

TOWN OF WELLS

EMPLOYEE POLICIES, PROCEDURES AND BENEFITS MANUAL

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ARTICLE 1 – WELCOME AND INTRODUCTION

Welcome to public service with the Town of Wells. You have been selected to work with the Town because of your knowledge, experience and training in your chosen field. You are joining many other dedicated employees who are providing consistently high levels of service to Wells residents and taxpayers. It is critical to remember that with our mission of service to the public, we must continually strive for the highest levels of performance and conduct. The purpose of this manual is to help establish and create a productive and harmonious work environment by clearly defining what is expected of each member of the Town team.

Town employees form the core of the organization and are its most important resource. The ultimate purpose of all work in the Town can be summed up in the words “Quality Service to Others.” Accordingly, these Personnel Rules and Regulations have been prepared and provided to guide you and your fellow employees in your daily activities, including your responsibilities, rights and benefits as a Town of Wells employee. Your careful attention to this document will help to provide you with a rewarding and satisfying career in Town service.

It is recognized that no personnel policy can answer all questions that might arise in the normal course of municipal government. Employees of the Town are expected to exercise the utmost judgment and discretion in the performance of their duties.

This Handbook is designed to acquaint you with the Town of Wells, hereinafter also known as the “Town,” and to provide information about working conditions, benefits, and policies and procedures affecting your employment.

The information contained in this Handbook applies to all employees of the Town of Wells not covered by a collective bargaining agreement. It also applies to all Town unionized employees to the extent any applicable collective bargaining agreement is silent as to any provision set forth herein. Following the policies described in this Handbook is considered a condition of continued employment. However, nothing in this Handbook alters an employee’s status, job description, title or essential functions. The contents of this Handbook shall not constitute nor be construed as a promise of employment or as a contract between the Town and any of its employees. The Handbook is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this Handbook. If you have questions about any provision on this Handbook, it is your responsibility to ask for clarification. Our objective is to provide you with a work environment that is productive to both personal and professional growth. Each employee shall be furnished with a copy of the Handbook. Each employee shall be required to acknowledge their receipt and agreement to comply with the policies set forth in the Handbook. A copy of the Handbook will be available online, which will be the most current version and reflect any changes that need to be made from time to time to keep it current. When such changes are made, employees will be advised. In addition, conflicts or changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were or have yet been incorporated into the policy.

Further, to the extent any practices, informal or otherwise, conflict with any specific policy set forth in this Handbook, the policies in this Handbook shall control upon adoption of this Handbook, and any such practices are thereafter considered null, void and inapplicable.

When any of the policies set forth in the Handbook are updated, they supersede the prior policies in this document and employees will be provided with copies of the update. It shall be the responsibility of all employees to acquaint themselves thoroughly with this material and any subsequent revisions.

1.1 APPLICABILITY

The policies in this handbook shall apply to all municipal employees with the following exceptions:

Employees of the School Department are not covered by this handbook.

This handbook shall not cover municipal employees covered by a collective bargaining agreement in any instance where said Agreement also addresses and/or covers any terms or policies set forth herein. In such case, the terms and conditions of employment for such employees are governed exclusively by the applicable collective bargaining agreement and are established through the negotiation process, subject to applicable laws. The terms and conditions of employment for employees covered by this handbook may differ from those for employees covered by a collective bargaining agreement.

The Town Manager shall not be covered by this handbook. The Manager is responsible to the Board of Selectmen and shall have the powers, duties and employment terms established by the Board of Selectmen and applicable Maine law.

The Town's anti-harassment, non-discrimination, conflict of interest, and workers compensation provisions (as provided by law) apply to all regular full and part time employees; Board appointees; elected town officials; employees subject to an employment contract; volunteers; temporary and seasonal employees. The personnel policies and benefits set forth in this Handbook otherwise do not apply to: Board appointees; elected town officials; employees subject to an employment contract; volunteers; temporary and seasonal employees; stipend employees, and outside contractors, vendors or subcontractors, unless otherwise provided or required by law, in Town codes and ordinances, or specifically stated in the Handbook.

1.2 CHANGES IN POLICY

This Handbook supersedes all previous employee handbooks and memos that may have been issued from time to time on subjects covered in this Handbook. This Handbook also supersedes, and renders void any unwritten policies and/or "past practices," regardless of their duration.

Since our environment and our Town are subject to change, we reserve the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. We will notify all employees of these changes. Changes will be effective on the date determined by the Town Manager, and after those dates, all

superseded policies will be null.

No individual supervisor or manager has the authority to change policies or this Handbook at any time. If you are uncertain about any policy or procedure, contact the Town Manager. The Town makes every effort to achieve consistency between this Handbook and other regulations governing employment with the Town. However, if there is any inconsistency between this Handbook and any ordinance of the Town, the Town ordinance shall take precedence. As between this Handbook and any other policy or regulation of the Town, the last adopted shall take precedence. Employees should bring inconsistencies or potential conflict among Town regulations governing employment to the attention of the Town Manager or their supervisor.

1.3 EMPLOYMENT APPLICATIONS

We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process, the background check, and during employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the rejection of any application for employment, the withdrawal of a conditional offer of employment, the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

An applicant for prospective employment may be asked to provide the Town with a release authorizing the Town to conduct a background check which may include prior work history confirmation or references, a criminal background check, a motor vehicle check if deemed appropriate by the Town and other such suitably appropriate background information the Town may from time to time require relative to candidate assessment for the position being hired, with results satisfactory to the Town at its sole discretion. Upon a conditional offer of employment from the Town and depending upon the position, a prospective employee may also be required to provide the Town with a waiver and release authorizing the Town to complete and/or obtain, as deemed appropriate by the Town: a medical examination, a psychological examination, a fitness for duty test, a credit check (as allowed and as permitted by law), a driver's license check, a DHS background check, and/or a drug and alcohol test. Under certain circumstances, the Town may require an applicant to submit to a background check prior to a conditional offer, and under such circumstances may also require the applicant to provide the Town with said waiver and release authorizing the Town to complete and/or obtain background information. Any refusal to agree to the waiver and release may result in the conditional offer being unilaterally withdrawn, or from further consideration for employment.

The Town does not accept unsolicited resumes, cover letters or applications for employment, no matter how transmitted to the Town. Any such unsolicited resumes or applications will be either discarded or returned to the sender.

1.4 EMPLOYMENT RELATIONSHIP

You enter employment voluntarily, and you are free to resign at any time for any reason or no reason. Details follow in Section 3.3 on completing the required employment probationary period.

ARTICLE 2 - DEFINITIONS OF EMPLOYEES STATUS

2.1 EMPLOYEES DEFINED

An “employee” is a person who regularly works for the Town of Wells on a wage or salary basis. “Employees” may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with the Town who are subject to the control and direction of the Town of Wells in the performance of their duties. Volunteers are not considered Town employees, except under those specific circumstances defined under Maine law for liability coverage and immunity purposes only.

EXEMPT

Employees whose positions meet specific criteria established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay requirements.

NON-EXEMPT

Employees whose positions do not meet FLSA criteria for an exemption from the overtime requirements and who are entitled to compensation in the form of overtime wages or compensatory time off for hours worked in excess of 40 hours per week.

REGULAR FULL-TIME

Employees who have successfully completed the applicable probationary period (see Section 3.3) and who are regularly scheduled to work 40 or more hours per week are regular full-time employees. Generally, they are eligible for the town’s benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME

Employees who have successfully completed the applicable probationary period (see Section 3.3) and who are regularly scheduled to work less than 40 hours per week are regular part-time employees. Benefits eligibility will be on a pro-rated basis.

TEMPORARY (FULL-TIME or PART-TIME)

Employees who are employed for a specific period, usually not to exceed fifteen (15) consecutive weeks or the duration of the project or temporary vacancy which the employee was employed to fill. Certain positions funded with federal funds or grants may also be considered temporary. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. They are not eligible for any of the Town’s benefit programs set forth in this Handbook except those benefits required by law and have no reasonable expectation of continued or future Town employment.

SEASONAL EMPLOYEE

Employees who are employed for temporary work of a seasonal nature, for example: a Recreational Camp Counselor, Lifeguard, Parking Lot Attendant or other such seasonal positions that the Town may deem appropriate from time to time. Such employees are not eligible for any of the Town's benefit programs set forth in this Handbook except those benefits required by law, and have no reasonable expectation of continued or future Town employment.

DEFINITE TERM EMPLOYEE

Employees who are appointed for a fixed term without an expectation of re-appointment are Definite Term Employees. Definite-term employees may be full or part time. Examples include but are not limited to Reserve Police Officers who perform paid work pursuant to an appointment for a specific time period. They are generally not eligible for benefits other than as required by law but the Town Manager may determine that a position is eligible for benefits, depending on the nature of the position and the hours worked, and have no reasonable expectation of continued or future Town employment.

CONTRACT EMPLOYEE

An individual hired through written agreement with an outside agency, e.g. Kelly Services, specifying the terms and conditions of employment for a specific time period. Contract employees may be either temporary or definite term employees, full time or part time, but have no expectation of employment beyond the term for which they are appointed and no expectation of reappointment. Contract employees are not considered regular employees. Contract employees are generally only eligible for benefits as defined in their contract and have no reasonable expectation of continued or future Town employment.

2.2 GENERAL

PERSONNEL ADVISORY BOARD

The Personnel Advisory Board acts in a non-binding advisory capacity to the Town Manager and Human Resources Director in the establishment and administration of personnel policies under this chapter. The Town Manager shall meet with the Board regularly and shall inform the Board of matters arising under Town personnel policies and this Handbook. The Board may prepare an annual wage scale as established in § 49-24 of the Code of the Town of Wells and review fringe benefits and other personnel issues as requested by the Town Manager, Human Resources Director, and/or the Board of Selectmen. The Personnel Advisory Board plays no role and makes no determination in disciplinary and grievance matters.

