

**TOWN OF HOLDEN
PERSONNEL POLICY**

**Council Approved
June 12, 2006**

**Revised
April 25, 2011**

**Revised
June 20, 2016**

TOWN OF HOLDEN

PERSONNEL POLICY

101. PREAMBLE

101.1 The Town Council hereby adopts the following Personnel Policy and rules for utilization by the Town Manager in the administration of the personnel activities of employees of the Town of Holden. These rules and subsequent modifications shall supersede any policy and rules made previously by the Town Council.

101.2 The Town may delete, amend, modify or change any or all of the provisions contained in this Policy without prior notice. The provisions of this Policy are not contractual, but rather are for the general guidance of the Town in its relationship with its employees.

101.3 The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the citizens of Holden. This system shall provide means to recruit, select, develop, and maintain an effective and responsive work force and shall include policies and procedures for employee hiring and advancement, training and career development, job descriptions, salary administration, retirement, fringe benefits, discipline and other related activities.

101.4 A copy of this Personnel Policy shall be made available to all employees.

102. EQUAL OPPORTUNITY EMPLOYER

It is the policy of the Town of Holden to provide equal employment opportunity to all qualified applicants and employees without regard to race or color, sex, sexual orientation, physical or mental disability, genetics, religion, age, ancestry, national origin, or other status protected by law.

103. TYPES OF APPOINTMENTS AND DEFINITIONS

103.1 The following types of appointments may be made:

103.1.1 "Full-time employee." A full-time employee is an employee who is regularly scheduled to work the hours stated in Section 108.3. Full-time employees are subject to all personnel rules and regulations and receives all benefits and rights as provided by this policy.

103.1.2 "Part-time employee." A part-time employee is an employee, other than a part-time Police Officer who is not regularly scheduled to work the hours stated in Section 108.3. Part-time employees are subject to all personnel rules and regulations. Vacation, sick leave and holiday benefits shall be accrued in proportion to the hours worked. Additional benefits may be granted by the Town Manager by position. Example: Office worker, Code Enforcement and Tax Assessor.

103.1.3 “Part-time Police Officer.” A part-time Police Officer is an employee who works in the Police Department on an as needed basis. Part-time police officers are subject to all personnel rules and regulations. A part-time Police Officer is eligible for those benefits provided by law, but is not entitled to any other benefits such as retirement, health insurance, sick leave, vacation or seniority. Part-time police officers are appointed for periods of one year.

103.1.4 “As Needed Employee.” An as needed employee is an employee, other than a police officer, who works on an “as needed” basis, and is not regularly scheduled for work. As needed employees are subject to all personnel rules and regulations. An as needed employee is eligible for those benefits provided by law, but is not entitled to any other benefits such as retirement, health insurance, holiday pay, sick leave, vacation, or seniority, and may be terminated for any reason at any time. Example: Per Diem Firefighter, On Call Firefighter and Temporary Highway Worker.

103.1.5 “Probationary Employee.” Any employee who has not completed his/her applicable probationary period.

104. RESERVED

105. EMPLOYMENT

105.1 The Town Manager is in charge of the day-to-day affairs of the Town and is responsible for the administration of all Town employees.

105.2 All applicants must submit a written application for employment and may be required to undergo an employment test if one is required for the position sought.

105.3 Probation

105.3.1 With the exception of police officers, all employees are considered probationary for the first six (6) months of employment. Probationary employees may be removed at any time during the probationary period without cause and without the right to file a grievance.

105.3.2 A police officer who is a graduate of the Maine Criminal Justice Academy at the time of hire, shall complete a probationary period of one (1) year from date of hire. A police officer who is not a graduate of the Maine Criminal Justice Academy, at the time of hire, shall complete a probationary period of one (1) year after graduation from the Maine Criminal Justice Academy.

105.3.3 If an employee successfully completes the probationary period, the initial date of employment is considered the anniversary date for the purpose of determining benefits, seniority and other applicable purposes.

105.4 The Town maintains for each employee a personnel file, which files are maintained in a secure

filing cabinet. An employee may review the employee's personnel file upon request and a complete copy of an employee's file will be provided to the employee at no cost to the employee upon written request once per year. Personnel files are kept confidential, although certain personnel file documents may be public records subject to public disclosure pursuant to the Freedom of Access law, 1 M.R.S.A. § 401, *et seq.*, and 30-A M.R.S.A. § 2702.

