in Appendix A shall be the minimum documentation to be supplied by the employee.

b. The employee shall be responsible for the expenses of providing acceptable documentation, which may include the costs of necessary medical examinations needed to render an acceptable medical decision. If, upon review and at the sole discretion of the



municipality, the Town Manager determines additional medical opinions are necessary, the municipality shall be responsible for the additional costs.

c. Failure to provide all requested medical documentation, including any additional medical documentation as may be required and/or failure to submit to an independent medical examination may, at the discretion of the municipality, result in denial of any request(s) for accommodation(s).

**3. The Town Manager must make the following necessary determinations for each ADA accommodation request:**

a. The nature of the disability. This determination may, at the discretion of the municipality, require proof of actual diagnosis by an appropriate medical care professional, with appropriate documentation supporting the diagnosis. The documentation listed in Appendix A shall be the minimum documentation to be supplied by the employee.

b. Whether the disability impacts an essential function(s) of the employee's position.

c. The job function(s) the disability impacts.

d. The type of accommodation(s) that is (are) reasonable.

**4. The Town Manager shall implement the decision through appropriate municipal procedures if the employee is to be accommodated.**

**5. The Town Manager shall issue a written decision within a reasonable time upon receipt of the written request for accommodation.** A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need(s) for additional medical examinations and/or opinions, and so forth.

a. The Town Manager will assure verification of receipt of the written decision.

**C. Disability Documentation**

The following documentation is the minimum necessary to provide a prompt review of records and determine the appropriate accommodation, if any. Additional documentation may be necessary on a case-by-case basis. Supplying this minimum documentation does not guarantee any accommodation will be provided.

1. Information must come from the appropriate licensed medical professional. This person must have the necessary qualifications to accurately and accurately diagnose the claimed disabilities.

2. The licensed professional must state the disability findings on their official letterhead that indicates the professional area of specialization. Information contained should include: a statement of findings and conclusion summary that indicates a correlation drawn from the testing to the diagnosis, including the treatment plan.
3. The functional limitations must be cited. The limitations shall be related to the essential functions of the employee's specific position.
4. All documentation shall be dated within the last 3 years. If necessary, this period may be shortened on a case-by-case basis.

#### D. Town Manager - Responsibilities and Duties

1. Coordinate the municipality's compliance with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973;
2. Evaluate, document, and administer accommodation requests;
3. Evaluate and document the municipality's compliance efforts;
4. Recommend changes to policies and procedures relating to the ADA and Rehabilitation Act for the municipality;
5. Respond to information requests, including written materials for institutional response;
6. Work with various departments in response to complaints filed under the ADA and/or Rehabilitation Act.

## 2.8 TRAINING, EDUCATION AND CONFERENCES

Both the Town and its employees profit from the provisions of educational training opportunities related to the employee's position for which provisions have been made in the budget. It shall be the responsibility of the Town Manager to provide to Town employees reasonable opportunities for such in-service training and attendance at schools or conferences as will improve quality of performance and bring about more efficient and more effective operation. Representing the Town at out-of-state conferences shall be authorized by the Town Manager, if funds permit, and upon such conditions as the Town Manager may determine.

- A. Required Training. As a condition of employment, each employee shall attend and participate in all training sessions or courses as may be directed by the Department Head or the Town Manager.

The Town will attempt to make opportunities available to the employees, within the constraints of the municipal budget, for further development of specific skills and expertise deemed or mutual benefit to the employee and the Town. Approval for staff development involving expenditure of funds must be obtained from the Town

Manager.

All necessary and reasonable expenses incurred while participating in required training are eligible for reimbursement, subject to the provisions of this policy.

- B. Travel. If an employee is required to go to school or training on their normal work hours, it will be considered as time worked and will be paid at their normal hourly rate. All training and school activities must be approved by the Department Head and the Town Manager. If a municipal vehicle is available for transportation, employees shall be required to use it for transportation to and from class. If the vehicle is not available, the Town will reimburse the employee at the applicable mileage rate. If more than one employee is attending the training session, the Town expects 'carpooling' as the town will only reimburse one employee, not the total group attending.
- C. Professional Groups. Employees are encouraged to participate and be members of boards, committees or organizations relating to their employment. Whenever possible, and with the prior approval of their Department Head, employees may be allowed time-off during regular work hours to attend meetings. Any time spent after regular work hours shall not be considered hours of work. (This is not intended to relieve the Town of its obligation to properly compensate employees for work hours that are legally due.)

## **2.9 SAFETY POLICY**

Personal injury and property loss are needless waste and squandering of precious resources. Personal injury places the Town of Casco at a disadvantage in its ability to provide the necessary services and functions to its citizens. Property losses place an undue burden on limited funds for services and general operations.

As an employer, the Town of Casco is legally responsible to ensure that mandated safety regulations be enforced. It is the Town's policy that mandated safety regulations will be complied with by all town employees at whatever level. This is in the interest of both the Town and the employees.

Where it is the responsibility of the Town to provide safety equipment, it shall also enforce its use. It is incumbent upon employees to utilize such equipment.

It is the responsibility of every town employee to ensure that a safer workplace is maintained, and that personal injury and property loss are minimized and/or eliminated wherever possible. This will reap benefits for us all.

## **2.10 PERSONNEL RECORDS**

Employees have the right to review their personnel record. Employees desiring to review the record must make a request to do so with the Town Manager. A mutually agreeable time will be established for the review within ten (10) working days of the request.

## **2.11 JOB DESCRIPTIONS AND EVALUATIONS**

It shall be the responsibility of the Town Manager to establish a job description for each employee and establish work rules which pertain to their department. The Department Head will post said rules ten (10) days prior to implementation.

All full-time employees shall receive at least once annually a written performance review. The review shall be conducted as close year's end (calendar). In addition, they shall be afforded at least one meeting as close to six months prior to that formal evaluation to informally discuss with their supervisor their performance. In addition, each Department Head will meet monthly with staff to discuss progress towards goals and objectives. Each of these meetings shall be documented and become part of the personnel file.

All probationary employees must receive an acceptable performance review prior to the end of their probationary period as a minimum to be offered regular employee status.

## **SECTION 3: CONDITIONS OF EMPLOYMENT**

### **3.1 ETHICAL STANDARDS**

It is considered a privilege to work for local government, and the Town of Casco, specifically. All employees, Board members, volunteers and others serving in an official capacity is expected to maintain and promote the good name of local government and our community. All conduct, whether on duty or not, that results in unfavorably upon the Town shall be avoided. All actions that might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or showing complete partiality in conducting Town business shall not be allowed.

### **3.2 EMPLOYEE CONDUCT AND PUBLIC RELATIONS**

All employees are prohibited from engaging in any conduct, which could reflect unfavorably upon the Town or disrupt the efficient administration of the Town. All Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.

Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are the key elements of good service.

These policies and regulations are provided to assist the Management Team and all employees in functioning at peak efficiency with minimal cost to the taxpayers.

- A. Receipt of gifts: All Town employees are prohibited from soliciting or accepting any gift, gratuity, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of their official duties. This does not include fund-raising efforts for the benefit of charitable causes or other departmental programs.
- B. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of

business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted. Such nominal gifts shall be reported to the Town Manager and the Town Manager shall document the receipt of all gifts. The Town Manager shall provide an annual report on gifts received by Town staff.

- C. Business Activities or Solicitations are prohibited: No employee shall engage in any business other than their regular duties during work hours.
- D. Failure to report any gift may result in disciplinary actions.