TOWN MANAGER

The Town Manager will determine and impartially and equitably administer all personnel policies and procedures with the assistance of the Selectmen, as he/she may deem appropriate. The Town Manager shall have final decision-making authority and approval over all personnel matters, except where otherwise provided in Town policies and procedures.

BENEFITS ADMINISTRATOR- HUMAN RESOURCES

A Benefits Administrator and/or Human Resources Director shall be appointed by the Town Manager to provide benefits information and service to its employees. This position will also be responsible for compliance with and the administration of policies and procedures; the maintenance and update of employee confidential personnel records; health records; HIPPA; and Section 125 files that govern benefits and insurance within the Town.

ARTICLE 3 - EMPLOYMENT POLICIES

3.1 NON-DISCRIMINATION

As an Equal Opportunity Employer, the policy of the Town is to provide equal opportunity to all employees, applicants and those seeking promotions without regard to religion, age, sex, sexual orientation, genetic pre-disposition and information, race, color, ancestry, national origin, physical or mental handicap or disability, except as a bona fide occupational qualification, and any other category protected under Maine and federal law. The Town will endeavor to select the best qualified persons who are available at the salary level established for the position, with first preference being given to citizens of the Town, all other factors being equal.

The Town of Wells will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of any Town supervisor, the Human Resources Director or the Town Manager. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in unlawful discrimination may be subject to disciplinary action, including termination of employment.

3.2 NEW EMPLOYEE ORIENTATION

Orientation is a formal welcoming process that is designed to make the new employee feel comfortable, informed about the Town, and prepared for their position. New employee orientation is conducted by the appropriate Town Department Head or his/her designee, and by the Benefits Administrator or Human Resources Director, and includes an overview of benefits, broad overview of Town policies and Handbook, and an opportunity to complete required employment/benefits paperwork and enrollment elections. New employees are expected to provide the Town with current and updated contact information at all times.

Employees are presented with applicable codes, keys, and procedures needed to navigate within the workplace. The new employee's supervisor introduces the new hire to Town staff, reviews his/her job description and scope of position, department conduct, and performance expectations, goals and objectives.

3.3 PROBATIONARY PERIOD FOR NEW EMPLOYEES

The probationary period for regular full-time and regular part-time employees (excluding police officers who have just graduated from the Maine Criminal Justice Academy, for whom the period is one (1) year from date of graduation) lasts for six (6) months from the date of hire, except as otherwise provided by law. During this time, employees have the opportunity to evaluate our environment as a place to work and management has an opportunity to evaluate the employee. During this introductory period, both the employee and the Town have the right to terminate employment without advance notice and for any non-discriminatory reason.

A review will be conducted prior to the completion of the applicable probationary period. Employees successfully completing the probationary period shall be considered regular full time or regular part time employees. All employees, regardless of classification or length of service, are expected to meet and maintain the Town's standards for job performance and behavior (See Section 4, Standards of Conduct).

3.4 PROBATIONARY PERIOD FOR PROMOTED EMPLOYEE

Promoted employees shall serve an additional probationary period of up to six (6) months in the new position (refer to Section 3.3). Promoted employees will have no rights to reinstatement to their former position.

3.5 STANDARD WORK WEEK

The standard workweek is 40 hours per week (see Section 5.4, Overtime). In the computation of various employee benefits, the employee workweek is considered to begin on Tuesday starting at 12:01 a.m. through Monday at 12:00 a.m.

3.6 PHYSICAL EXAMINATIONS

A. The Town Manager may identify regular full-time or part-time positions for which offers of employment will be contingent on a satisfactory medical examination by a physician designated by the Town Manager at Town expense. The physician must evaluate the candidate's qualifications to perform the essential functions of the position, with or without reasonable accommodations, with specific reference to the job description, actual duties and essential functions, and without posing a direct threat to the health or safety of the applicant or the safety of others.

B. The Town Manager or a department head in consultation with Human Resources may require a medical examination or other assessment if he/she has reason to believe the physical or mental condition of an employee is affecting the employee's ability to perform the duties of his/her position safely. Such examination will be paid by the Town and with a medical provider designated by the Town. If the employee is currently working, the employee may be put on paid administrative leave pending the completion of the medical provider's report. An examination under this section is limited to whether the employee remains capable of performing the essential functions of his/her position, with or without reasonable accommodation, and without

threatening the safety of the employee or the safety of others, and with regard to the job description. If, as a result of the examination and/or assessment, the department head or Town Manager concludes that the employee cannot perform the duties of the position, with or without reasonable accommodation, or cannot perform them safely, the Town shall take appropriate action, which may include meeting with the employee to discuss options, a transfer to another position or duties, if one is available, a leave of absence, termination or retirement. Other medical examinations or monitoring in conformity with state or federal mandates may be required.

3.7 PERSONNEL FILES

Personnel files are the property of the Town of Wells, and access to the information is restricted by law and Town policies. Management personnel of the Town who have a legitimate reason to review the file, or portions of the file, are allowed to do so.

Employees who wish to review their own file should contact the Benefits Administrator or Human Resources Director. With reasonable advance notice, the employee may review his/her personnel file in the Town offices and in the presence of their supervisor or a Town designee. One (1) copy of the file will be available to the employee at no cost per year. Note that material(s) may be added to the personnel file without notice to the employee.

3.8 ANNUAL AND INTERIM (6 MONTH) PERFORMANCE EVALUATIONS

All regular full-time employees and regular part-time employees whose normal workweek consists of at least twenty (20) hours per week shall be evaluated at least annually. During the annual evaluation process, both the employee and his/her immediate supervisor will complete evaluations. The employee will be given an opportunity to review the supervisor's evaluation at least one day prior to a meeting at which time the employee, utilizing his/her self-evaluation, has an opportunity to respond to the supervisor's evaluation. The evaluation form shall include a space for employee comments on the evaluation, which shall be finalized by the employer and supervisor following the meeting. The final evaluation form will be submitted to the Town Manager for his/her review. Employees must understand that sometimes circumstances interfere with the scheduling of an evaluation. Employees should not consider the absence or delay in an evaluation as an endorsement or criticism of their performance.

A six month review (other than the six month probationary review) when conducted shall be an interim, less formal review of the employee's progress towards goals established during the annual review; the six month review provides employees and supervisors an opportunity to evaluate performance against established goals, identify any performance or other issues, and develop interim goals or revise goals if appropriate. The Town Manager and Human Resources Director shall be informed when six-month reviews have been completed and shall be consulted as necessary if issues are identified by the supervisor or the employee. All evaluations shall be made part of the employee's personnel file and be used to assist in determining merit raises. The Town reserves the right to change, modify or update the method and manner of performing and conducting evaluations.

3.9 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify their supervisor and the Benefits Administrator and/or Human Resources of any changes in personnel data such as: mailing address, telephone numbers, name and number of dependents, and emergency contacts.

The employee's personnel data should be accurate and current at all times.

3.10 OUTSIDE EMPLOYMENT

All employees should consider their employment with the Town as their primary employment. Full-time employees may not hold any outside employment unless they notify the Town in advance and receive prior written approval from the Town Manager or his/her designee. Part-time and all other employees may hold outside jobs in non-related businesses or professions as long as the employee notifies the Town in advance of such employment, and meets (and continues to meet) the performance standards and required hours of his/her job description with the Town. Unless the Town has approved an alternative work schedule, employees will be subject to the Town's scheduling demands, regardless of any existing outside work assignments. Employees may not work for other employers while using accrued sick time, on any leave of absence, or while out of work on a qualified worker's compensation leave, without express prior written permission from the Town.

The Town of Wells office space, equipment, time and materials are not to be used for outside employment or non-Town business purposes (see also 4.9 Town Property).

3.11 DISCIPLINARY AND CORRECTIVE ACTION

The Town of Wells holds each of its employees to certain work rules and standards of conduct (see Section 4). When an employee deviates from these rules and standards, the Town expects the employee's supervisor and the employee to take appropriate corrective action.

Though committed to a progressive approach to corrective action, the Town of Wells considers certain rule infractions and violations of standards as grounds for immediate termination of employment. These include but are not limited to: theft in any form, insubordinate behavior, vandalism or destruction of Town property, being on Town property during non-business hours without authorization, the use of alcohol or drugs while on duty, the use of alcohol or drugs while not on duty so that the employee is or appears to be impaired while on duty, the use of Town equipment and/or Town vehicles without prior authorization by the Town Manager, untruthfulness about personal work history, skills, or training, and rude or discourteous behavior toward a customer, the general public, or an employee.

An employee may be issued a documented counseling/coaching or may be given a written reprimand, suspended, demoted, otherwise disciplined or dismissed for cause. **The Town reserves the right to bypass any of these steps and proceed immediately to greater discipline or corrective action, depending on the attendant circumstances.**

§ 49-31 Discipline and Dismissal

- A. An employee may be given a written reprimand, suspended, demoted, otherwise disciplined or dismissed for cause. Except where immediate action is required, an employee will be given written notice of the proposed discipline and the reasons for it prior to the effective date of such discipline. In the event of suspension for more than three days or dismissal, an employee will have the opportunity to meet with the department head or other supervisor on whose decision the discipline is based to discuss the proposed discipline before the effective date, except in circumstances warranting immediate suspension or termination. The authority to discipline shall rest with the Human Resources Director or Town Manager and the authority to discharge shall rest with the Town Manager. The Human Resources Director or Town Manager may delegate authority to take initial disciplinary action to department heads for employees under their supervision. The Town Manager shall report all dismissals to the Board of Selectmen.

- B. Records of discipline less than suspension, including demotion, shall not be considered in subsequent disciplinary decisions if there is no other disciplinary action in the next 18 months. Records of suspension shall not be considered if there is no further disciplinary action for 36 months.