105.5 Performance evaluations. The Town will conduct performance evaluations for employees just prior to the expiration of an employee's probationary period and then approximately annually thereafter. Employees will be provided a copy of the evaluation and be afforded the opportunity to attach written disagreements, if any, to an evaluation. The evaluation and any disagreements thereto will be maintained in the employee's personnel file.

106. PROMOTION

The Town desires to provide Town employees with the opportunity for advancement. In reviewing applications for vacancies, the Town will take current employment with the Town into consideration, but it is not a deciding factor. The final decision to fill a vacancy rests in the sole discretion of the Town to fill a vacancy with the best candidate for the position.

107. MOTOR VEHICLES

Departments that provide motor vehicles for employee use shall follow departmental policies regarding the use of motor vehicles.

108. HOURS OF WORK, WORKWEEK & PAY SCHEDULE

108.1 All departments shall observe and keep office and working hours necessary for the efficient transaction of services as determined by the Town Manager.

108.2 For payroll purposes, the work week is a seven day period beginning at 12:00 a.m. on Monday and ending at 11:59 p.m. on the following Sunday, except that for the Police and Fire Departments, the work week begins at 7:00 a.m. on Monday and ends at 6:59 a.m. the following Monday.

108.3 Scheduled Hours. Full-time employees are currently scheduled to work the following number of hours per week:

Fire/Rescue	-	48 hours Average
Police	-	40 hours
Office	-	32 to 40 hours
Public Works	-	40 hours

The Town Manager may change the length of shifts or the number of hours scheduled each week.

108.4 All employees will be paid biweekly for hours worked during the preceding pay period. Checks will be available by 3:00 PM on Thursdays.

108.5 In the event the Town Office closes as the result of inclement weather, those employees who are sent home shall be considered to have worked their entire shift. Employees who are not sent home, are not entitled to any additional compensation.

108.6 Employees who are scheduled to work for six (6) hours or more are entitled to a 30-minute unpaid lunch break.

109. OVERTIME/COMPENSATORY TIME

109.1 The positions of Town Manager, Fire Chief, Police Chief, and Treasurer are paid on a salary basis and are exempt from overtime pay under the federal Fair Labor Standards Act. All other employees are paid on an hourly (non-exempt) basis.

109.2 When circumstances warrant, overtime work may be required. Non-exempt hourly employees will be paid one and one-half times their regular rate for hours worked over forty (40) hours (forty-eight (48) for the Fire Department) or an equivalent amount of compensatory time. Compensatory time may be accumulated to a maximum of eighty (80) hours (ninety-six (96) hours for Fire Department) and may be taken with prior approval of a Department Head. Upon separation from employment, the outstanding balance of compensatory time shall be paid to an employee at his/her current hourly rate.

109.3 Hours worked include holidays for the purpose of calculating overtime. Sick time, vacation time, compensatory time, personal time, and bereavement time will not be included for the purpose of calculating overtime.

109.4 Exempt employees who are not receiving comp time shall be entitled to five (5) days of executive leave with pay during each employment year. Executive leave may not be accumulated from one year to another.

109.5 The Town Manager shall have the right to decide when overtime will be performed or who will be assigned. Every effort shall be made to keep overtime costs to a minimum.

110. HOLIDAYS

110.1 Full and part-time employees (non-exempt) will be paid holiday pay in an amount equal to the number of hours of their regular daily working schedule, providing the holiday falls on a day that is normally worked by the employee. The Town recognizes the following holidays:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
President's Day	Veteran's Day
Patriot's Day	Thanksgiving Day and Day After
Memorial Day	½ Day Christmas Eve
July 4th	Christmas Day

110.2 Employees who are on a leave of absence (paid or unpaid) will not be entitled to holiday pay.

110.3 When a recognized holiday falls on Saturday or Sunday, the Town will observe the holiday on the same day as does the State of Maine. In the case of police and fire operations, the actual holiday, rather than the observed holiday, shall determine eligibility for holiday benefits.

110.4 If a part time employee (non-exempt), part time police officer, or as needed employee works on any of the above holidays, he/she shall receive one and one-half times his/her regular rate of pay for all hours worked on the holiday but shall not receive additional holiday pay.

110.5 An exempt employee who is assigned to work on an observed holiday will receive a day off at a later date with pay.

111. VACATIONS

111.1 Full and part-time employees shall be eligible to earn paid vacation time as follows:

111.1.1 All eligible employees who have completed six months of continuous employment shall be entitled to a vacation of one times their regular hours per week. Vacation time is accrued during the six month probationary period; but, cannot be used until the end of the period unless approved by the Town Manager then only for extenuating circumstance such as verifiable family emergencies etc.