### **3.3 CONFIDENTIALITY**

**Confidentiality:** information that is considered confidential. Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Employees, as a condition of employment, are expected to always maintain and protect that information.

### **3.4 ATTENDANCE**

Every employee is expected to report to work regularly and on time. Good attendance is a most important job requirement and essential duty of every position. Failure to meet this requirement could result in discipline up to and including termination.

#### **A. Definitions**

- 1. Absence: An employee is absent when they fail to report for and remain at work as scheduled.
- 2. Lateness: Is a short absence at the beginning of a workday
- 3. Leaving early, even with permission, before the scheduled shift ends, is also an absence

Absence, then includes all time lost from the work schedule, whether avoidable or unavoidable, voluntary, or involuntary

- B. When an absence is unplanned, due to illness, an emergency, or some similar cause, employees must report the absence to their supervisor before the start of their scheduled work shift on the first day of the absence.
- C. Notification from another employee or relative is not acceptable, except under emergency conditions. The employee should make every effort to communicate directly with their supervisor when reporting an unplanned absence. An "excused" absence may include personal or family illness, jury duty, bereavement, or other reasons that would require an employee to miss all or part of a scheduled workday. Employees should be prepared to substantiate the reasons for their absence if asked. If an employee is absent frequently, they may be required to furnish documentation, including medical statements from their doctor.

### **3.5 VIOLENCE FREE WORKPLACE**

The philosophy of the Town of Casco is to strive in maintaining a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons on Town property, or any other act, which in management's opinion, is inappropriate to



the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior will not be tolerated.

A. Employees Experiencing Above actions. Employees who feel subjected to any of the behaviors listed above should immediately report the incident to their supervisor or the Town Manager. If the complaint is related to the Town Manager, the employee should contact the Chair of the Selectboard and one other Selectboard member. Complaints will receive immediate attention and will be investigated. Based upon the results of the inquiry, disciplinary action which management feels appropriate will be taken.

B. Employees Witnessing Violations. Employees who observe or have knowledge of any violation of this policy should immediately report it to their supervisor. These events will be investigated promptly seeking an immediate resolution. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of others.

C. No employee or official shall be retaliated against for reporting suspected workplace violence or for participating in any part of the complaint process.

### **3.6 CONFLICT OF INTEREST**

Employees that make discretionary decisions on behalf of the Town must disclose to the Town Manager any circumstances where there is a real or perceived conflict of interest. The Town Manager shall take the necessary steps to remove any actual conflict as well as steps to deal with any perceived conflict.

### **3.7 SENORITY**

Seniority may be the contributing factor in all matters affecting personal time off preference, lay-off and recall, subject to the ability to perform the particular job. An employee's seniority time will be recognized as the date of hire (or promotion to full time or permanent standing).

### **3.8 OUTSIDE OR NON-DUTY EMPLOYMENT**

A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their department supervisor of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town or affects the employee's efficiency, the Town Manager shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be expected to effectively perform their regular duties with the Town first.

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

### **3.9 OUTSIDE COMPENSATION**

Any employees receiving payment for services, from non-Town sources, rendered during their normal workday and for which workday Town compensation was given, shall turn the entire amount of that compensation over to the Treasurer, Town of Casco. This provision does not apply to activities outside the workday or during periods of vacation.

### **3.10 POLITICAL ACTIVITY**

The Hatch Act, enacted in 1939, restricts the political activity of employees principally employed by state or local executive agencies in connection with programs financed in whole or in part by federal loans or grants.

Employees of the Town of Casco may seek election to any office in Town Government. However, such employees shall be placed on an unpaid, leave-of-absence from the date of candidacy for such a position when nomination papers are taken out for a position until the completion of the election process for said employee. If the employee is elected to a Town position, the employee will be terminated once officially elected.

Town employees shall not circulate petitions or campaign literature for elective Town officials or those seeking such positions or be in anyway concerned with the soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the government of the Town.

This rule is not construed to prevent Town employees becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters or from voting with complete freedom in any election. Employees interested in non-elective position in Town offices should consult with the Town Manager to determine potential conflict of interest or impact of this political activity, if any, prior to actively seeking office.

### **3.11 DISCIPLINE**

The Town of Casco recognizes its responsibility to provide its citizens with the most efficient and effective service delivery system available. This requires that we develop and administer rules, regulations, policies, and disciplinary measures in an equitable and consistent manner. Employees must likewise recognize their obligations to conform to all applicable rules, regulations, and policies. Should an employee fail to observe them, the Town must initiate appropriate disciplinary action based on the severity of the violation. Such disciplinary action may include, but not be limited to, oral or written reprimands, suspensions with or without pay, reassignments or transfers, demotions, probation, or termination. Employees may appeal any discipline imposed through their usual and customary grievance procedure.

It is agreed that any employee may be suspended or terminated without pay if said employee's right to operate a motor vehicle is suspended or revoked and shall receive no seniority time during such suspension. Such action shall be dependent upon the need for that employee to operate a motor vehicle in the performance of their normal duties.

### **3.12 GRIEVANCES FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT**

Any employee may file a formal notice or grievance if they believe the Town is not interpreting or correctly applying this policy. The following process shall be used:

- A. Within five (5) working days of the event or the employee having knowledge of the event, they shall give notice, in writing of the grievance to their direct supervisor. Such written notice must provide all the information to support the claim.
- B. Within ten (10) working days of receiving the notice, the supervisor, shall respond, in writing with a determination.
- C. If the issue remains unresolved, the employee may forward an appeal to the Town Manager, in writing, within ten (10) working days.
- D. The Town Manager shall respond within ten (10) working days.
- E. If the matter remains unresolved **and** the issue does not involve corrective action, discipline, hiring, promotion, or other supervisory responsibility, then the issue may be appealed to the Selectboard for a final determination. The Board shall hold the appeal, which shall be public, unless allowable to be held in executive session, in accordance with applicable law, within thirty (30) days of receiving the written appeal. If the matter is not appealable to the Board, as outlined above, the decision by the Town Manager shall be considered final.

### **3.13 TOWN PROPERTY**

Employees must not, directly, or indirectly, use or allow the use of Town property of any kind for other than official activities. Town telephones, cell phones, computers, etc. may be used for personal business only on an emergency basis or with prior approval from the Town Manager. Employees must maintain all Town equipment and immediately report any damage that occurs to Town property.

### **3.14 WORKPLACE SMOKING POLICY**

The Municipality of Casco is committed to providing its employees and visitors with a safe, healthful, and productive workplace environment.

In accordance with the provisions of the Workplace Smoking Act of 1985, the Town maintains a smoke free environment for its employees and visitors to municipal facilities.

- A. The Town recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is prohibited in all Town buildings and facilities, Town vehicles and equipment except for areas where it is specifically authorized. The Town Manager's Office is responsible for implementing and monitoring smoking regulations; Department Managers and supervisors are expected to enforce the regulations.

- B. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers regarding the smoking policy. Smokers have an obligation to keep designated smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the grievance process. Employees who violate this policy may be subject to disciplinary action.

### **3.15 APPEARANCE**

The personal appearance of all employees of the Town while at work shall reflect the positive appreciation for the opportunity to serve the citizens of the community. To accomplish this, the following are offered as guide to assist the employees in meeting this expectation:

- A. All clothing shall be clean and well maintained. Any logos, wording, pictures, or other items shall be reflective of this standard. Clothing shall cover the body appropriately to reflect a professional work environment. Excessively high cut shorts, halter tops, mini-skirts, and belly shirts are examples of unprofessional and unacceptable clothing.
- B. Body art that does not meet the expected standards of not being racist, bias, or vulgar must not be visible to the public or co-workers.
- C. Hair, including facial hair, must be maintained in a manner to meet expectations and Maine Bureau of Labor safety guidelines.