§ 49-32 Appeals

- A. An employee other than a department head who is aggrieved by the action of a department head under a specific section of this chapter or the Employee Handbook may file a complaint with the Human Resources Director or Town Manager. The complaint shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the complaint. The written complaint shall contain a statement of the action about which the employee complains and the section of this chapter that the employee believes has been violated.
 - (1) The Human Resources Director or Town Manager shall conduct an informal hearing on the complaint within 15 calendar days of the date it was filed, unless the Human Resources Director or Town Manager requests and the employee agrees to an extension of time. The aggrieved employee shall have an opportunity to present his or her complaint and to question the department head and any adverse witnesses. The Human Resources Director or Town Manager shall render a decision in writing; giving reasons for his/her decision and making findings of fact, within 10 calendar days after the hearing concludes.
 - (2) An appeal of the Human Resources Director's or Town Manager's decision can be made in writing to the Board of Selectmen within 20 calendar days from receipt of the decision. The Board of Selectmen shall hear the appeal at its next regularly scheduled meeting in executive session or as otherwise provided by the Maine Freedom of Access Law. The

Selectmen shall render a decision in writing giving reasons for their decision within 10 calendar days after the hearing concludes. The Selectmen's decision is final.

- B. Department head appeals. A department head who is aggrieved by the action of the Town Manager under a specific section of this chapter or the Employee Handbook may file an appeal with the Board of Selectmen. The appeal shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the appeal. The written appeal shall contain a statement of the action being appealed and the section of this chapter that he/she believes has been violated. The Board of Selectmen shall conduct a hearing within 15 calendar days of the date the grievance was filed, unless the Board requests and the department head agrees to an extension of time. The aggrieved department head shall have an opportunity to present his or her position, including the right to present witnesses, and to question the Town Manager and any adverse witnesses. The Board shall render a decision in writing, giving reasons for its decision and making findings of fact, within 10 calendar days after the hearing concludes.
- C. The final written decision in any disciplinary action shall be confidential except to the extent the Freedom of Access law, 1 M.R.S.A. § 401, et seq., requires the decision to be a public record.

3.12 EMPLOYMENT SEPARATION

Separation from employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are a few examples of some of the most common circumstances under which employment separation may occur.

Voluntary Separation: Resignation or Retirement – voluntary employment separation initiated by an employee.

When a non-exempt employee intends to terminate his/her employment with the Town, he/she shall give the Town of Wells at least two (2) weeks written notice. Exempt employees shall give at least four (4) weeks written notice. See also section 6.4 Sick Leave for notice requirements on separation, and Section 3.3 Probationary Period for New Employees in regard to separation. The Town reserves the discretion in all instances to pay any separating employee in lieu of the applicable notice period and terminate employment immediately.

Involuntary Separation/Discharge: Involuntary employment separation initiated by the Town of Wells, including discharge for misconduct or unsatisfactory performance.

Regular full time and part time employees who have successfully completed the probationary period may have their employment terminated for cause at any time during their employment. Termination for cause means any job performance related reason such as, but not limited to misconduct, failure to meet standards of conductor performance, or the employee's inability or unwillingness to consistently work cooperatively and constructively with co-workers or

customers, etc. Please note that good conduct, cooperation, and getting along with co-workers and the public is a requirement of Town employment, and failure to do so may be considered as reason for separation from employment.

Layoff: Involuntary employment separation initiated by the Town of Wells for non-disciplinary reasons or budgetary constraints, or the elimination of positions, functions or departments.

Any employee who terminates employment with the Town of Wells shall return all files, records, keys, credit cards and any other materials that are the property of the Town.

An employee's benefits will be affected by employment termination in the following manner. All accrued vested benefits that are due and payable at termination will be paid as set forth in this Handbook. Vacation pay and Compensatory Time will be paid in full. Accumulated Sick Time will be paid per Section 6.4 Sick Leave. Some benefits may be continued at the employee's expense (See Section 6, Benefits/Services) if the employee elects to do so. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations.

3.13 SAFETY

The Town of Wells and its employees are committed to providing a safe working environment.

The Town of Wells provides information to employees about workplace safety and health issues through regular internal communication set forth by employees' Department Heads or designees and the Town's Safety and Wellness Committee. Shoes are required in all Town of Wells buildings.

Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action including termination of employment. Employees are protected from reprisal or retaliation for reporting any safety issue.

Employees are required to immediately report any work-related injury or accident they have sustained, informing their supervisor or Department Head without delay (barring an emergency, in which case seek emergency care), so that appropriate care for the employee can be facilitated, first and foremost, and, secondarily, in accordance with the Town's expectations and requirements to provide timely reports of any workplace injuries that have been sustained. The employee may be directed by their supervisor or department head or Human Resources to complete a timely incident report, as appropriate.

3.14 IMMIGRATION LAW COMPLIANCE

The Town of Wells employs only United States citizens and those non-United States citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years or if their previous I-9 is no longer retained or valid. If the State of Maine or the federal government enacts any more stringent immigration requirements, the Town will immediately and without prior notice comply with such standards.

3.15 ANTI-HARASSMENT AND OTHER PROHIBITED PRACTICES

It is the policy of the Town of Wells that every employee be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. All employees must avoid offensive and inappropriate sexual or harassing behavior at work and are responsible for assuring that the workplace is free from sexual and hostile behavior at all times.

This policy refers not only to supervisor-subordinate actions but also actions between coworkers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

3.16 SEXUAL HARASSMENT POLICY

It is Town's policy to provide a workplace free of sexual harassment. Sexual harassment is not only a violation of town policy, but may also be a violation of both state and federal law. Sexual harassment will not be tolerated.

Sexual harassment is defined as follows: Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (i) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions effecting such individual, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Verbal conduct alone may constitute impermissible harassment and an employee's conduct may constitute harassment even if the employee "meant no harm by it." By way of illustrative examples, sexual harassment may include, but is not limited to, any of the following:

- Verbal jokes of a sexual nature or lewd remarks
- Pictures of emails, texts, etc. a sexual nature
- Subtle pressure for sexual activity
- Physical contact such as hugging, patting, pinching, constant Brushing against another's body or kissing.

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

Individuals who believe that they have been subjected to or witnessed sexual harassment by a non-employee, a supervisor or a co-worker should bring their concerns to the attention of any department head, the Human Resources Director, the Town Manager or the Chairperson of the Select Board, either verbally or in writing. Employees who observe or learn of conduct which could be construed as sexual harassment should immediately bring those concerns to the town management's attention. The individual may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
207-624-6290

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

Retaliation Prohibited: Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form and should report any retaliation immediately to any department head, human resources, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

Other protected categories: In addition, the Town also encourages employees to report other conduct which affects the workplace and working conditions, including harassment based on any other protected category, such as race, national origin, age, religion, sexual orientation, etc. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees who report such conduct will be protected from retaliation in any form and should report any retaliation immediately to any department head, human resources, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

Any report of alleged harassment or discrimination that is made in a knowingly false or clearly frivolous manner is prohibited, will not be tolerated, and will also be appropriately addressed should it occur, including possible disciplinary action.

3.17 VIOLENCE IN THE WORKPLACE

Violence or the threat of violence will not be tolerated in any Town of Wells work location. It is the goal of the Town to have a workplace free from acts or threats of violence. It is the shared obligation of all employees, customers, and citizens, individually and together, to prevent and/or defuse actual or implied violent behavior (verbal or physical) at work.

All Town of Wells employees are expected to treat one another, our customers, and our citizens, with mutual respect and to value one another on the job. The Town has a responsibility to provide a safe workplace for its employees and customers. Any person who engages in a violent or threatening manner, either verbal or physical in nature, will be removed from the premises as quickly as safety permits. At the Town's discretion, employees and/or the public may be barred from Town premises pending the outcome of an investigation. Any employee who engages in such behavior may be suspended and/or terminated.

Workplace violence is any behavior which is sufficiently severe, offensive or intimidating to cause an individual to reasonably fear for his/her personal safety and/or property; such behavior creates a hostile, abusive or intimidating work environment for one or more Town employees.

Any behavior that is personally offensive, threatening or intimidating will not be tolerated.

Violent behavior on the job includes, but is not limited to:

- A. threatening physical or aggressive contact directed toward another person.
- B. intentional destruction or threat of destruction of Town or another person's personal property.
- C. expressing intent to cause physical harm or emotional duress.
- D. creating a hostile work environment through un-welcomed words, actions, or physical contact not resulting in physical harm to another person.
- E. surveillance.
- F. stalking.
- G. veiled threats of physical harm or similar intimidation.
- H. expression of suicidal or homicidal intent or thoughts.
- I. Unusual agitation or excitement which may be accompanied by incoherent and/or irrational behavior or harassment upon their report.

Response to Imminent Threats and/or Acts of Violence:

- A. Take personal safety precautions
- B. Contact Police, if necessary
- C. Report to supervisor
- D. Supervisor report to Department Head or designee
- E. Report to Human Resources Department

Response to Non-Imminent Threats:

- A. Employee report to supervisor

B. Supervisor report to the Department Head or designee

C. Department Head or designee report to the Human Resources Department

3.18 SEATBELT USE POLICY

It is State Law, and therefore mandatory that all Town employees operating Town owned motor vehicles use seatbelts. This includes all employees operating Town owned or leased vehicles, passengers in Town owned or leased vehicles and all employees operating personal vehicles while engaged in Town business, and employees riding as passengers in a vehicle while on Town business.

All Town owned or leased vehicles will be equipped with seat belts. Seat belts shall be used by all employees riding in a vehicle while the vehicle is in motion.

There are no vehicle exemptions to this policy. Violation of this policy will result in disciplinary action.