111.1.2 All eligible employees who have completed one year of continuous employment shall be entitled to a vacation of an additional one times their regular hours per week, or a total of two times their regular hours per week will be earned for the first year of employment. This same schedule of two times the regular hours per week will be earned by each eligible employee who has more than one (1) year but less than seven (7) years of continuous employment.

111.1.3 All eligible employees who have completed seven (7) years of continuous employment but less than fifteen (15) years of continuous employment shall be entitled to a vacation allowance of three times their regular hours per week.

111.1.4 All eligible employees who have completed fifteen (15) years or more of continuous employment shall be entitled to a vacation allowance of four times their regular hours per week.

111.2 The maximum of two weeks vacation time may be held over from one year to the next. If there is more than two weeks vacation time remaining unused for the year, the time that exceeds the two weeks is lost. Vacation time shall not be accrued once the maximum hours allowed have been achieved.

111.3. Vacation requests shall be granted at such time or times as shall be mutually agreeable to the employees and their department heads. Due consideration shall be given to an employee's seniority in regard to scheduling vacations.

111.4 An employee, upon separation from employment, is entitled to be paid for all unused accrued vacation time.

112. SICK LEAVE

112.1 Sick leave accrual.

112.1.1 Full-time employees who have completed the probationary period, shall be credited with 8 hours of sick leave per month, and after 5 or more years of service shall be credited with 12 hours of sick leave per month.

112.1.2 Full-time Fire Department employees who have completed the probationary period, shall be credited with 9 hours of sick leave per month, and after 5 or more years of service shall be credited with 13.5 hours of sick leave per month.

112.1.3 Part-time employees who have completed the probationary period shall be credited with sick leave hours in proportion to the hours scheduled to work each month compared to a full-time employee.

112.1.4 A maximum of 720 hours of sick time may be carried forward from year to year. Sick time is accrued during the probationary period but may not be used during this time unless approved by the Town Manager for extenuating circumstances.

112.2 Sick leave may be used only in the following cases:

112.2.1 Personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other work in his/her division and assigned to such other work.

112.2.2 Personal or dependents' medical/dental appointments, subject to 112.2.4.

112.2.3 To care for a child, parent or spouse affected by illness, subject to 112.2.4.

112.2.4 An employee may use up to a maximum of 80 hours a year under Sections 112.2.2 and 112.2.3. Additional time may be permitted at the discretion of the Town Manager.

112.3 Upon request, employees shall furnish the Town with a physician's certificate related to the sick leave usage for the employee or the employee's family member.

112.4 Absences for a fraction or part of a day shall be charged proportionately and rounded up to the half hour.

112.5 Accrued sick leave is not payable upon separation from employment.

112.6 An employee may donate sick leave to another employee for a medical emergency as provided herein:

112.6.1 For the purposes of this section, a medical emergency is a medical condition of the employee or a member of the employee's immediate family that is likely to require the employee to be absent from duty for a prolonged period and to result in a substantial loss of income (more than two full work days) because of the employee's lack of available paid leave (including sick leave, personal time, vacation leave, and compensatory time).

112.6.2 Sick leave may be donated in 8 hour increments.

112.6.3 There is no limit to the amount of sick leave an employee may donate, but the employee must retain a minimum of at least 360 hours of sick leave for his or her own use.

112.6.4 Donations may not result in an accumulation of sick time for an employee beyond what is needed to continue to receive a paycheck. Any unused annual leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the annual leave accounts of the donors.

112.7 In order to request sick leave donations, an employee must submit a written request to the Town Manager.

112.7.1 The request must including a statement of the reason transferred leave is needed, a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency affecting the potential leave recipient.

112.7.2 The Town Manager will act on the request within ten (10) calendar days.

112.7.3 Granting a request does not confer any other rights to an employee; it simply provides access to donated sick leave if other employees choose to donate time.

113. PERSONAL DAYS

113.1 Each full-time employee shall have two (2) personal days per year. A personal day is equal to a normal scheduled work day.

113.2 A personal day shall be granted at such time or times as shall be mutually agreeable to the employee and their Department Head.

113.3 Any personal days remaining at the end of a fiscal year cannot be carried forward and will be forfeited.

114. LEAVES OF ABSENCE

114.1 Family Medical Leave.

Eligibility and Reasons for Leave. In order for an employee to be eligible for medical leave under the federal Family Medical Leave Act, the Town must have 50 or more employees. The Town of Holden will apply provisions of the federal Family and Medical Leave Act even though at the date of the adoption of this policy, the Town of Holden has fewer than 50 employees.