### **3.16 OVERTIME**

All hours worked more than forty (40) hours in any one work week shall be compensated at one and half (1 ½) times the normal hourly rate of the employee unless defined as a non-traditional work schedule or defined as an exempt employee.

Holidays shall be considered hours of work for the purpose of calculating overtime.

### **3.17 COMPENSATORY TIME**

Hourly employees may, at their sole discretion, upon agreement by the Town Manager, may take compensating time at one and half (1 ½) hours for each hour of overtime work, or part thereof. Employees may have no more than 100 (one hundred) hours on the books at any one time, unless defined differently by collective bargaining agreement and may only carrying over 40 hours from year to year. If an employee obtains more than 100 hours of comp time after all additional overtime shall be paid as wages.

- A. In order to take comp time, an employee must make a request at least one (1) day in advance and must receive written permission from the department manager.
- B. Exempt employees shall not be eligible to accumulate compensatory time.
- C. Department Heads and other FLSA-exempt employees occupy positions of responsibility, accountability, and discretion. They may be required to work outside the normal schedule of working or office hours and are compensated, in part, because of accomplishing the tasks demanded of the position without regard for the specific number of hours worked. They are also expected to be accountable for their time, be available to the public and other staff, and to conform with normal operating hours.

Exempt employees may take discretionary time off without charging such time off to vacation time:

1. When it does not interfere with the operations of their department or office.
2. When there are no other priorities which should be completed which, if not completed, might interfere with the operations of another department, and
3. For separate absences of more than one-half a workday, when the employee receives the permission of their Department Head; or, in the case of Department Heads, the Town Manager.
4. Absences of one-half day or less may be taken at the discretion of the employee, subject to the review of the Department Manager; or, in the case of Department Managers, the Town Manager.

D. Employees shall receive payment for any compensatory time that may not be carried over from year to year.

### **3.18 WORK RELATED EXPENSES**

Employees and all agents of the Town (such as Board and Committee Members) shall be reimbursed for necessary and reasonable expenses incurred while conducting official Town business. Such reimbursement will require prior authorization of the Town Manager. Submission of a detailed expense voucher will be required for reimbursement. Reimbursement for all travel shall be measured from the normal place of the employee to report to work.

### **3.19 MILEAGE REIMBURSEMENT**

All employees using their privately owned vehicle in the conduct of official Town business shall be reimbursed for mileage at the standard rate allowed by the Internal Revenue Service, plus tolls and parking supported by receipted vouchers other than meters.

### **3.20 EMPLOYEE CONVICTED**

Any employee convicted of any crime involving falsification in official matters, bribery, corrupt practices or obstructing governmental administration shall be disciplined, including termination.

In addition, any employee convicted of a criminal offense may be disciplined, including termination, provided the offense can be determined to have a detrimental effect upon the employee's credibility to perform the duties, functions, and responsibilities of employment with the Town.

### **3.21 ANTI-NEPOTISM**

The Town of Casco must deal with any actual, potential, or perceived conflict of interest that may arise out of the current employment or potential employment of any person(s) for the Town of Casco as it relates to individuals with whom they have a personal relationship or a financial involvement.



- A. A municipal employee shall not hold a supervisory position or be senior in the chain-of-command, to an individual with whom they have a personal relationship or financial involvement, except when the conditions in Section 4 are met.
- B. No new municipal employee may be hired where such hiring would create a situation as described in Section 1 would exist, except when the conditions are met in Section 4.
- C. No existing municipal employee may be promoted, transferred, demoted, or otherwise reassigned into a new position where that change would create a situation as described in Section 1, except when conditions are met in Section 4.
- D. A municipal employee may hold a supervisory position, or be senior in the chain-of-command, to an individual with whom they have a personal relationship or financial involvement when, and only when the following conditions are met:
  - 1. The relationship must be disclosed to the Town Manager's Office; and
  - 2. The Town Manager's Office must approve a written management plan that is designed to prevent favoritism or any other improper influences in connection with the employment relationship and that provides ongoing oversight by a person or persons do not subordinate to either of the individuals who have the personal relationship or financial involvement; and
  - 3. The Town Manager shall report to the Selectboard the existence of the potential incompatibility or employment positions and the establishment of a management plan to address the same; and
  - 4. The written management plan must be on file and available for public inspection within the Town Office.
  - 5. If the conflict is a direct report to the Town Manager, then the Selectboard shall serve in all roles outlined in Section 4 above that has been designated as the Town Manager's role.
  - 6. No municipal employee that is a supervisor, or in any part of the chain-of-command, may become personally or financially involved with another municipal employee that would henceforth, because of such relationship, be subject to this policy.

### **3.22 LAYOFFS AND RECALLS**

Any permanent or temporary employee of the Town may be laid off for legitimate and legal reasons by the Town Manager.

No permanent full-time employee shall be laid off except upon written notice from their Department Head giving not less than two (2) weeks notice before the effective date of the layoff, or a combination of days' notice and pay, or two (2) weeks' pay with immediate notification.

The Town Manager shall notify the Selectboard at the next meeting, if not prior, of any lay off action that has occurred.

Any position that was vacated because of layoff must be first offered to any person that has been laid off by the Town in the last eighteen (18) months, based on seniority and the ability to perform work. Notice must be given to the eligible employee by certified mail, return receipt required, at the last known address on file within the Town's personnel records. If the employee

does not respond within ten (10) working days of the notice, they formally waive their right to this recall provision.

All employees recalled within the eighteen (18) month period shall be credited with any benefits, including seniority, they had at the time of layoff, except those paid out at the time of the layoff. No accumulation of sick time, vacation time or holiday pay shall have occurred during the layoff.

### **3.23 WORK WEEK**

The work week for payroll purposes shall begin at 12:01 AM on Saturday on any given week and end at 12:00 midnight Friday.

- A. **Town Office Employees:** All non-salaried employees shall be normally scheduled to work no more than forty (40) hours. Said hours shall mirror the actual hours that the Town Office is open with the ability to set the actual start or ending time up to thirty (30) minutes in either direction. Current hours are opening are 8:30 AM to 4:30 PM on Monday, Wednesday, Thursday, and Friday to Friday. The office opens at 10:30 AM and closes at 6:00 PM on Tuesdays.
- B. **Full-time Fire Department Personnel:** All non-salaried employees shall work a non-traditional work week. Their schedule shall consist of 24 hours shift on-duty,
- C. **Public Work Employees:** All non-salaried employees shall work hours in accord with this policy. Their default hours of Monday thru Friday 7:00am to 3:00 pm.
- D. **Salaried Employees:** Employees considered exempt by the Fair Labor Standards Act, are expected to be available during normal working hours for their location and are expected to be available at all off duty hours, should a situation arise, as determined by the Town Manager.

### **3.24 SEPARATION OF EMPLOYMENT**

Any employee wishing to leave in good standing shall file with their Department Head a written resignation stating the date that the employee is leaving the Town service and their reasons for leaving. The written resignation shall be submitted at least ten (10) working days prior to its effective date. Failure to comply with this procedure may be cause for denying such employee's future re-employment by the Town.