3.19 EMPLOYEE USE OF TOWN CREDIT CARD

1. Authorization – The Town Manager, Finance Director and Department Head must provide written authorization prior to the issuance or use of a Town credit card to a Town employee. Department Heads have the discretion to allow their employees to utilize “On Account” or in store charge cards held in the store for Town or Department use, such as with fuel purchases. Department Heads are responsible for reconciling these expenditures on a monthly basis.
2. Employee Agreement – The employee must sign an agreement acknowledging that they have read and understand the policies and procedures governing the use of a Town credit card.
3. Restricted Use – The use of a Town credit card and / or “On Account” or store charge cards is subject to the following restrictions:
 - No personal or private expenditure shall be charged to a Town account.
 - No regular operating expense (e.g. monthly telephone bills, internet agreement, etc.) shall be charged to a Town credit card.
 - Each expense charged must be accompanied by a receipt and brief explanation. (For example, if the expense is for meals or food, note on the receipt if it was for a luncheon meeting and how many meals were included on the bill). In other words, each expense should have the same type of documentation that you would include on a request for reimbursement.
 - A Town credit card expense in excess of \$500 shall be pre-approved by the Town Manager. Capital purchases shall never be charged to a credit card.
 - Travel expenses (e.g. airfare, hotel rooms, conference registrations) shall be submitted for payment via a memo or purchase order for approval by the Department Head and Town Manager. In the exceptional case when a credit card is used for such

expenses, the conference and travel expense shall be pre-approved by the appropriate authority.

- Documentation of each expense shall be submitted with the credit card statement.
 - Store held credit cards require employees to sign receipts. Department Heads are responsible to reconcile monthly receipts with monthly statements.
 - No cash advances will be permitted on a Town credit card.
 - The Town of Wells has a maximum combined available credit of \$40,000.00 which is shared by all authorized users. The Recreation Department has the largest available combined available credit of \$13,000.00 because of program expenses. Individual credit card limits range from \$1,000.00 to \$5,000.00 based on financial need as determined by the Town Manager and Finance Director.
4. Card Payments - All statements shall be submitted with required documentation in a timely manner. Expenses without proper documentation shall become the responsibility of the user following review by the Finance Director and Town Manager.
 5. Violations of the Town's credit policy shall result in disciplinary action, up to and including termination of employment or prosecution. Employees misusing Town credit cards for personal purchases or expenses not authorized by this Policy shall be required to reimburse the Town for charges to the Town card and expenses in a timely manner.

3.20 LACTATION ACCOMODATION POLICY

The Town of Wells believes that it is in the best interests of the employee, her workplace, and the potential health of her child that the Town support lactation accommodation as part of our efforts to help employees experience work-life balance.

All women who breastfeed their child, and who need to express milk during the working day, will work with their supervisor and Human Resources to determine how best to accommodate the needs of the mother while still accomplishing the performance of her job.

A. Time for Lactation Accommodation: Supervisors may consider flexible working arrangements. Women may use their break and lunch time to express milk. Breaks to express milk should not last longer than 30 minutes. If an employee needs to take more than two breaks during the workday to express milk, the employee will need to use unpaid or personal time.

B. Environment for Lactation Accommodation: Human Resources will work with each nursing mother to determine a private area in which they may express milk. Milk should be placed in cooler-type containers and may be stored in nearby refrigerators.

ARTICLE 4 - STANDARDS OF CONDUCT

The work rules and standards of conduct for the Town of Wells are important, and the Town regards them seriously. All employees must become familiar with these rules and standards. In

addition, employees are expected to follow the rules and standards faithfully in doing their own jobs and conducting the Town's business. Please note that any employee who deviates from these rules and standards will be subject to corrective action, up to and including termination of employment (see Section 3.11, Disciplinary Action).

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions or misconduct that may result in disciplinary action, including involuntary termination of employment.

- Theft or unauthorized removal, abuse or possession of property.
- Falsification of timekeeping records (See Section 5.2, Timekeeping);
- Working under the influence of alcohol or illegal drugs (See Section 4.7, Substance Abuse);
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace (See Section 4.7, Substance Abuse).
- Fighting or threatening violence in the workplace.
- Horseplay or disruptive activity in the workplace.
- Negligence or improper conduct leading to damage of Town-owned or customer-owned property.
- Insubordination.
- Disrespectful conduct toward supervisor, peers, other Town employees, Town leadership, or members of the public.
- Violation of safety or health rules.
- Violation of Town's Smoking Policy.
- Sexual or other unlawful or unwelcome harassment (Refer to Policy Prohibiting Harassment or Sexual Harassment).
- Excessive absenteeism or any unexcused absence without notice (See also, Section 4.1 Attendance/Punctuality and 4.2, Absence without Notice).
- Unauthorized use of telephones, or other Town-owned equipment or technology (See Section 4.4, Telephone Use, and Section 4.9 Town Property).
- Using Town equipment for purposes other than business (i.e. more than infrequent use of Internet for personal use while working or while using Town computers or technology, and never for the use of viewing, downloading, or sharing obscene, harassing, pornographic or other offensive material or websites - also see section 4.9 Town Property);
- Unauthorized disclosure of confidential information (see Section 4.8).
- Violation of personnel and Handbook policies; and/or
- Unsatisfactory work performance or conduct.

4.1 ATTENDANCE/PUNCTUALITY

The Town of Wells expects that every employee will be regular and punctual in attendance. This means being in the office, ready to work, at the starting time each day. Absenteeism and tardiness place a burden on other employees and on the Town citizens.

If you are unable to report for work for any reason, notify your immediate supervisor before your regular starting time. You are responsible for speaking directly with your immediate supervisor or his/her designee about your absence. It is not acceptable to leave only a message on a supervisor's voice mail, except in extreme emergencies. In the case of leaving a voice-mail message, a follow-up call must be made later that day. Should undue tardiness become apparent, corrective action may be required.

If there comes a time when you see that you will need to work some hours other than those that make up your usual work week, notify your supervisor of the request at least seven working days in advance. Each request for special work hours will be considered separately, in light of the employee's needs and the needs of the Town. Such requests may or may not be granted.

4.2 ABSENCE WITHOUT NOTICE

If you do not report for work and your immediate supervisor is not notified directly by you, or in an emergency only situation by your emergency contact or a family member, of your status, it will be assumed after two consecutive days of absence that you have resigned without notice, and you will be removed from the payroll, barring some unforeseeable, extenuating circumstance of an emergency nature.

If you become ill while at work or must leave the office for some other unscheduled reason before the end of the workday, be sure to inform your immediate supervisor of the situation without delay.

4.3 POLITICAL ACTIVITY

No employees shall participate in any political activity which would be in conflict with the performance of his/her official functions and duties. Employees also must not promise favors as a reward for the political activity of others. Employees should be aware of the State and Federal Laws governing other political activities.

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

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

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

4.4 TELEPHONE USE

The Town of Wells' telephones are intended for use in serving our customers and in conducting the Town's business.

Personal telephone usage during business hours is discouraged except for emergencies, including the employee's use of their own personal (non-town owned) telephone and devices for call, texting and emailing. All personal telephone calls and cell phone usage should be kept brief to avoid congestion on the telephone line, as well as disruption to self and others while working.

To respect the rights of all employees and avoid miscommunication in the office, employees are requested to inform family members and friends to limit personal telephone calls during working hours.

Employees should refrain from using personal devices for official town business or town communications.

If an employee is found to be deviating from this policy, he/she may be subject to corrective action (See Section 3.11, Disciplinary Action).

4.5 PUBLIC IMAGE

Professional appearance and behavior are important anytime that you encounter customers or potential customers. Employees should be well groomed and dressed appropriately for our business and for their position.

If management occasionally designates "casual days," appropriate guidelines will be provided to you. Consult your immediate supervisor if you have any questions about appropriate attire. In addition, chewing gum, eating or drinking in front of customers is discouraged.

4.6 GIFTS & GRATUITIES, CONFLICT OF INTEREST

Employees are prohibited from accepting gifts, favors, or gratuities from the public and/or constituents they serve due to the appearance of impropriety and the potential to influence work judgments. Department Heads may authorize exceptions to this rule allowing for the acceptance of nominal gifts such as food or other refreshments (but excluding alcohol and tobacco.) Employees must avoid situations where loyalties may be divided between Town interest and their own personal or financial interests. All employees should avoid any situation in which there may be even the appearance of a conflict of interest. All Town employees, appointees and elected officials are also required to comply with 30-A M.R.S.A. § 2605 (Conflicts of Interest).

4.7 SUBSTANCE ABUSE

The Town of Wells is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and substances of abuse have been established for all staff members, regardless of status or position, including regular full time, regular part-time, contract employees, temporary employees and seasonal employees,

and volunteers. The rules apply during working hours to all employees of the Town while they are on premises or elsewhere on the Town's business.

The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse on the Town's property or in Town's vehicles is prohibited.

Being under the influence of illegal drugs, alcohol, or substances of abuse on the Town's property is prohibited.

Working while under the influence of prescription drugs that impair performance is prohibited.

So that there is no question about what these rules signify, please note the following definitions:

Town of Wells property: All Town owned, or leased property used by employees, including Town vehicles and machinery.

Controlled substance of abuse: Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act, as amended.

Drug: Any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

Drug paraphernalia: Equipment, a product, or material that is used or intended for use in concealing an illegal drug, or otherwise introducing into the human body an illegal drug or controlled substance.

Illegal drug:

- a. Any drug or derivative thereof whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation.
- b. Any drug, including – but not limited to – a prescription drug, used for any reason other than that prescribed by a physician.
- c. Inhalants used illegally.

Under the influence: A state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, drug, or substance of abuse.

Consistent with the rules listed above, any of the following actions constitutes a violation of the Town's policy on drugs and may subject an employee to disciplinary action, up to and including immediate termination.

Using, selling, purchasing, transferring, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting to or assisting another to do so, while in the course of employment, whether or not on Town property.

Working or reporting to work, conducting the town's business or being on the Town's property while under the influence of an illegal drug or alcohol, or in an impaired condition.

4.8 CONFIDENTIAL INFORMATION

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

The Town is subject to the Maine "Right to Know" law, MRSA Title 1 sections 401-414. The statute is complicated and covers many complex areas. A mistaken or erroneous release of information – or a refusal to release information – could result in liability to the Town. Accordingly, any employee who receives any request for information under the "right to know" statute must direct the request to the Town Manager and the Town's designated Public Information Officer for the Town's official response. Employees and other Town officials must not undertake to respond without receiving specific authorization to do so from the Town Manager or the Town's designated information officer.