The Town of Holden will provide an unpaid leave of absence for up to twelve (12) weeks in a twelve (12) month period to employees who have been employed by the Town during the twelve (12) months preceding the beginning of the leave and have worked for 1,250 or more hours.

The twelve (12) month period will be measured on a rolling basis backward from the date an employee takes leave.

Leave is unpaid but employees must use all available accrued sick leave, vacation time, and compensation time during such leave.

An employee may request family medical leave under this section for any of the following reasons:

- birth of the employee's child and in order to care for the child;
- placement of a child with the employee for adoption or foster care;
- to care for a spouse, significant other, spousal equivalent, child or parent who has a serious health condition; or,
- a serious health condition that renders the employee incapable of performing the functions of his or her job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of birth or placement.

Briefly stated, a "serious health condition" is a condition which requires in-patient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing treatment by a health care provider.

State Family Medical Leave

An employee who has been employed for twelve (12) or more consecutive months but works fewer than 1,250 hours a year may be eligible for a leave under the Maine Family Medical Leave Act.

An employee may request family medical leave under this section for any of the following reasons:

- a serious health condition of the employee;

- birth of the employee's child;
- placement of a child age 16 or less with the employee in connection with the adoption of the child by the employee;
- a spouse, child, or parent with a serious health condition; or
- the donation of an organ of that employee for a human organ transplant.

Requesting a Family or Medical Leave. A request for a family medical leave must be presented to the Town Manager in advance of the requested leave, unless prevented by a medical emergency from making such a request. This request must include the intended date upon which the leave would commence and the intended date of return (if it is known). If the leave is based on the birth or placement of a child, you must make a request for a leave of absence not less than thirty (30) days before the leave would begin. If the birth or placement requires leave to begin in less than thirty (30) days, you must provide as much notice as practicable. If the leave is based on planned medical treatment, you must also make a reasonable effort to schedule the treatments so as not to unduly disrupt our operations, subject to the approval of your health care provider.

Certification of a Serious Health Condition. When the reason for the leave involves a serious health condition of you, your child, spouse or parent, you will need to provide, prior to your leave (or in a timely manner), certification from a healthcare provider. We will provide the form for your healthcare provider to complete.

Employees may request to take intermittent leave or work a reduced schedule in case of a serious health condition, whether an employee's own or that of a family member, when medically necessary. Appropriate medical certification will be required.

While you are on an approved family medical leave, we will continue your group health insurance benefits at the same level and under the same conditions as if you had continued to work, unless you choose not to retain coverage. Group, life and disability insurance will also be continued on the same basis as our group health insurance.

Other benefits like vacation, sick time and holidays will not accrue during an FMLA.

114.2 Military Duty. In accordance with applicable federal and state laws, an employee called to active military duty or to Reserve or National Guard training, or who volunteers for such duty or training, will be granted military leave. In order to plan for staffing needs, the employee should provide the Town Manager with as much advance notice as possible of the need for the military leave. In addition, the employee must provide the Town Manager with a copy of the order from the military authority that details the beginning and the concluding dates of the military training or service. An employee returning from military leave is eligible for reinstatement in accordance with state and federal requirements.

114.3 Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for

alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

114.4 Special Military Leave Entitlement. Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

114.5 Bereavement Leave. Employees shall be granted up to three (3) consecutive workdays from the date of death, with pay, for absence resulting from the death of a member of the immediate family. Immediate family shall mean the spouse or domestic partner, the parents of the spouse, and the parents, stepparents, guardian, children, stepchildren, brothers, sisters, wards, grandparents and grandchildren of the employee. The Town Manager may, at his or her discretion, grant one day's paid leave for an employee to attend the funeral of persons not covered under the above definition.

114.6 Jury Duty Leave. Employees called to perform jury service shall be granted leave to do so and shall be paid the difference between his/her regular pay and his/her juror's pay upon presentation of an official statement of jury pay received.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

114.7 Other Leave. Unpaid emergency leave or other unpaid leave may be granted to a full or part-time employee who has completed their probationary period at the discretion of the Town Manager. No such leave will be granted until an employee has exhausted the employee's vacation time, compensation time, personal days, and sick time if the reason for the leave qualifies for use of sick time. A leave may be granted for up to 30 days, with up to two 30 day extensions. A request for a leave under Section 114.5 must be presented to the Town Manager in advance of the requested leave. This request must include the dates for the leave and supporting medical certification if appropriate. The employee will be responsible for 100% of the cost of insurance coverage for any leave granted under this Section. Benefits like vacation, sick time and holidays will not accrue during the leave.