- A. *Unauthorized Absence.* Unauthorized absences from work for a period of three (3) days or more without permission from the employee's immediate supervisor or their Department Head shall be considered as being a voluntary resignation by the employee.
- B. *Final Responsibilities.* The effective date of separation shall be at the close of business on the last day the employee reports for duty; the date specified in their written resignation; or the last day of leave granted should he fail to report to duty on the first working day following the expiration of their leave. All separating employees shall turn in all Town-owned property in their possession, including keys and Town identification material. Such employee shall also leave a forwarding address with their Department Head or with the Town Manager for purposes of forwarding Internal Revenue forms and any remaining checks for unpaid compensation.

Upon separation, the Town shall pay to the employee all wages, vacation, and compensatory time at 100%, less any used. Such wages will be paid at the next regular pay day. If an employee dies,

then the employee survivor will be considered to have retired for the sole purpose of the sick leave provision of this article only.

### **3.25 DRUG FREE WORKPLACE**

This Policy outlines prohibited conduct with respect to controlled substances, marijuana, and alcohol. This Policy complies with the Town of Casco' obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.

- A. Alcohol and Marijuana: No employees may drink alcoholic beverages or consume marijuana in any form during working hours, including during meal periods, breaks or authorized interruptions of work. This includes overtime periods. An employee who drinks alcohol or consumes marijuana in any form during working hours is subject to immediate discipline, including dismissal. An employee whose use of alcohol or marijuana outside of working hours impairs their job performance and fitness for duty, or jeopardizes the safety of other employees, the public, or Town property, may be subject to immediate discipline, including dismissal.
- B. Other Controlled Substances: No employee may use, sell, manufacture, distribute, or possess narcotics, drugs, or controlled substances of any kind while on the job, on work premises, or during an employee's working hours. No employee shall misuse prescribed drugs while on the job. Any employee violating this paragraph is subject to immediate discipline, including dismissal. An employee whose off-the-job use of illegal or legal drugs impairs the employee's job performance, or jeopardizes the safety of other employees, the public or Town property, may be subject to immediate discipline, including dismissal. An employee who is arrested and later convicted of off-the-job drug activity may be in violation of this policy and subject to discipline, including dismissal. In deciding what action is to be taken, the Town Manager will consider the nature of the charges, the employee's present job assignment, the employee's record with the Town and other factors relevant to the impact of the employee's arrest upon the employee's ability to perform their job responsibilities.

Employees must inform their Department Head before reporting for work if they are taking any substances, including non-prescription drugs, which may affect their judgment or performance.

#### **C. Performance Affected by Alcohol or Drug Abuse**

Without waiving its right to discipline or dismissal in a proper case (including, but not limited to, any of the offenses above), the Town recognizes alcohol and drug abuse including the misuse of prescribed drugs may constitute an illness or disability. The Town will maintain a continuing effort to identify and encourage treatment of drug and alcohol problems of employees. Department Heads will receive instructional material on the identification of alcohol and drug abuse problems. Additionally, the Town may recommend employees utilize the Employee Assistance Program (EAP) available to all employees of the Town.

If the employee obtains a diagnosis indicating a drug or alcohol abuse problem, the Department Head will assist the employee in obtaining a list of treatment resources available to deal with the problem and ensure that the employee is informed of the

benefits available through the Town's health plan, if they are covered through the town's plan. If an employee undertakes treatment or rehabilitation for a drug or alcohol abuse problem, the Department Head will collaborate with the employee to modify the employee's work schedule or duties, if modification is consistent with the operational needs of the department and as required by law, to allow the employee a reasonable period of treatment. The employee may request leave pursuant to the Town's FMLA policy. An employee who has been diagnosed as having a drug or alcohol problem and who has undergone or is undergoing treatment may return to work after being certified by a physician as able to return. All relevant personnel records and discussions will be kept in the strictest confidence.

If an employee whose conduct the Department Head believes is adversely affected by drug use including the misuse of prescribed drugs or alcohol abuse chooses not to obtain a professional diagnosis and/or treatment, the Department Head shall evaluate the employee solely on work performance and shall take appropriate action under these policies.

**D. Discipline**

Nothing in this Article precludes the Town from disciplining; including terminating an employee for alcohol or drug abuse including the misuse of prescribed drugs, including recreational or medical marijuana, which impairs the employee's ability to do their job when the Department Head or Town Manager determines that such discipline is warranted.

### **3.26 HARASSMENT & SEXUAL HARASSMENT**

The municipality of Casco is committed to providing its employees with a safe and respectful work environment free from all forms of illegal intimidation and harassment. Illegal harassment and sexual harassment are prohibited. This includes harassment based on race or color, gender, sexual orientation, physical or mental disability, age, ancestry, national origin, religion, veteran's status, genetic predisposition, whistleblower activity, or workers compensation history.

**A. Definitions**

- 1. Sexual Harassment:** Sexual harassment is a form of illegal gender discrimination and is prohibited by Title VII of the federal Civil Rights Act and by the Maine Human Rights Act. Sexual harassment is defined as: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - a. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment,
  - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - c. such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can also include conduct that is not sexual in nature, but is gender related or directed at an individual because of gender. It includes harassment of the same or of the opposite sex.

Examples of sexual harassment include, but are not limited to:

- Offensive sexual flirtations, gestures, leering;
  - Verbal or physical abuse of a sexual nature or directed at an individual because of gender;
  - Advances or propositions;
  - Lewd jokes or nicknames;
  - Sexually suggestive sounds, writings, comments, or gestures;
  - Unwelcome touching or advances, sexual practical jokes, or horseplay;
  - Display of sexually suggestive, lewd, or offensive objects, pictures, or materials.
2. **Illegal Harassment:** Illegal Harassment is defined as unwelcome conduct or behavior based on race, color, gender, sexual orientation, disability, age, ancestry, national origin, religion, veteran's status, genetic pre-disposition, whistleblower status or workers compensation history when:
- a. enduring the conduct becomes a condition of continued employment;
  - b. submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; or
  - c. the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Examples, include, but are not limited to:
- Physical abuse, such as shoving, punching, tripping, stalking, groping;
  - Damage to personal possessions;
  - Verbal harassment/abuse, such as threats, innuendoes, foul language;
  - Racist comments or derogatory stereotypes;
  - Offensive jokes;
  - Inappropriate comments, slurs, ridicule or jokes about an employee's accent, disability, age, religion, gender, sexual orientation;
  - Inappropriate or offensive nicknames.

#### B. Policy

**Harassment and Sexual Harassment Strictly Prohibited:** The municipality of Casco does not tolerate sexual harassment or harassment based on race, color, gender, sexual orientation, disability, age, ancestry, national origin, religion, genetic predisposition, whistleblower status or workers compensation history. Any such conduct is prohibited and will be grounds for disciplinary action.



All employees and officials are expected and required to treat each other professionally and respectfully. Supervisors are responsible to create and maintain a work environment free of harassment and discrimination. Supervisory staff are responsible to actively stop or prevent inappropriate conduct and are required to take immediate and appropriate action whenever becoming aware of conduct in violation of this policy. Corrective action is required regardless of whether a complaint is filed.

- C. Training: All Casco employees shall receive training on this policy upon their hiring. Additionally, on an annual basis all employees shall receive training on this policy and changes related to the policy or Maine law or policy modifications.

D. Complaint Process:

The municipality of Casco will promptly and fully investigate any issues of harassment or discrimination in the workplace. Every complaint will be promptly and thoroughly investigated. All employees and officials are required to cooperate fully in any investigation. If warranted, the municipality may take appropriate disciplinary action against any employee or official found to have engaged in harassment, which may include disciplinary action and/or measures to prevent a re-occurrence. Confidentiality will be fully preserved possible, consistent with Maine law and our need to respect the rights of all employees involved.