4.9 TOWN PROPERTY

OFFICE SYSTEMS AND EQUIPMENT

The Town's telephone (see also Section 4.3), computer systems and all other office equipment are owned by the Town, and generally are to be used for business purposes. Employees should not use vulgarities, obscenities, sarcasm or exaggeration in e-mail messages or in any other communications originating in this office. The use of foul or abusive language may be grounds for disciplinary action or dismissal.

The Town reserves the right to monitor and/or review without prior notice all Town systems, including but not limited to e-mail messages, texts, instant messages, voice messages, viewed websites, and documents on Town computers. **Employees therefore should not hold any reasonable expectation of privacy while using Town information systems.** Employees are not permitted to download movies, videos, music, games or pornography on Town systems. Use of the internet should be limited to Town-related business. Telephone conversations may be monitored at any time in order to assure that citizens are receiving quality service and that the guidelines set forth above are being observed by all employees.

The Town also reserves the right to examine the contents of all offices including items contained in desks, file cabinets, shelves and other storage devices, but only when the Town determines, in its sole discretion, that there is a legitimate business safety or security reason for doing so.

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

Employees should consider all work documents as Town property. In addition, sensitive or confidential documents may not be used for the personal or financial gain of an employee. No Town employee may disclose any confidential information concerning the property, government or affairs of the Town, or concerning any Town employee, or Town business to any person unless authorized to do so in writing.

Use of Town-owned computers, printers and related devices for personal reasons is subject to the Town's Internet Policy. The Town allows *de minimus* use of its computer equipment for personal purposes, such as e-mails and information searches, provided such use does not interfere with an employee's job performance and with the express understanding that there should be no expectation of privacy while using Town computer or Town information systems. Excessive personal and unauthorized use of Town computers, printers or related devices for personal work is grounds for discipline, up to and including termination.

TOWN EQUIPMENT, VEHICLES AND MATERIALS

All Town-owned equipment, vehicles, and materials are the property of the Town of Wells. Employees are prohibited from using or allowing the use of any Town property for private or personal use or gain unless authorized by the Town Manager or his/her designee.

Any Town equipment, vehicle and/or materials an employee may be provided with or have access to is for Town business only; any exception to this must be approved in advance by the Department Head, or the Town Manager or his designee.

4.10 TOBACCO PRODUCTS

The use of tobacco products is not permitted anywhere on the Town's premises except in authorized and designated locations. Employees must follow all rules posted in designated smoking areas and adhere to all policies associated with this policy (See 3.13, Safety). Employees are prohibited from smoking in Town-owned or leased vehicles.

4.11 PUBLIC FACILITIES SMOKING POLICY

The Board of Selectmen of the Town of Wells adopts this Public Facilities Smoking Policy to govern smoking and use of tobacco and vaping products by town employees and officials as well as members of the public in all town buildings. This Policy is adopted in accordance with the requirements of the Workplace Smoking Act of 1985, as amended, as well as the provisions of Chapter 262 Smoking of Title 22 of the Maine Revised Statutes Annotated, effective May 7, 2013.

This Policy is effective May 7, 2013 in all Town-owned and/or Town-operated buildings. It shall be the responsibility of the Town Manager or the Department Head, as appropriate, to

enforce this policy. Smoking is prohibited in all town buildings, except in designated smoking areas as follows:

1. Town Hall. Town Hall is a non-smoking facility. Smoking and the use of all tobacco and vaping products are permitted outside the building at least 20 feet from all entryways, vents, and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided near the front and rear doors.
2. Library. The Library is a non-smoking facility. Smoking and the use of all tobacco and vaping products are prohibited on Library property as stated in the Wells Public Library Behavior Policy, adopted April 14, 2010 by the Library Board of Trustees.
3. Wells Activity Center. The Wells Activity Center is a non-smoking facility. Smoking and the use of all tobacco and vaping products are prohibited at all town-owned and operated athletic fields, parks, playgrounds and recreational facilities as stated in the Wells Recreation Department Tobacco-Free Community Recreation Policy adopted June 15,2010.
4. Fire Stations. Fire Stations are non-smoking facilities. Smoking and the use of all tobacco and vaping products are prohibited in all fire stations and fire-owned, -operated or -leased vehicles. Smoking and use of all tobacco and vaping products are permitted outside the building at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided near entrances.
5. Town Garage. Public Works facilities are non-smoking facilities. Smoking and the use of all tobacco and vaping products are prohibited in all public works facilities and public works-owned, -operated or -leased vehicles. Smoking and the use of all tobacco and vaping products are permitted outside the building at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided.
6. Transfer Station. Transfer Station buildings are non-smoking facilities. Smoking and the use of all tobacco and vaping products are permitted outside the building at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or

doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided.

7. Police Station. The Police Station is a non-smoking facility. Smoking and the use of all tobacco and vaping products are prohibited in all areas of the Police Station and police-owned, -operated or -leased vehicles. Smoking and use of all tobacco and vaping products are permitted outside the building at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided near the entrance.
8. Restrooms. Restrooms are non-smoking facilities. Smoking and the use of all tobacco and vaping products are prohibited in all public restrooms operated by the Town. Smoking and the use of tobacco and vaping products are permitted outside the building at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided.
9. Walter Marsh Recreation Area. The Walter Marsh Recreation area is a non-smoking facility. Smoking and the use of all tobacco and vaping products are prohibited at all town-owned and operated athletic fields, parks, playgrounds and recreational facilities as stated in the Wells Recreation Department Tobacco-Free Community Recreation Policy adopted June 15, 2010.
10. Harbor. The Harbor Master's office is a non-smoking facility. Smoking and use of all tobacco and vaping products is permitted outside the building at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the building- for instance, through a ventilation system, windows or doors. All tobacco and vaping products shall be disposed of appropriately in the receptacles provided near the front and rear doors.
11. Town vehicles. Smoking is prohibited in all town-owned, -operated or -leased vehicles. Smoking is also prohibited in employee-owned or -leased vehicles used in the course of work, whenever other employees are present in the vehicle, or another person is in the vehicle for work-related reasons.
12. Town Beaches (Crescent, Moody, Harbor, Wells and Drakes). Smoking is prohibited on all right of ways and beaches within the Town of Wells.

The omission of any Town building from this list does not mean, nor should it be construed to mean, that smoking, and the use of any tobacco is permitted on that site. Smoking and the use of all tobacco is permitted outside the buildings at least 20 feet from all entryways, vents and doorways and not in a location that allows smoke to circulate back into the buildings- for instance, through a ventilation system, windows or doors.

All tobacco and vaping products shall be disposed of appropriately in the receptacles provided.

EXEMPTIONS:

1. Town Rented Facilities. Facilities rented for private functions will be governed by the Public Facility Use Policy.

4.12 WEAPONS PROHIBITED AT WORK

With the exception of law enforcement officers, bringing and keeping weapons of any kind are prohibited from town premises and town vehicles.

4.13 COMPUTER USE POLICY

GENERAL

The Town of Wells has adopted this policy to provide its employees with the general requirement for using the Town’s computers, networks, and internet and email services. All references to the term “employee” are intended to also include designated agents of the Town.

ACCESS

The level of access employees have to computers, networks, internet services, and email service is based upon specific job requirements. Employees must have approval of a Department Head in order to gain access to the Town’s computers, systems, or services. Without the approval of a Department Head and the System Administrator, access shall not be granted.

ACCEPTABLE USE

Employee access to the Town’s computers, networks, and internet and email services is to aid employees in the performance of their employment responsibilities. Unless specifically allowed elsewhere in the policy, any use not consistent with this purpose is prohibited.

E-MAIL

E-mail is provided to assist and enhance communication. Employees should not open mail from sources not familiar to them, since viruses can be transmitted simply by opening infected mail. Further, e-mail attachments are a very common method of spreading viruses. Every e-mail attachment should be treated as suspect. Even when the sender is known, an e-mail and its

attachment should be opened with caution. Prior confirmation of its legitimacy and content with the sender is encouraged.

Employees are cautioned that e-mail is considered a public record under Maine's Freedom of Access Law. Employees should assume that any e-mail may be deemed "public information" and treat the same as any other written communication. Precautions should be taken to preserve important communications in hard copy form. Consideration should be given to archiving e-mails to media for permanent storage.

Employees are cautioned that deliberative discussions via e-mail could be construed to be a "public meeting" under Maine's Freedom of Access Law.

Employees are cautioned to avoid using e-mail and other mediums to promote, advocate or communicate personal views or the views of other individuals or organizations that could be perceived as an endorsement by the municipal government of the Town when no such endorsement has been provided.

Employees shall not make the name and e-mail addresses of other employees available to those whose intent is to communicate with employees for purposes unrelated to their job responsibilities.

Employees should be guided by the basic rule, "when in doubt, don't."

INTERNET AND WEBSITES

Internet access is provided primarily for research in connection with an employee's specific job duties. Employees are reminded that use of the internet must not interfere with an employee's job duties. Without the approval of a Supervisor, "surfing the net" is considered an unproductive use of the resource and an employee's time.

Employees are encouraged to exercise care in selecting websites to visit on the internet, including sites received in, or linked from e-mail. Viruses can be transmitted simply by viewing a site that contains computer code written to transmit viruses to others.

PRIVACY

The Town of Wells retains control, custody, and supervision of all computers, networks, internet services and e-mail services. Employees waive and have no expectation of privacy in their use. The Town reserves the right to inspect and/or monitor computer system files, logs and other activity.

SECURITY

The Town employs various measures to protect its equipment and data from deliberate or inadvertent destruction or misuse. Such measures include the designation of individual accounts, logins, and passwords. Sharing accounts, logins and passwords is discouraged and passwords

should be safeguarded at all times. The Town uses a variety of other means to protect its systems and data including security settings in software applications, virus scanning software and firewalls. Employees should not alter, or attempt to alter, any security setting without the approval of the System Administrator including those set within software applications. Employees should not disable virus protection or attempt to bypass firewall protections without the approval of the System Administrator.