114.8 Outside Employment. With the exception of an employee who is working for the military on a leave for Military duty, an employee who is on any other leave of absence (paid or unpaid) may not work for another employer or for themselves.

115. EMPLOYEE BENEFITS

115.1 The Town of Holden has adopted a Flexible Benefit Plan (Section 125 Cafeteria Plan) and Medical Reimbursement Account Plan that provide pre-tax dollars for such benefits as health, dental and income protection insurance. Please see the specific plan documents for further information on

these plans.

115.2 The Town of Holden participates jointly with employees in Social Security payments. Participation is mandatory per federal law. Benefits include a retirement feature, survivors' benefit payments if death occurs before retirement, disability insurance and Medicare coverage.

115.3 Retirement

115.3.1 The Town of Holden provides retirement benefits in the form of a 401(a) Money Purchase Plan and Trust and a 457 Deferred Compensation Plan for employees and their beneficiaries pursuant to the plan documents. Please see the documents and summary plan descriptions for specific information on eligibility and benefits.

115.3.2 Alternatively, the Town of Holden offers participation in Maine State Retirement. Please see the documents and summary plan descriptions for specific information on eligibility and benefits.

115.4 From time to time the Town Council will review the employee benefits offered and may vote to make revisions where appropriate.

116. EXPENSE REIMBURSEMENT

116.1 Mileage. The Town will reimburse employees who use their personal vehicles for Town business at the State of Maine reimbursement rate for mileage, or such other amount as determined by the Town Council, and for actual cost of parking fees and tolls upon submission of an expense reimbursement request. The employee's supervisor must authorize use of a personal vehicle.

116.2 Meals and Lodging. In the event an employee is required to travel outside of the Town of Holden for Town business, an employee will be reimbursed for reasonable expenses necessitated by the Town business, upon submission of a reimbursement expense request. Any such travel requires prior Department Head or Town Manager approval.

116.3 Uniforms. The Town shall provide uniforms to those employees who are required to wear uniforms as part of their employment. Such departments will have a separate policy regarding uniforms and how they are to be acquired.

116.4 Training. Employees required or approved to attend seminars or training courses will be reimbursed for expenses as provided above and for the cost of the training or seminar. Employees will be paid for time spent in training or seminars. Any such training or seminars requires prior Department Head or Town Manager approval.

116.5 Telephones.

116.5.1 Office Phones: Personal use of office phones should be limited to occasional local calls during work breaks or lunch time. Personal long distance calls are prohibited.

116.5.2 Cell Phones: Employees who are required to have a cell phone for Town business will be provided a \$25.00 per month cost allowance. An employee may receive additional reimbursement if the employee provides documentation showing that Town business costs exceed \$25 per month.

117. ON THE JOB SAFETY

117.1 All employees are covered by the Town's Workers' Compensation Insurance.

117.2 All work-related accidents, no matter how minor, must be reported immediately to the Department Head and a written report will be made on forms prepared for that purpose.

118. POLITICAL ACTIVITIES

Employees may not hold office in the town government while simultaneously employed by the Town. Employees may not use their Town employment in any way to advocate for or against any candidate for elective office in town government, including using their employment in any way to solicit or receive subscriptions, contributions, or political service from any person for any political purpose pertaining to the government of the Town. Nothing herein is intended to prevent an employee in his or her private capacity from being a member of a political organization attending political organization meetings, expressing their private views on political matters, running for office, or voting with complete freedom in any election.

119. GRIEVANCE PROCEDURE

119.1 A grievance, for purpose of this policy, shall be defined as any controversy, complaint, misunderstanding or dispute between any employee and the Town concerning the interpretation or application of the terms of this policy. Every reasonable effort shall be made by the parties involved to arrive at a fair and equitable resolution of every grievance prior to resorting to this grievance procedure. If this is found to be impossible, any employee who deems herself/himself aggrieved will have recourse to a hearing providing the procedure is followed in the following manner:

119.1.1 Step 1: Present your grievance in writing within seven (7) days of knowledge or occurrence of the grievance to your department head or immediate supervisor. The department head shall submit a written answer to the grievance within seven (7) days of the receipt of the grievance. The department head shall submit a copy of each of these documents to the Town Manager at the same time as responding to the employee.