Any municipal employee or official who witnesses, becomes aware of, or is the recipient of, harassment or discrimination in violation of this policy is encouraged and expected to report it to their supervisor or to the contact persons listed below. Complaints may be filed by contacting your supervisor or by contacting:

Town Manager Anthony Ward, in person or at (207) 627-4515 ext. 201 or [award@cascomaine.org](mailto:award@cascomaine.org).

If the complaint relates to the Town Manager, two Selectboard members should be notified.

**Maine Human Rights Commission:**

Any employee or official that believes that they have been the subject of illegal discrimination or harassment also has the right to file a complaint with the Maine Human Rights Commission (MHRC). The MHRC is the state agency responsible for enforcing state employment discrimination laws. In most cases, a complaint must be filed with the MHRC within 300 days of the date of the act of illegal discrimination/harassment.

There is no requirement that an employee utilize the municipality's internal complaint process first, nor is it required that any internal process be exhausted before a MHRC complaint is initiated. For more information on how to file a charge with the MHRC, contact the MHRC at 51 State House Station, Augusta, Maine 04333-0051 or by telephone at 624-6290, TTY: Maine Relay 711. Additional information is available on the MHRC website at: [www.maine.gov/mhrc/index.shtml](http://www.maine.gov/mhrc/index.shtml)

**Retaliation Prohibited:**

No employee or official shall be retaliated against for reporting suspected discrimination or harassment or for participating in any part of the complaint process.

If you have any questions concerning this policy, please contact Town Manager Anthony Ward, at (207) 627-4515 ext. 201.

### **3.27 MUNICIPAL VEHICLE OPERATION**

The purpose of this policy is to address specific safety practices and does not super cede, amend, or replace any regulation required by state and federal agencies or any regulation required by other agencies for insurance or other purposes. Individual Town department's policies shall comply with the general provisions of this directive but may deviate from the specific requirements depending on the department's mission-specific operations and type of equipment operated.

**A. Intent**

It is the intention of this policy to establish operating procedures for all vehicles and/or equipment owned by the Town of Casco to ensure that proper safety practices are being followed for the protection of employees and the public.

**B. Definitions**

For the purposes of this Policy, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them in this section:

1. Vehicles are defined as town owned motorized vehicles, trucks, fire apparatus and other motorized pieces of equipment used primarily for transportation and hauling on the road.
2. Equipment (Heavy) is defined as motorized and driven by an operator for the purpose of providing construction, earth moving and other types of work.

**C. Administration**

This policy shall be implemented and administered by the Town Manager or their designee to ensure the safety and well-being of the employees and the public.

D. Employer Responsibility

1. It shall be the responsibility of the Town Manager, their designee, or Department Head to annually check the employee's driving record to verify that the employee has the proper driver's license.
2. It shall be the responsibility of the Town Manager, their designee, or Department Head to ensure that all Town-owned vehicles and/or equipment contain all safety features and equipment required by law and that all such features and equipment are maintained in safe operating condition.
3. It shall be the responsibility of the Town Manager, their designee, or Department Head to ensure enforcement of this policy.
4. It shall be the responsibility of the Town Manager, their designee, or Department Head to ensure the implementation of necessary disciplinary action pursuant to the current Town Personnel Policy for violations of this policy.
5. If an individual employee becomes uninsurable under the Town's fleet automobile insurance and non-driving work for which the individual is qualified is not available, the Town shall have just cause to discharge said employee. In the event that an assigned risk policy is available, the cost of the policy shall be borne by the employee through payroll deduction.

E. Employee Responsibility

1. It shall be the Employee's responsibility to maintain the proper driver's license in the required classification and to notify the Town Manager or their designee of any revocation or suspension.
2. It shall be the Employee's responsibility to ensure that no one other than Town employees and/or Town-appointed or elected officials are allowed to ride in Town-owned vehicles or equipment, except in cases of emergency or with prior authorization of the Town Manager.
3. The Fire Chief may authorize nonemployees to participate in a "ride along" program or department sanctioned parade with a uniformed officer, provided a liability waiver is obtained from the participant prior to the "ride along" or parade.
4. It shall be the Employee's responsibility to always ensure that all occupants with a Town-owned vehicle wear seatbelts.
5. It shall be the Employee's responsibility to ensure that no tobacco products are used in any Town-owned vehicle.

F. Use of Town Vehicles

1. Town vehicles are for official use only and are not to be used for personal reasons. Official use is defined as use that is instrumental to the provision of Town services. Personal use is defined as use that is specific to personal errands unrelated to Town work, trips, or purpose. Exceptions are only approved by the Town Manager or Department Head.
2. Vehicles owned by the Town assigned to and used by municipal employees shall be garaged within the Town properties with the following exceptions:

- a. Where the individual to whom a vehicle is assigned is on 24-hour call, as approved by the Department Head and/or Town Manager. This condition may apply on a permanent basis or on a seasonal basis.
  - b. Due to the employment requirements of the Fire Department, a municipal vehicle may be assigned to an employee of the Fire and will be in their possession 24 hours per day and be used for municipal purposes only, unless otherwise authorized by Town Manager. This designation is to be reviewed annually.
  - c. Any municipal vehicle stored during the evening at the home of a Casco employee shall be operated for official use only as herein defined.
  - d. In the event a municipal vehicle is assigned to a Department Head on a permanent basis, the vehicle will be returned to the appropriate department when the employee is on extended leave. Extended leave is beyond two days such as vacation and extended sick time which makes "call in" to respond as needed, unlikely.
  - e. Vehicles assigned on a 24-hour basis, will be driven to and from the employee's residence and for official Town business. The Town Manager may authorize stops, in route, for personal business.
- G. Driving Policy
- 1. All drivers must use safe driving habits and skills which will ensure accident-free driving.
  - 2. All traffic laws must be always obeyed by employees while driving municipal vehicles.
  - 3. The employee shall not abuse or misuse the municipal vehicle.
  - 4. The employee shall be courteous to all citizens while in the employ of the Town whether employee is driving municipal vehicles or not.
  - 5. Employees should use cell phones in accordance with all applicable State Laws.
  - 6. The use of alcohol or unauthorized drugs while in the employ of the Town during periods of their day-to-day job duties is prohibited. The Casco Personnel Policy/Employee Handbook shall be the dictating policy regarding violations of this section.
  - 7. All vehicles shall be locked when not in use and when not stored inside a garage facility. Emergency response vehicles are exempted from this provision of the policy.
  - 8. Any employee cited or fined for a moving vehicle violation, while on Town time, must report the event immediately to the Department Head and/or the Town Manager.
  - 9. If any employee's license is suspended or revoked while working for the Town, it must be reported within 24 hours to the Department Head and/or the Town Manager. The Town Manager shall determine the appropriate course of action, including reassignment of duties, leave of absence or discipline.
  - 10. All accidents while driving Town-owned vehicles shall be reported immediately to the proper police authority. Leaving the scene of an accident is grounds for disciplinary action.
  - 11. Maine law and restrictions on seatbelt use shall apply to all drivers and passengers. Occupants within Town-owned vehicle are required to always wear seatbelts.

#### H. Out-of-State Usage

Town vehicles may be used for extended out-of-state travel only upon written approval of the Town Manager.