PESONAL USE

Occasional personal use of the Town's computers, networks, internet service and e-mail services are permitted so long as such use does not interfere with the employee's job duties and performance or with system operations. Such personal use must be consistent with appropriate professional conduct. Employees are reminded that all personal use must comply with this policy as well as all other procedures, regulations, and laws. Any use of the Town's equipment or services for commercial advertising or solicitation purposes is prohibited.

COPYRIGHTS

It is the policy of the Town of Wells to fully comply with all laws pertaining to the reproduction, use or distribution of copyrighted or otherwise protected materials.

OTHER PROHIBITED USES

Any use that is determined to be inconsistent with this policy or other policies, rules or regulations of the Town of Wells is prohibited. In addition to the prohibited uses cited throughout this policy, other prohibited uses include, but are not limited to the follow:

- a. Any use that is illegal.
- b. Any use involving materials that are obscene, sexually explicit or sexually suggestive.
- c. Any use that represents personal views as the views of the Town of Wells.
- d. Malicious use or deliberate disruption of the Town's computers, networks, internet services or e-mail services and/or breach of security features.
- e. Misuse or deliberate damage to the Town's computer systems and/or components.
- f. Copying, downloading, installing, and removing software or applications without the approval of the System Administrator or Department Head.
- g. Failing to report a known breach of computer security to a System Administrator or Supervisor.

BREACHES OF POLICY

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment. Violations of this policy that are also violations of law may result in referral to law enforcement authorities. Employees who violate this policy may also be required to compensate the Town for any damages or costs whether direct or a consequence for the failure to adhere to this policy. The Town will not make job accommodations to individuals who have, by virtue of inappropriate conduct, lost the privilege of using the Town's computers, systems, internet services or e-mail services.

AMENDMENTS

The Town may amend and supplement this policy from time to time. Employees will be provided with any amendments and supplements and are expected to abide by them.

EXCEPTIONS

Any exception to this policy must be approved in advance by the Town Manager, or his/her designee.

EMPLOYEE ACKNOWLEDGEMENT

Each employee and any other person authorized to use the Town's computers or its systems, are required to sign an acknowledgment indicating that the employee or other authorized user has read this policy and agrees to abide by it. The acknowledgement will be filed in the employee's personnel file.

4.14 ELECTRONIC WASTE DISPOSAL POLICY

Purpose

The purpose of this policy is to define standards for the proper data sanitization and/or disposal of electronic equipment and storage media for the Town of Wells.

Scope

This policy applies to all employees and contractors responsible for information technology owned by the Town of Wells including complete systems, subsystems, components, and software licenses. Examples of information technology are servers, desktop PC's, laptops, printers, networking devices, monitors, scanners, copying machine hard drives and electronic storage media.

Definitions

Destroying – Destroying media involves the physical destruction of the media so as to render it incapable of storing or retrieving electronic data or software programs. Examples of destruction include: Disintegration, incineration, pulverization, and shredding.

Disposal – Disposal is defined as the act of discarding IT equipment or media. This includes electronic waste recycling as well as standard trash disposal.

Electronic Storage Media – Any electronic device that can be used to store data. This includes but is not limited to internal and external hard drives, CDs, DVDs, USB drives, floppy disks, magnetic tapes, and CF, SD, and XD cards.

Personal Information – An individual’s first and last name or first initial and last name in combination with one or more of the following data elements: social security number, driver’s license number or state identification card number, financial account number, credit or debit card number, with or without any required security code, access code, personally identifiable identification number or password, that would permit access to that individual’s financial account.

Purging – Purging is a media sanitization process that protects the confidentiality of information against a laboratory attack. Examples of purging include: Executing the firmware Secure Erase command (for ATA drives only), degaussing, or use of other commercially available software designed to securely wipe data from a particular type of media.

Sanitization – The act of purging or destroying IT equipment and electronic storage media containing personal information.

Policy

Town of Wells Department heads shall ensure that the following procedures are used when IT equipment and electronic storage media is to be disposed of.

A. Preservation of Data

Any data subject to public records retention laws or legal process should be archived for future access prior to purging or destroying any IT equipment or electronic storage media containing that data. It is up to each town department to ensure that they are in compliance with any legal or regulatory requirements pertaining to the data stored on their IT equipment or electronic storage media.

B. Sanitization of Data Storage

IT equipment and electronic storage media that do not contain personal information can be disposed of by transferring ownership, recycling, repurposing or thrown in the trash per Section C of this policy and do not require any form of sanitization.

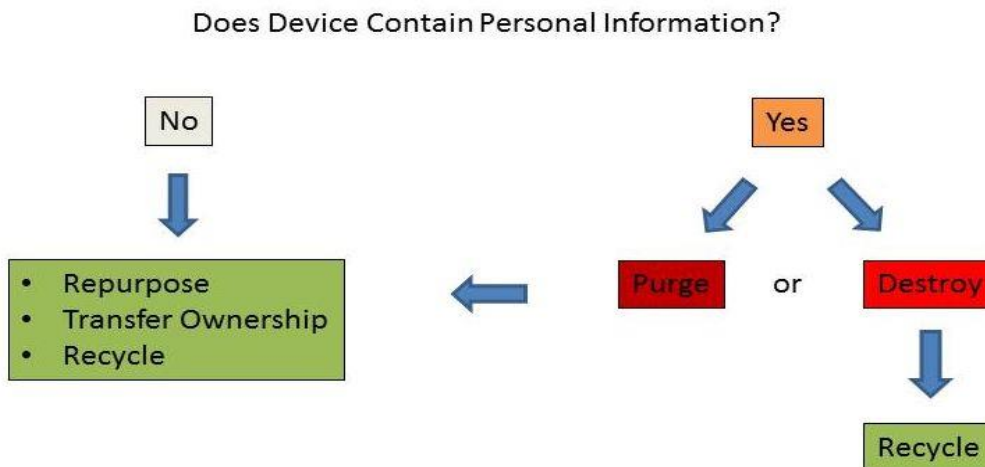
IT equipment and electronic storage media containing personal information must be purged or destroyed prior to being disposed of as described in Section C of this policy. If a device cannot be purged because it is not functional or is otherwise not writeable, it must be destroyed prior to recycling.

1. Recommended method for Purging:

- a. The purging of electronic storage media should be handled by the IS Department or contractors responsible for information technology owned by the Town of Wells in accordance with National Institute of Standards (NIST) guidelines.

2. Recommended methods for Destruction:

- a. Proper protective equipment should be donned prior to the commencement of any destruction methods.
- b. Hard drives and flash memory: The objective is to do sufficient damage to the platters to render them unreadable. This can be achieved by shredding, smashing the platters with a hammer, drilling holes in them, or crushing them with heavy equipment.
- c. CD's and DVD's: Shredding or bending the plastic discs will cause them to shatter.
- d. Contact the IS Department or contractors responsible for information technology owned by the Town of Wells for other recommendations on how to destroy electronic storage media if further assistance is required.
- e. Software licenses, whether in electronic or hard copy form, should be destroyed according to the terms of use of each license to prevent software piracy and copyright infringement.



C. Methods of Disposal

Electronic Waste Recycling – The disposal of unusable or hazardous technology should be undertaken by certified or licensed e-waste professionals. Disposal practices should conform to applicable e-waste statutes and guidelines. The Town of Wells will establish and maintain a contractual relationship with an accredited e-waste recycler to support the proper recycling of

hazardous technology. IT equipment will be accepted at the Wells Transfer Station during normal business hours. Such equipment containing personal information shall be sanitized by the IS Department or contractors responsible for information technology owned by the Town of Wells prior to such recycling.

Repurpose – Equipment which is working and can be used as part of another IT resource (server, desktop PC, notebook, etc.) may be used for that purpose with prior approval from the IS Department or contractors responsible for information technology owned by the Town of Wells. If IT equipment is repurposed within a department, it does not need to be purged. If IT equipment is repurposed for another department, it shall be purged.

Transfer of Ownership - Equipment which is working, but has reached the end of its useful life to the Town of Wells, may be made available for auction or donation in accordance with the Town Code. Such equipment shall be purged by the IS Department or contractors responsible for information technology owned by the Town of Wells prior to transfer of ownership.

Trash - CD's and DVD's may be disposed of in standard trash receptacles after they have been destroyed.

D. Law Enforcement Data

The Wells Police Department may adopt additional policies that are more restrictive than this policy in compliance with federal and state regulations.

E. Record Keeping

When an inventoried piece of IT equipment has left the possession of a Town of Wells department to which it was assigned, a notification shall be made to the Town Finance Office so that the item can be taken out of inventory.

F. Enforcement

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment. Employees who violate this policy may, to the extent permissible by state and/or federal statute or law, also be required to compensate the Town of Wells for any damages or costs whether direct or a consequence of the failure to adhere to this policy.

4.15 SOCIAL MEDIA POLICY

PURPOSE

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, town departments may consider participating in social media formats to reach a broader audience. The Town of Wells encourages the use of social media to further the goals of the town and the missions of its departments where appropriate. However, the Town

reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. This policy establishes guidelines for the use of social media.

The Town of Wells Technology Committee shall approve what social media outlets may be suitable for use by the town and its departments. The Technology Committee shall serve to educate departments on how to best use various social media outlets to achieve their goals.

POLICY DETAIL

Social Media examples include wikis, blogs, Facebook and Twitter accounts, etc.

POLICY

A. All official Town of Wells presences on social media sites or services are considered an extension of the town's information networks and are governed by the Computer Use Policy and other policies adopted by the Town.

B. Town employees shall notify their supervisor, who shall inform the Town Manager, if they intend to create a social networking site or service to conduct Town business. The Town Manager will then review department requests to use social media sites and may delegate this review function to the Technology Committee and/or department heads.

C. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social networking activities in their departments.