119.1.2 Step 2: If the answer of the department head does not satisfactorily resolve the complaint, the employee may submit the grievance in writing to the Town Manager within seven (7) days of the supervisor's response. The Town Manager, will meet to discuss the grievance with the employee, and may meet to discuss the grievance with other individuals as appropriate. The Town Manager will submit a written answer to the grievance within fourteen

(14) days of the receipt of the grievance, unless a longer period of time is agreed to.

119.1.3 Step 3: If the answer of the Town Manager does not satisfactorily resolve the complaint and the grievance relates to the issuance of disciplinary action at a level of suspension or higher, the employee may request in writing to the Town Manager that the grievance be referred to the Town Council. The Town Council shall hold a hearing within twenty-one (21) days of the receipt of the grievance at Step 3. The Town Manager shall report to the employee in writing the decision of the Town Council within fourteen (14) days of the hearing.

120. DISCIPLINE, SUSPENSION, DISMISSAL & LAY-OFF

120.1 General. The Town Manager shall have the right to discipline any employee whose work performance or conduct, in the judgment of the Town Manager, justifies such action, except that the Town Manager may terminate the employment of a probationary employee at any time without cause.

Levels of discipline include minor reprimand, major reprimand, suspension, demotion, and dismissal. General counseling is not considered discipline.

Under normal circumstances, initial instances of minor misconduct or poor performance will first result in counseling or a minor reprimand. Subsequent misconduct or poor performance by the same employee may result in increasing levels of disciplinary severity. Nevertheless, the Town may issue discipline at whatever level of discipline it deems appropriate under the circumstances, including termination for a significant single instance of misconduct.

Whenever the Town Manager has cause to believe that disciplinary action may be appropriate, the Town Manager shall give reasonable notification to the employee concerned of the time and place of a disciplinary hearing. If appropriate, an employee may be placed on paid administrative leave pending the disciplinary hearing.

The purpose of the disciplinary hearing is to inform the employee of the facts that are believed to warrant possible disciplinary action and to give the employee the opportunity to respond.

If the Town Manager determines that discipline is warranted, the Town Manager shall determine the appropriate level of discipline.

Causes for disciplinary action include, but are not limited to:

- Insubordination, such as failure to obey a department rule or lawful and reasonable direction from a supervisor;
- Inefficiency, incompetence, or unsatisfactory work performance;
- Tardiness or early departure from work without prior approval;

- Misuse of sick time;
- Conviction of a criminal offense;
- Engaging in physical violence or threatening violence; and
- Failure to work cooperatively with other employees.

120.2 Dismissal. The Town Manager may delegate to a Department Head the authority to take any action set forth in Section 120.1 above except the dismissal of an employee. A Department Head may recommend to the Town Manager the dismissal of an employee.

120.2.1 The Town Manager shall hold a pre-termination meeting with an employee who has successfully completed his or her probationary period prior to any decision to terminate employment. The Town Manager shall discuss with the employee the work performance or conduct that may be grounds for termination.

120.2.2 Notice of any action against an employee must be in writing and filed with the employee, not later than the effective date of such action. The notice shall specify the penalty and contain a statement of the reason or reasons for the action.

120.2.3 An employee who has successfully completed his or her probationary period shall have the right of appeal as outlined in the grievance procedure in Section 119.1.3, Step 3.

120.3 Layoff. An employee may be laid off by the Town Manager at any time because of shortage of funds, lack of work, or restructuring resulting in the elimination of a position. All employees must be furnished a statement, in writing, setting forth the reasons for the lay-off.

121. RESIGNATIONS

An employee may resign in good standing by submitting a written resignation with at least fourteen (14) days advance notice. The Town Manager may accept a shorter notice period in appropriate circumstances. If an employee does not resign in good standing, the employee will not be considered for reemployment with the Town at a future time.

122. HARASSMENT POLICY

122.1 The Town of Holden believes that all employees should be able to work in an environment free of illegal harassment and unlawful discrimination.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (a) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, (b) submission to or rejection of such conduct by an individual is used as the basis for employment

decisions affecting such individual, or (c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include:

1. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct.
2. Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration of or acquiescence to sexual advances.
3. Other sexually harassing conduct in the workplace, whether committed by a supervisor, co-worker, vendor, or other person. This may include:

- Offensive sexual flirtations, advances, or propositions;
- Verbal abuse of a sexual nature;
- Graphic, verbal comments about an individual's body;
- Sexually degrading words used to describe an individual;
- The display of sexually suggestive objects or pictures;
- Unwanted hugs, touches or kisses.