- I. General Operation and Equipment Maintenance
  1. Any employee operating a Town vehicle must strictly adhere to all Town and State traffic laws and/or regulations.
  2. The Department Head or designee is responsible for ensuring that the vehicle contains the proper communications equipment.
  3. Accessory equipment, if available, but not limited to a 2-way radio, shall only be used by employees having received the proper training in the equipment's use and protocols.
  4. Each employee will be responsible to ensure the maintenance of the vehicles or equipment in their use for their shift.
  5. Prior to operating a Town vehicle, employees will conduct a walk-around on their vehicles/equipment to check for damage or obvious mechanical defects and ensure that it is in safe operating condition. This will include checking the tires and lights. The result of such inspection shall be noted on the vehicle inspection/maintenance log. Damage or defects noted shall be reported in writing to the Department Head who will schedule the vehicle/equipment for proper repair and any required follow-up maintenance. Emergency vehicles responding to a call are exempted from this provision.
  6. At the end of each shift, each employee will ensure that the vehicles/equipment used by them during the shift will be left in safe operating condition for the next operator.
  7. If mechanical problems are encountered while operating any Town vehicle/equipment, the Department Head shall be notified by the employee and will schedule the vehicle/equipment for proper repair and any required follow-up maintenance.
  8. If vehicles are not required for emergency response, the vehicles shall be parked in a central location each night to ensure easy availability and the keys returned to the appropriate location designated by the Department Head.

#### J. Accidents Involving Town Vehicles

All accidents involving Town vehicles require a Police Report no matter how minor. Except when necessary, a Town vehicle involved in an accident will not be moved prior to authorization by an investigating police officer. All drivers are responsible for familiarizing themselves with the attached CDL "accident procedure" sheet, copied from the driver's manual prior to driving a town vehicle.

Should an accident occur, the person driving the vehicle shall do the following:

1. Assist any injured person(s).
2. Contact law enforcement via the quickest possible means.
3. Take the names and addresses of all witnesses present.
4. Exchange insurance cards with all vehicle(s) involved in the accident. If insurance cards are not available, get the following information from other vehicle(s) involved in the accident:



- a. Driver's name, address, date of birth and telephone number
  - b. Vehicle owner's name and address
  - c. Insurance carrier's name and address
  - d. Insurance policy number
  - e. Year, make, model of other vehicle(s) involved
5. Report the accident as soon as possible to the Department Head.

**K. Implementation**

To facilitate conduct in accordance with this policy, a copy of this policy shall be made available to town officials, employees, volunteers, board, and commissions upon hiring, appointment, or election to office and at such other times as may be necessary.

## **SECTION 4: BENEFITS**

### **4.1 WAGES**

Municipal wages, either salary or hourly rates, are recommended by the Town Manager and shall be finalized by the budgetary process. Budgetary authorizations for all compensation are subject to a positive vote for the budget at the annual Town Meeting. All employees are considered hourly, unless specifically list as exempt, in compliance with federal and state law.

### **4.2 HOLIDAYS**

The following shall be paid Holidays for all the full-time employees who fall within this policy:

New Year's Day, January 1st

Martin Luther King, Jr. Day, the third Monday in January

President's Day, the third Monday in February

Patriot's Day, the third Monday in April

Memorial Day, the last Monday in May

Juneteenth, June 19th

Independence Day, July 4th

Labor Day, the first Monday in September

Indigenous People Day, the second Monday in October

Veteran's Day, November 11th

Thanksgiving Day, as designated

Day after Thanksgiving Day

One-half day before Christmas

Christmas Day, December 25th

- A. Scheduling of Holidays: If a regular holiday falls on a Sunday, then the following Monday will be observed as the holiday; if on a Saturday, the preceding Friday.

**B. Pay:**

1. Part-time employees at the transfer station are eligible for holiday pay plus their regular pay if they are working on that holiday.
2. Part-time employees at the Town Office are eligible for pay for holidays in the amount their scheduled work hours.
3. Fulltime employees shall receive their scheduled hours at straight pay for holidays taken.
4. Employees scheduled to work on a holiday shall receive one and one half (1 ½) times their hourly rate of pay plus their applicable holiday pay unless collective bargaining agreement defines different holiday pay.
5. Any person that is on leave of absence shall not be eligible for holiday pay.
6. Any person that uses a sick day the day before or after a holiday shall not receive holiday pay.

### **4.3 VACATION**

**Vacation Time applies to all full-time, regular employees.** This vacation policy meets or exceeds all requirements of Maine's Earned Paid Leave (Title 26, Chapter 7, subchapter 2, §637).

**A. Accrual**

1. Annual accrual level based on employment longevity.
2. Vacation accrual begins after 6-months of employment.
3. On an annual basis, employees shall receive their vacation time on their hire date, except for grandfathered employees who shall receive their vacation time on January 1<sup>st</sup>.
4. Vacation is not accrued during periods of unpaid leave-, short- or long-term disability leave, or workers' compensation leave are taken.
5. Employees may only carry-over 1 week worth of vacation time from one year to the next. Any unused vacation time over 1 week shall be forfeited, unless authorized by the Town Manager.
6. The rate of accrual is:

Length of Service	Time Accrued
6 Months	1 week
1-5 Years	2 weeks (annually)
6-10 Years	3 weeks (annually)
10 + Years	4 weeks (annually)

7. Employees with 15+ years of service may purchase an additional week of vacation at their current rate of pay.

**B. Usage of Vacation Time**

1. All requests for vacation time shall be made on the Town's Leave Request Form with the employee's immediate supervisor.
  2. All requests should be made 2 days advanced notice for management approval.
  3. Employees may use time from their vacation bank in hourly increments.
  4. Vacation time shall be granted based on time of request, seniority, and Town requirements.
  5. No more than two (2) consecutive weeks of vacation may be granted without prior written permission by Town Manager
- C. All vacation accrued time must be used before the unpaid portion of FMLA leave begins.
- D. Lateral hires of seasoned employees from other organizations may be awarded starting vacation banks and begin vacation accrual at the scale level as determined by the Town Manager at time of hire.
- E. Upon retirement or voluntary termination of employment in good standing, 100% of vacation bank will be paid at the employee's pay rate at the time of termination or retirement.

#### **4.4 SICK TIME**

Sick Time applies to all full-time, regular employees.

- A. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of their position, or for the care of an immediate family member.
- B. Sick leave shall not be considered as an entitlement which employees may use at their discretion but shall be allowed for the necessity arising from actual sickness, or disability of the employee.
- C. Absences for a part of a day that are chargeable to sick leave shall be charged proportionately in an amount not smaller than one hour.
- D. Sick leave usage shall be recorded regularly by the Town Manager and the supervisor. The supervisor and the employee are responsible for making sure that a Leave Request form is filled out for sick time that is used and is returned to the town office for recording. The town shall review all sick leave records periodically and shall investigate any case which indicates abuse of the privilege.
- E. In cases of three (3) or more unscheduled sick days, the employee may be asked to supply documentation of medical absence before being allowed to return to work
- F. Misuse of sick leave will be cause for disciplinary action.
- G. Sick leave for full time employees shall accrue at the rate of 10 hours each full calendar month of service to a maximum of 400 hours. For the purpose of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th of the month.
- H. Full time employees shall be eligible to use sick leave after sixty (60) days of service with the town.
- I. Employees may cash in 40 hours of sick time annually contingent on having a minimum of 200 sick hours.
- J. If an employee leaves employment under good standing with the Town the employee shall receive for payment for 20% of sick pay, provided the employee has remaining 200 hours or greater.