D. The Technology Committee will provide advice on using social media to help departments reach their stated goals by assisting departments in developing appropriate uses for social media, assisting the selection of appropriate social media outlets and helping departments define a strategy for engagement using social media.

E. Departments that use social media are responsible for complying with applicable federal, state, and county laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Freedom of Access Act (FAA), First Amendment, privacy laws and information security policies established by the Town of Wells. Employees must protect the privacy of citizens, and the information the Town holds, and may not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.

F. All social networking sites shall clearly indicate that they are maintained by the Town of Wells and shall have Town of Wells contact information prominently displayed. Wherever possible, links to more information should direct users back to the Town official website for more information, forms, documents or online services necessary to conduct business with the Town of Wells.

G. Each Town of Wells social networking site shall include an introductory statement which

clearly specifies the purpose and topical scope of the blog and social network site.

H. Employees representing the town government via social media outlets must conduct themselves at all times in accordance with the Town of Wells Social Media Policy. Employees that fail to conduct themselves in an appropriate manner shall be subject to the Disciplinary Procedures outlined in the Town of Wells Employee Handbook, individual department policies, and/or applicable collective bargaining agreements.

I. Department Heads will monitor content on each of the Department social media sites to ensure adherence to the Social Media Policy for appropriate use, message and branding consistent with the goals of the Town of Wells.

J. Content submitted for posting that is deemed not suitable for posting because it is not topically related to the particular social networking site objective being commented upon, or is deemed prohibited content based on the criteria set forth in the Social Media Policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed not suitable for posting.

K. Comments from the public are allowed on social media sites but those sections must be monitored daily during working hours to ensure the comments meet certain criteria. Comments submitted by members of the public must be directly related to the content of the articles. Submission of comments by members of the public constitutes participation in a limited public forum. Therefore, Town created social media forums must be structured narrowly to focus discussions on a particular interest of the Town rather than creating a “public forum.” Posts may only be removed if they do not meet the narrow focus of a Town forum or are prohibited content as set forth in Section M below.

L. Town policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting Town business. An Employee’s use of his or her Town e-mail address and communication in a person’s official capacity will constitute conducting Town business.

M. Town of Wells social networking content and comments containing any of the following forms of content shall not be allowed for posting:

- Comments not topically related to the particular site or blog article being commented upon.
- Profane language or content.
- Contents that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
- Sexual content or links to sexual content.

- Solicitations of commerce.
- Conduct or encouragement of illegal activity.
- Commercial activities.
- Fund-raising (except fundraising activities that will benefit the Town and/or any of its departments, including, but not limited to, the Library, Parks and Recreation, and heat assistance.)
- Political advocacy (in the event that Town employees engage in political activities (or advocacy), they must do so in their individual capacities and not in their capacities as Town employees. Town employees may not engage in political activity while on duty or while discharging their duties on Town-owned or leased property. Town employees may not use any Town resources in conducting political activity (or advocacy).
- Endorsement of any product, service or private organization.
- Information that may tend to compromise the safety or security of the public or public systems: or
- Content that violates a legal ownership interest of any other party.

N. Violation of these standards may result in the removal of department pages from social media outlets. The Town Manager retains the authority to remove information.

Guidelines When Using Social Media

The following guidelines are provided to help employees engage citizens in social media in a manner that is consistent with the Town of Wells policy.

Use official accounts for official business. If you're conducting official Town business, use one of our official accounts. Be sure to use your Town email address (not personal email).

Write what you know. Ensure you write and post about your area of expertise, as it relates to your position in the Town. Write in the first person. If you publish outside the Town, and it has something to do with the work you do or subjects associated with the Town, use a disclaimer like this: *"The postings on this site are my own and don't necessarily represent the Town of Wells' positions, strategies or opinions."*

Be transparent. Your honesty, or dishonesty, will be quickly noticed in social media environments. When blogging or commenting about your work at the Town of Wells, use your real name, identify that you work for the Town, and be clear about your role.

Perception is reality. In online social networks, the lines between public and private, personal and professional are blurred. Just by identifying yourself as a Wells employee, you are creating

perceptions about the Town. Be sure all content associated with you is consistent with your work and with the Town's values and professional standards.

Be judicious. All statements must be true and not misleading and all claims must be substantiated and approved. What you publish will be around for a long time, so consider the content carefully. **Don't publish anything you wouldn't want your mom, coworker, clergy or supervisor to read!**

Your responsibility. What you write is ultimately your responsibility. Participation in social computing on behalf of the Town is not a right and it therefore needs to be taken seriously and with respect. When responding, be sure you're the correct person in your department to do so.

It's a conversation. Talk to your readers like you'd talk to real people in professional situations. Avoid bureaucratic or formal language. Consider open-ended content that invites response and comments. Stay professional - don't be combative.

Be open. One of the great benefits of social media is the interaction between us (you) and our customers. Take in ideas. Share relevant feedback & input with relevant colleagues. When in doubt, talk to your communications liaison or department head.

Are you adding value? There are millions of words out there. The best way to get yours read is to write content that people will value. Communication should help our residents, employees, and others in the region. It should be thought-provoking and build a sense of community.

Did you make a mistake? If you make an error, admit it. Be upfront and quick with your correction. If you're posting to a blog, you may choose to modify an earlier post - just make it clear that you have done so.

If it gives you pause, pause. If you're about to publish something that makes you even the slightest bit uncomfortable, don't shrug it off and hit 'send.' Take a minute to review these guidelines and try to figure out what's bothering you, then fix it. If you're still unsure, check with your supervisor. Ultimately, the decision about what you publish is yours

Follow the rules. Employees who fail to comply with the Town of Wells Social Media Policy are subject to disciplinary action, including dismissal.

Topic Taboos

- Do not write any content or postings that involve or are related to the following:
- Items involved in litigation or could be in the future.
- Nonpublic information of any kind
- Pornography or other offensive or illegal materials
- Defamatory, libelous, or demeaning material

- Don't engage in a combative exchange.
- Private/personal matters related to yourself or others.
- Disparaging/threatening comments about or related to anyone
- Photographs of individuals without first obtaining written permission from the person or from a parent or legal guardian if the photograph is of a juvenile.
- Personal, sensitive, or confidential information of any kind

ARTICLE 5 - WAGE AND SALARY POLICIES

5.0 WEEKLY PAYROLL

Paydays occur every Thursday, except in the case of an observed holiday. Deductions from employees' pay will include all mandatory deductions (such as for Social Security and Medicare), as well as deductions for elective fringe benefits employees have selected. Garnishments from weekly payroll will be made per directives from state and federal authorities. (See also Section 5.4 for salary deductions for exempt employees.) Payment is made by Direct Deposit unless an employee elects a check payment.

5.1 MERIT PAY PLAN

The Merit Pay Plan is based on different components and general time frames for employees to be eligible to receive merit pay increases. Those components and time frames are generally as follows, and may be modified by the Town as needed:

Performance Management Cycle

Step I: Planning

July/August - Town Manager submits proposed FY Strategic Planning Goals to Selectmen, with Dept. Head input. Dept. Heads submit proposed specific goals, objectives and work plans for the upcoming Fiscal Year to Town Manager in conjunction with overall FY Strategic Planning and the departments' budgets.

Step II. Approval

August - Town Manager review and approval of proposed fiscal year goals and objectives and competencies in conjunction with budget.

Step III. Adjustment

January/February - Formal interim reviews with Dept. Head of goals and objectives and adjustment if needed. (Adjustments also made on an ongoing basis whenever significant changes occur)

Step IV. Evaluation

May/June - Annual employee performance evaluations completed, and Development Plans approved.

Other Steps Completing Full Cycle

June - Town Meeting via Referendum Questions

June/July - Merit pay report submitted for review and comments to Personnel Advisory Board; Selectmen review and adopt Merit Pay Plan report; employees notified of their pay status

July - Merit Pay Plan report implemented

The Merit Pay Program is also described in the Town's Personnel Policy, Chapter 49 of the Code of the Town of Wells.

5.2 TIMEKEEPING

Accurately recording time worked is the responsibility of every non-exempt employee. Time worked is the time actually spent on a job(s) performing assigned duties.

The time records are a legal instrument. Altering, falsifying, tampering with time records, failing to record time, or recording time on another team member's time record may result in disciplinary action, including termination of employment.

Exempt employees also must complete a weekly time record for the purposes of tracking the use of leave and other absences, as well as trainings, etc.

Authorized personnel will review time records each week. His/her supervisor must approve any changes to an employee's time record. Questions regarding the timekeeping system or timecards should be directed to the immediate supervisor.

5.3 MEAL AND REST PERIODS

Rest breaks may be granted at the department head's discretion as a principle of sound personnel management, not as a right of employment. The policy governing breaks for Town employees who work full-time is one (1) fifteen (15) minute break in the first half of the work shift and one (1) fifteen (15) minute break in the second half of the work shift. Break time may not be taken at the beginning or end of a work shift, immediately before or after lunch, accumulate or be applied towards an alternative work schedule.

On a regular 8-hour assignment, a lunch period does not exceed one (1) hour and cannot be less than thirty (30) minutes. Lunch is unpaid.

Employees shall not consume alcoholic beverages and/or illegal drugs while on rest and/or lunch periods. Employees found in violation of this policy will be subject to disciplinary action up to and including termination of employment.

5.4 OVERTIME

A. The standard workweek for regular full-time employees covered by these policies shall consist of forty (40) hours of work within seven (7) consecutive days (24 hours).

B. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all hours worked over forty (40) hours per week at a rate of one and one-half times the non-exempt employee's regular hourly rate for most non-exempt positions.

Hours worked (defined): "Hours worked" means time when the employee is actually engaged in work for the Town for which s/he is being compensated. Time off on personal time, sick time, vacation time, holidays, worker's compensation leave, compensation ("comp") time, or any other circumstance where an employee is either receiving pay while not actually working or is on any unpaid leave of absence shall not be considered "hours worked" when calculating overtime.