Illegal harassment affecting employment is not limited to sexual harassment; it can be based on an employee's race or color, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, genetic information, veteran status, whistleblower status, status of having received workers' compensation benefits, or any other status protected by law.

The Town of Holden prohibits the illegal harassment of its employees in any form. Such conduct may result in disciplinary action up to and including suspension or dismissal.

122.2 Reporting. Any employee who believes that he or she has been the victim of sexual harassment, or any other kind of harassment or discrimination, or who has knowledge of that kind of behavior, is urged to report such conduct immediately to the Town Manager or the Administrative Assistant. Additionally, employees have the right to file a timely charge of unlawful employment discrimination, including sexual harassment, with the Maine Human Rights Commission (MHRC) in Augusta or Equal Employment Opportunity Commission (EEOC) in Boston, MA. The MHRC can be contacted by mail at #51 State House Station, Augusta, ME 04333-0051, or by telephone at (207) 624-6290 or the EEOC can be reached by mail at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, or by telephone at (617) 565-3200, (800) 669-4000, (fax) (617) 565-3196. (The addresses and phone numbers is subject to change over time.)

Supervisors and managers are also responsible for monitoring behavior which can be construed to be harassment or discrimination and for initiating necessary action to eliminate such behavior.

122.3 The Town of Holden is committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. In the event it is determined that harassment or discrimination has occurred, appropriate disciplinary action will be taken which may include suspension,

demotion or termination of employment. Confidentiality will be maintained to the extent practical and appropriate under the circumstances. Upon completion of the investigation, the investigator will communicate the findings to the complainant and alleged harasser.

122.4 No employee will be subject to any form of retaliation or discipline for pursuing in good faith a harassment or discrimination complaint or for participating in the investigation of any such complaint.

123. SMOKING

Smoking is not permitted in any municipal building or in any Town vehicle which is regularly used by more than one employee or which may be used to transport members of the public. Smoking outdoor on Town property is restricted to designated areas only.

124. COMPUTER USE POLICY

This policy governs the use of the town's electronic communications and information systems by municipal users. Users are defined as Town employees, elected officials and appointees. All communication systems, computer equipment, software and information transmitted by or stored in these systems are the property of the Town.

The Town retains control, custody and supervision of all computers and networks owned or leased by the Town. As such, users have no right or expectation of privacy in connection with the use of said equipment and/or networks. The Town also reserves the right to monitor and remove hardware, software, data, emails, social media content, files or settings on computer related systems when deemed appropriate.

Users are not authorized to access messages or information using another person's password. Unauthorized duplication, dissemination, removal, installation, alteration of files, passwords, programs or other property of the Town is prohibited.

Users are expected to sign the Acknowledgment section at the end of this Policy signifying their commitment to comply with written directives provided by management about Town communication and information systems. An employee who intentionally violates any aspect of this policy may be subject to disciplinary action, including revocation of certain system privileges or termination of employment.

124.1 PERSONAL USE

The Town understands an employee may need to use equipment for personal use. The usage must not preempt town business and must be done within the bounds of town policies.

Users are not allowed to use Town equipment or technology for personal business interests, for profit or non-profit ventures, political activities or other uses deemed by the Town Manager to be inconsistent with Town business. Questions about whether a use is appropriate should be forwarded in writing to

the Town Manager for a determination.

124.2 SOFTWARE, HARDWARE, GAMES AND SCREENSAVERS

All software and hardware required for employees to perform their job will be provided and installed by the Town. Requests for new or different equipment or software should be made to the Town Manager.

Games are considered inappropriate in a business environment and therefore not permitted.

Downloads, software, hardware or other equipment which have not been specifically approved in writing by the Town Manager may compromise the integrity of the Town's computer system and are prohibited.

124.3 ELECTRONIC MAIL

This section relates to both business and personal email sent from a Town computer. Personal use of the Town's email address is not allowed.

A user's personal email accessed via a Town computer may be considered "public" data and is not protected by privacy laws. Never transmit email you would not want made public. Users should not expect privacy in any activity conducted on a Town owned computer.

All emails must comply with Town policies. Notwithstanding the Town's right to retrieve and read any message or information on the email, Intranet or any other Town provided and/or approved system or services, such messages or information should be treated as confidential by other users and accessed only by the intended recipient. Users should not attempt to gain access to another employee's messages or information. Any exception to this requires prior approval from the Town Manager.

124.4 STORING AND TRANSFERRING DOCUMENTS

Electronic documents, including emails, electronic communication and town related materials should be stored on the Town's network in accordance with state Records Retention Policy.