#### **4.5 EARNED PAID LEAVE**

Employee Paid Leave is the only leave accrued by probationary, part-time and per diem employees. This policy shall meet current and future modifications under Title 26, § 637

- A. All part-time and probationary employees shall receive 1 hour of employee paid leave (EPL) for every 40 hours worked.
- B. All employees cannot utilize EPL until after 120 days of employment.
- C. Earn Paid Leave can be used for any reason.
- D. A maximum accrual amount for Earn Paid Leave is 40 hours.
- E. Employees may carry forward up to 40 Hours of EPL into the next year.
- F. Accrual of Earn Paid Leave ceases when levels reach or carried forward reach 40 hours.

#### **4.6 FAMILY MEDICAL LEAVE**

Family and Medical Leave Act (FMLA): The Town recognizes its obligations under the Maine Family Medical Leave Act of 1987 and the Federal Family Medical Leave Act of 1993. An employee who has been employed by the Town of Casco for at least twelve (12) months (this does not need to be consecutive) and who has worked at least 1,250 hours during the prior twelve (12) months preceding the start of the leave is entitled to a family medical leave of up to twelve (12) weeks in any one year for the birth of the employee's child or the employee's domestic partner's child, adoption of a child 16 years of age or less with the employee or with the employee's domestic partner, or serious illness of the employee, child, a domestic partner's child, spouse, domestic partner, or parent, and the death or serious health condition of the employee's spouse, domestic partner, parent or child of the spouse, domestic partner, parent or child as a member of the State military forces, as defined in 37-B.M.R.S.S. § 102, or the U.S. Armed Forces, including the National Guard Reserves, dies or incurs a serious health condition while on active duty. Serious illness means an accident, disease, or condition that: (1) poses imminent danger of death; (2) requires inpatient care in a hospital, hospice, or residential medical care facility; or (3) any mental or physical condition that requires constant in-home care. Please refer to the Town Manager for further details or clarification.

- A. To be eligible for a family medical leave, the employee must give at least 30-day notice of the intended date upon which family medical leave will commence and terminate unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Town Manager's office.
- B. The Town may require certification from a physician to verify the amount of leave requested by the employee.
- C. All employees using Family Medical Leave shall simultaneously use vacation time while on FMLA. The employee must use all available until only 40 hours remain. It then becomes the employee's decision on utilizing the remaining vacation while on their remaining leave.

- D. Vacation time and holidays do not accrue during an unpaid leave period.
- E. Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevent the restoration to the same or equivalent position.
- F. An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, their termination date will be the last day they were entitled to group coverage.
- G. An employee may request to take leave on an intermittent basis or by working a reduced schedule by completing a preprinted form available in the Town Manager's Office.

#### **4.7 BEREAVEMENT**

An employee, who suffers the loss of a spouse, domestic partner, child, parent, stepparents, or stepchildren, brother, sister, grandparents, grandchildren mother-in-law or father-in-law, shall be allowed paid leave for all scheduled hours lost up to five (5) days for attendance at the funeral and/or handling of necessary arrangements. An employee who suffers the loss of a stepbrother, stepsister, brother-in-law, or sister-in-law may be allowed to receive their regular rate of pay for the scheduled hours missed up to three (3) days attending the funeral and/or handling the necessary arrangements.

Employees may request two (2) additional days for extraordinary situations that they deem necessary from the Town Manager, which shall not be unreasonably withheld.

Employees may request time bereavement leave solely to attend services for other situations from the Town Manager.

#### **4.8 MILITARY LEAVE**

- A. In recognition and support of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Maine's Act to Assist Military Families, an employee who leaves their position to serve in any of the armed forces of the United States will be placed on military leave without pay for the period they are required to remain in the military service, without re-enlistment. After completing original enlistment period, the employee may be entitled to be reinstated to their former position or a comparable one on the condition that they are still qualified to perform the conditions of their position and applies for reinstatement within ninety (90) days after the date of military separation. The employee's military service shall be added to the time they previously had been employed by the Town to determine the total length of Town service.
- B. National Guard and other Armed Forces Reserve Training. An employee who is an active member in one of the United States military or naval reserve components shall be granted a leave of absence with pay whenever they are required to perform field duty or attend training sessions. Such leave with pay shall not exceed two (2) work

weeks in anyone (1) calendar year. The Town will only pay the difference between the per diem received from the military including subsistence and quarter's allowance and the employee's regular rate of pay, conversely, the employee shall be entitled to keep whatever amount from the military that exceeds their regular rate of pay. Should the employee decide to utilize part or all their accrued time during said weeks, they may receive, in addition to the military pay received including any difference from the Town, personal time off pay not to exceed their total accrual. The employee shall notify their Department Head within forty-eight (48) hours after being notified by the appropriate authority as to the dates they will be absent from their employment.

#### **4.9 UNPAID LEAVE OF ABSENCE**

Any permanent employee of the Town may be granted a leave of absence without pay by the Town Manager upon recommendation of the applicable Department Head. Such leave of absence without pay shall only be granted when it is in the best interest of the Town. The employee's past record and purpose for which the leave is requested shall be the governing factors for granting such leave.

During such unpaid leave periods, all fringe benefits otherwise available to the employee shall cease, i.e., life and medical insurances, vacation, and sick leaves, etc., unless otherwise approved by the Town Manager.

#### **4.10 JURY DUTY PAY**

A leave of absence with pay shall be granted to an employee called for jury duty or as a witness to a case (wherein the employee is not a plaintiff or defendant in the case). The Town will pay the difference between the juror's pay or witness fee and the employee's regular rate of pay. An employee required to report for jury duty or as a witness, but then not detained by the Court, shall immediately return to their regular place of employment with the Town. Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation.

#### **4.11 ADMINISTRATIVE LEAVE**

The Town Manager may place an employee on administrative leave for legitimate reasons. The employee will be given written notice of the administrative leave which shall include the reason for the leave. All employees placed on involuntary administrative leave shall be paid for such time, if the employee is later found to have not done anything that would justify such leave to be unpaid.

The Town Manager may also grant administrative leave, upon request, subject to this contract and the business needs of the Town. Said leave would normally be unpaid, unless unusual circumstances would justify it to be paid. In such cases, approval by the Selectboard is required.

#### **4.12 ALL LEAVE UTILIZED**

When all leave including Vacation, Sick, Employee Paid Leave and Compensatory Time has been utilized by an employee, salary payments to the employee shall cease immediately. The Town will no longer pay any amount toward medical and life insurance, unless otherwise approved by the Town Manager. The employee will then have the opportunity to continue the benefits by paying the cost themselves.



#### 4.13 HEALTH INSURANCE

The Town of Casco shall provide the Maine Municipal Employee's Health Trust (MMEHT) POS A, POS 200 and PPO1500 plans (single, employee with spouse, employee with children or family plan) to those eligible employees and their dependents. The primary identified plan is POS A.

- A. Employees shall be eligible for this insurance on the first (1<sup>st</sup>) day of the month after beginning work for the Town. The Town will pay 80% of any POS A plan the employee chooses.
- B. If the employee opts for the POS 200 or PPO 1500 plan, the Town will pay an amount equal to 80% of the comparable POS A plan and the employee shall pay the remaining amounts. *(Begins the year 2024)*  
  
i.e., Employee A chose POS A plan for family. The overall monthly cost for the plan is \$2,851.22 (Employee paying \$563.04 and Town paying \$2,288.18). If employee A chooses PPO-1500 (Employee pays \$0 and the Town pays \$2,065.10).
- C. All persons appointed as regular part time employees and who are regularly scheduled to work a minimum of 20 hours per week, forty-eight weeks per year, are eligible to participate in the Health Insurance Program at their own cost.
- D. In the event that an employee takes an approved leave of absence for medical reasons, the Town shall continue to pay its share of the health insurance costs for a period of six (6) months following the depletion of the employee's accumulated vacation, sick and compensatory time.