Incidental communication, which is not an official record or transaction of Town business, should be deleted by the end of the business day.

Documents or electronic communication classified as protected or private information under data practices requirements will be stored separately from other files.

If there are questions regarding whether an electronic communication or other document is a government record for purposes of records retention laws or is considered protected or private under data practices, check with the Town Clerk. For questions about creation an appropriate file structure for saving and storing electronic information, consult the Town Manager.

124.5 INTERNET

The following considerations apply to all uses of the Internet whether business related or personal. The Town provides Internet access to users for town business. Occasional personal use of the Internet is acceptable within the bounds of all Town policies. There is no quality control on the Internet. All information found on the Internet should be considered suspect until confirmed by another source. Internet use during work hours must be limited to subjects directly related to Town business.

Users may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material or material advocating intolerance of other people, races or religions or matters that otherwise violate Town policies. This prohibition includes information on social media sites such as Facebook and MySpace, blogs and microblogs such as Twitter. If you are unsure whether a site may include inappropriate information, you should not visit it. No software or files may be downloaded from the Internet unless approved in advance by the Town Manager. Users may not participate in any Internet chat room. The Town Manager will authorize, in writing, any person required to maintain the department's social media.

124.6 PASSWORDS AND PHYSICAL SECURITY OF EQUIPMENT

The Town Manager or Department Head is responsible for assigning and maintaining computer passwords. Passwords should not be shared under any circumstances. If it is necessary to access an employee's computer when he or she is absent, contact the Town Manager or Department Head. Passwords will not be stored near the computer. If necessary, store the password in a locked file cabinet or a similar secure structure. Lock your workstation whenever you are out of your office.

Do not leave Town computer equipment unattended at any off site facility. Equipment stored in an unattended vehicle will be stored in a secure manner and kept out of sight. The borrower of the computer is responsible for loss or damage.

124.7 MISCELLANEOUS

This section covers personal cell phones to the extent that they are used in relation to Town business of any kind. If your job requires you to use a cell phone and you do not have a cell phone or do not wish to use your cell phone for Town purposes, a Town pager will be provided to you.

Any password changes must be reported to the Town Manager or Department Head immediately.

All official social media sites, including, but not limited to, the Town's website and Facebook page, shall be maintained and updated by an authorized employee and only during that employee's regular working hours. All content posted to the Town's official site is subject to approval by the Town Manager. No employee may create or maintain a personal social media site that purports to be or implies that it is an official Town site.

125. INTENT OF POLICY

It is the intent of this policy to cover most aspects of employment but, the Town Council and Town

EMPLOYMENT ACKNOWLEDGEMENT FORM
(To be retained in employee's personnel file)

The Town of Holden Personnel Policy describes important information about working for the Town of Holden. Since the information, policies, and benefits described herein are subject to change, I acknowledge that revisions to the handbook may occur from time to time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I acknowledge that this handbook is not a contract of employment nor does it guarantee specific rights.

I acknowledge that I have received a copy of the Personnel Policy, and that I understand it. I further understand that should questions arise, I am free to ask the Town Manager for more information.

DATE

EMPLOYEE'S SIGNATURE

EMPLOYEE'S NAME (TYPED OR PRINTED)

Manager welcome constructive suggestions from employees which might help to improve working conditions or policies. Suggestions are also most welcome and encouraged which might render better service to the taxpayers or help cut down unnecessary time, work and supply costs.

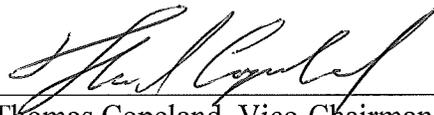
126. MISCELLANEOUS

Unless otherwise stated, the term “day” means a calendar day.

HOLDEN TOWN COUNCIL



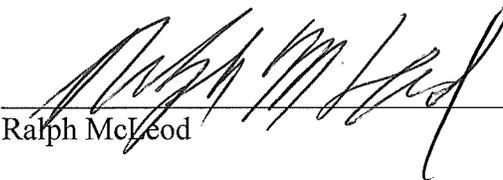
Rod Black, Chairman



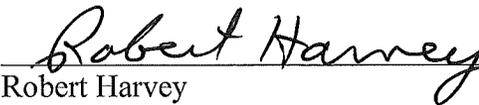
Thomas Copeland, Vice-Chairman



Paul Amoroso



Ralph McLeod



Robert Harvey

Adopted: June 12, 2006
Revised: April 25, 2011
Revised: June 20, 2016