#### 4.14 EMPLOYEES WAIVING HEALTH INSURANCE

Any employee may elect to waive coverage in the Town's Health Insurance Plan. Any employee waiving full coverage for which they would otherwise be eligible shall be paid according to the following conditions:

- A. Any employee eligible for coverage and who elects to waive health insurance coverage shall receive a payment of \$500 each month.
- B. In the event both spouses are employees and eligible for health insurance coverage, the ineligible spouse shall receive an annual payment equal to one month of the POS family plan premium.
- C. A new employee who waives health insurance coverage shall be eligible for the payment in lieu of insurance upon becoming eligible for the health insurance.
- D. If the employee wishes to be reinstated on the health insurance policy, they may do so as long as they follow the insurance carrier's requirements for evidence of insurability and portability of coverage provisions.
- E. In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the employee must submit written notice to the Town Manager. Discontinuance of health insurance or reinstatement of coverage will be effective the first day of the following month in which written notice has been received.

- F. Eligible employees who are married to other Town employees covered by the MMEHT shall receive MMEHT life insurance coverage at no cost.

#### **4.15 DENTAL INSURANCE**

Full-time employees are eligible to participate in the Maine Municipal Health Trust Dental Plan at their expense, provided a minimum number of employees participate in the program to meet program requirements.

#### **4.16 LIFE INSURANCE**

Municipal Employee's Health Trust (MMEHT) currently offers term life insurance equal up to one year's compensation at no additional cost. All employees elected to receive health insurance coverage, shall also receive this benefit, so long as it continues to be offered at no cost by the provided. Employees, at their sole cost and option, may elect to purchase additional coverage.

#### **4.17 INCOME PROTECTION PLAN**

The Town of Casco shall provide the Maine Municipal Employees Health Trust Income Protection Plan to all employees eligible to receive health insurance. The plan's premiums shall be borne entirely by the employees.

Employees not opting to be covered by the income protection plan upon employment, or not sustaining a lifestyle change during the year, will not be eligible to enter the plan until the next calendar year.

#### **4.18 RETIREMENT PLANS**

*The Town of Casco shall provide F.I.C.A coverage for each employee. In addition, the town shall offer this lone choice for their retirement program.*

- A. International City/County Management Association-Retirement Corporation (Mission Square): The Town shall contribute a minimum of 3% into an employees Mission Square account. The Town shall contribute up to an additional 5% for a maximum of 8% based on an employee's contribution into their account(i.e. if an employee contributes 5% the Town will contribute a total of 5% or if an employee contributes 8% the total will contribute a maximum amount of 8%). ***Begins 7/1/2023***
- B. Part-time employees may participate in the ICMA-RC (Mission Square) program, but the Town will not contribute to the program.

#### **4.19 WORKERS COMPENSATION**

The Town of Casco shall provide workers' compensation benefits to its employees as defined under the Workers' Compensation Act and Occupational Disease Law and amendments thereto.

- A. Employees are required to report all work-related injuries to their department head before the end of that day's shift.

- B. Any department head notified of a potential work-related injury must notify the Town Manager within 1 day for employees not receiving medical treatment and immediately if employee receives any medical treatment to ensure the timeliness of completing a first report injury and compliance with Maine law.
- C. If an employee is injured on the job, the Town shall pay such employee their days wage for that day lost because of such injury. An employee who is injured on the job and is sent home or to a hospital or must obtain medical attention shall receive pay at the applicable hourly rate to the balance of their regular shift on that day. An employee who had returned to their regular duties after sustaining compensable injury and who is required by the worker's compensation doctor to receive additional medical treatment during their regular scheduled working hours shall receive their regular hourly rate of pay for such time. The Town believes that it is in the best interest of the employees to facilitate the expedient return of staff to full duty as soon as possible after an employee suffers a work-related injury. It should be expected that the Town will aggressively pursue a return-to-work policy for all such employees. The Town, at its sole discretion, will seek to find modified work assignments for all such employees until the employee can return to their original work.

#### **4.20 UNEMPLOYMENT COMPENSATION**

In compliance with applicable laws, the Town meets its obligation for unemployment compensation.

#### **4.21 EMPLOYEE ASSISTANCE PROGRAM**

The Town of Casco believes it is in the interest of employees, employee's families, and the Town to offer an Employee Assistance Program (EAP) to help employees deal with personal problems under strict confidentiality.

The Town believes that the personnel lives of employees are their own affair. However, when personal problems of an employee seriously affect job performance, sound business practice and an obligation rooted in personal concern for employees require that the problems be resolved. The basic purpose of EAP is to offer employees assistance in such a way as to restore individual productivity and enable employees to lead meaningful lives.

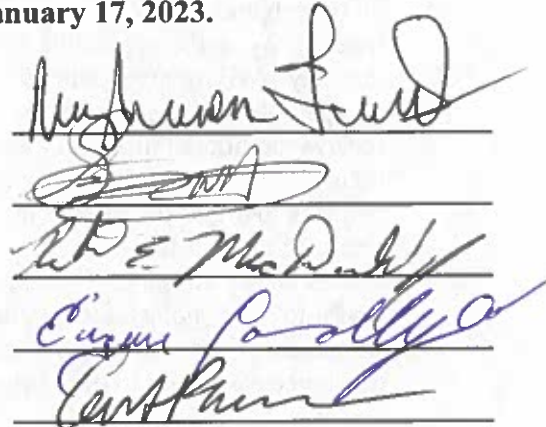
Employees who have problems that they feel may adversely affect their job performance or personal well-being is encouraged to voluntarily seek confidential assistance in the EAP. Employees are assured that their jobs or promotional opportunities will not be jeopardized by utilizing the EAP and that all EAP contacts and records will be confidential.

Participation in the EAP is strictly voluntary. Supervisors should be reminding employees that the EAP is a benefit available at no cost but should not require an employee to attend or send an employee to EAP. Agreeing or refusing to participate in EAP should have no bearing on whether employees should keep their jobs.

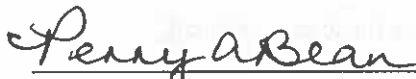
## **SECTION IMPLEMENTATION**

To facilitate conduct in accordance with this policy, a copy of this policy shall be made available to town officials, employees, volunteers, board, and commissions upon hiring, appointment, or election to office and at such other times as may be necessary.

**Adopted by vote of the Board on this date, January 17, 2023.**

  
The block contains five handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: 1. A signature that appears to be 'Hughes' or similar. 2. A signature that appears to be 'D. Smith'. 3. A signature that appears to be 'D. E. MacDuff'. 4. A signature that appears to be 'C. J. P. Kelly'. 5. A signature that appears to be 'C. A. P. Kelly'.

Received and Recorded: 2/14, 2023

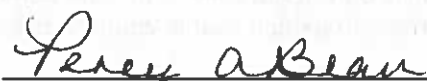
  
The block contains a handwritten signature in cursive script that reads 'Penny A. Bean'.

Town Clerk

Revision Date:

Attest. A true copy of the Town of Casco Personnel Policy as certified to me by the municipal officers of the Town of Casco, Maine and adopted at the Selectboard meeting on the 17<sup>th</sup> day of January, 2023.

Date: February 14, 2023

Signature:   
Penny A. Bean, Town Clerk  
The block contains the word 'Signature:' followed by a handwritten signature in cursive script that reads 'Penny A. Bean'. Below the signature is the printed name 'Penny A. Bean, Town Clerk'.