All overtime work performed by a non-exempt employee must receive his/her immediate supervisor's prior authorization. Overtime worked without prior authorization from the supervisor may result in disciplinary action. The supervisor's signature on a timesheet authorizes pay for overtime hours worked.

Overtime compensation shall be paid either in the form of wages or compensatory time off. Employees must specify whether they prefer to receive overtime pay or be credited with compensatory time off prior to working the overtime hours. An employee who does not request compensatory time and receives supervisor approval for overtime work will be paid for overtime. Employees not in public safety positions may accrue up to 40 hours of compensatory time, which they shall be eligible to use when requested, unless use at the requested time would unduly disrupt the operations of the department. The Town reserves the right to require employees with accrued compensatory time to use such time as the Town designates if doing so is in the Town's best interests.

C. Overtime is payable when an employee works more than 40 hours in a work week. Compensatory time may be earned only when overtime is payable. *Supervisors are encouraged to adjust the normal workweek of employees by shifting days or hours of work to keep an employee's work week to 40 hours (or the normal part time schedule) whenever possible. If part-time employees are scheduled to work more hours than is customary, the hours shall be paid at straight time unless the hours worked exceed forty hours in a work week, in which case overtime compensation shall be paid as specified herein.*

5.5 SALARY BASIS POLICY

Exempt employees are those who are paid at a rate that meets the Fair Labor Standard Act's minimum salary basis and who meet certain tests regarding their job duties. An employee is paid on a salary basis if he or she regularly receives a predetermined amount of compensation each pay period on a weekly basis. The predetermined salary amount cannot be reduced because of variations in the quality or quantity of work. Subject to the exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for workweeks in which they perform no work. If the employee is ready, willing and able to work, however, deductions may not be made for time when work is not available.

Pursuant to the Code of Federal Regulations, Title 29, Part 541, the Town may make deductions from exempt employees' pay in the following circumstances only:

For absences from work for one or more full days for personal reasons other than sickness or disability if the employee has no leave to cover the absence;

For absences of one or more full days due to sickness or disability, if the employee has not qualified for a leave benefit, has not earned sufficient leave to cover the absence, or has exhausted all leave and has no earned leave remaining to cover the absence;

For FMLA absences for which the employee has exhausted all available leave benefits, the employee's salary may be reduced in hourly increments while on FMLA leave;

Deductions for penalties imposed for the violation of safety rules of major significance, including those relating to the prevention of a serious danger in the workplace or to other employees;

Deductions resulting from suspensions without pay for serious violations of workplace conduct rules;

For days of the workweek not actually worked in the initial or final workweek of employment.

Pursuant to a written loan or repayment agreement signed by the employee and the Town.

Salaries of exempt salaried employees may also be reduced because all town employees are employed under rules of public accountability as described in the Code of Federal Regulations, Title 29, Part 541, §710, for the following reasons:

For absences of less than one day for personal reasons, illness, or injury when accrued leave is not used because permission for the absence/leave has not been requested or if requested, leave was denied; accrued leave has been exhausted; or the employee requests and is approved to use leave without pay.

Deductions from salaries of exempt employees are NOT permitted by the Code of Federal

Regulations for any of the following reasons:

On an hourly basis, except for unpaid FMLA leave and as provided in the special rules above;

When the Town officially closes an office, facility or department due to inclement weather, such as snow or ice events, exempt salaried workers cannot be required to use earned leave for such closings unless it is announced that the office, facility, building or department remains open for exempt employees who are given the option of reporting to work or using leave.

All employees are expected to follow the Town's established policy on closures during inclement weather. For further information, please speak with your supervisor or Human Resources.

ARTICLE 6 - BENEFITS AND SERVICES

The Town of Wells offers a benefits program for its regular full-time and regular part-time employees. However, the existence of these programs does not signify that an employee will necessarily be employed for the required time necessary to qualify for the benefits included in and administered through these programs. Please also note that employees who exhibit a pattern of taking sick time or other leave just prior to or after holidays or vacations may be subject to disciplinary action.

6.1 ELIGIBILITY FOR BENEFITS

NOTE: Eligibility for social security, worker's compensation insurance and unemployment compensation insurance are established by applicable law.

Unless these policies or Chapter 49 (Personnel Policies) of the Code of the Town of Wells provide otherwise, the following shall apply:

Regular full-time employees are eligible for benefits as provided in these policies.

Regular part-time employees whose normal workweek is at least twenty (20) hours per week on an annual basis are eligible for the benefits provided within these policies on a pro rata basis, except as otherwise provided.

Regular part-time employees whose normal workweek consists of thirty (30) to thirty-nine (39) hours per week are eligible for 75% of the benefits available to regular full-time employees.

Regular part-time employees whose normal workweek consists of twenty (20) to twenty-nine (29) hours per week are eligible for 50% of the benefits available to regular full-time employees.

Regular part-time employees whose normal workweek is less than twenty (20) hours per week are not eligible for benefits, unless as otherwise provided by state and/or federal law.

Temporary and seasonal hires are not eligible for benefits, unless as otherwise provided by state

and/or federal law.

Contract Employees are eligible for benefits only to the extent provided for in the employment agreement.

Note: Regular part-time employees whose hourly work week occasionally exceeds the parameters set forth above are not entitled to heightened or additional benefits.

6.2 VACATION

A. Regular employees covered under this chapter are entitled to the following vacation benefits: After one consecutive year of employment, two (2) weeks of paid vacation (following probation accrued time can be taken).

After seven (7) years of consecutive employment, three (3) weeks of paid vacation.

After fourteen (14) years of employment, four (4) weeks of paid vacation.

After twenty (20) years of employment, five (5) weeks of paid vacation.

Eligible regular part-time employees will receive either 75% or 50% of this benefit as described in Section 6.1.

B. Accrued vacation must be taken within one (1) year after the anniversary date on which it is accrued, except for the following:

A maximum of five (5) vacation days may be carried over from one year to the next year. Carry over days shall not accumulate on a year-to-year basis.

In extraordinary circumstances, the Town Manager may approve deviations from this policy in writing.

C. Vacations shall be scheduled at a time mutually agreed upon between the employee and the appropriate department head or the employee and the Town Manager. Any vacation day taken without prior agreement by the parties will be considered an unexcused absence.

6.3 HOLIDAYS

A. The Town of Wells observes the following eleven (11) paid holidays per year:

New Year's Day
Martin L. King Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Indigenous Peoples' Day

Veterans Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Day

Eligible employees have no waiting period for holiday pay benefits.

B. All regular full-time employees are to be paid 1/5 of a regular workweek for holidays. Regular part-time employees whose normal workweek is at least twenty (20) hours per week shall receive holiday pay based upon the normal hours they would have worked on the day of the holiday, if the holiday falls on a day the employee would not have regularly worked, the employee will not be entitled to holiday pay.

C. An eligible employee who works on a holiday will be paid holiday pay at the rate of time and one half the regular hourly rate in addition to the pay set in Section B.

6.4 SICK LEAVE

Sick leave is a discretionary benefit provided by the Town to full and part time regular employees. Sick leave may be used for personal illness or incapacity when such a condition renders the employee unable to perform his/her regular duties, for personal medical or dental appointments, and as otherwise allowed additionally in sections 6.8.D and 6.8.E that follow. Any abuse or misuse of sick time may result in disciplinary action. Eligible employees have no waiting period for use of accrued sick leave and are allowed the sick leave benefit as follows.

A. Full-time employees shall be entitled to accumulate one eight-hour day of sick leave per month, and part-time employees eligible for benefits shall be entitled to accumulate either six hours or four hours of sick leave per month. This time is accrued at the end of the month in which it is earned.

B. To obtain paid sick leave, an employee shall be required to notify his/her department head of his/her absence no later than the time he/she is due to report for work.

C. When an employee is absent for more than three consecutive days, the Town reserves the right to request that the employee furnish a signed certificate from a physician stating the nature of the absence(s) and that the employee is fit to return to work and perform his/her regular duties. The employee must bear the expense of obtaining the certificate, except as otherwise provided by the Town's family medical leave policy, or under Worker's Compensation.

The Town also reserves the right to send an employee home if the Town has reason to believe that an employee is not fit or able to perform his/her regular duties, or poses a threat to the safety of him/herself or to others. Employees who are sent home from work under these circumstances will be charged sick time, or if the employee has no accrued sick time, such time off will be unpaid. Employees who are sent home from work and later are able to medically demonstrate that they were fit for duty when sent home will be credited back any sick time used during their absence.

A medical certificate may be required by the department head should the department head have reason to believe that sick leave is being abused, after consulting with the Human Resource Director if appropriate. When the certificate is required by the department head, it shall be at Town expense.

D. On separation, an employee is entitled to be paid for 1/3 of the total unused sick leave, to a maximum of 40 days. The amount of payment shall be calculated based on the employee's straight-time hourly rate of pay on the date of separation. Payment shall be subject to the following:

1. Non-exempt employees must provide a minimum of two calendar weeks' notice. Exempt employees must provide a minimum of four calendar weeks' notice and report to work during the notice period (holidays and sick days accepted) unless vacation or other leave during the notice period is approved by the Town Manager.
2. Employees who are dismissed for cause shall not be eligible for payment of unused sick leave.
3. Employees who are on layoff and choose to receive the one-third payment shall have the option of restoring that sick leave by returning the one-third payment should they be recalled.
4. Upon an employee's death, the one-third payment shall be paid to the employee's designated beneficiary or estate.

6.5 SICK LEAVE SHARING POLICY

The Town Manager may permit a regular full time or regular part-time employee to receive sick leave donations from other qualified employees under this subsection if:

1. The employee suffers from a medical emergency. For the purposes of this policy, "medical emergency" is defined as a medical condition of the employee or a family member of the employee that will:
 - a. require a prolonged absence of the employee from duty;
 - b. will result in a substantial loss of income to the employee; and
1. The employee has depleted all available paid leave apart from the leave-sharing plan; and
2. The employee has abided by all personnel rules regarding sick leave use.

The employee (or another person on behalf of the employee) must submit to the Town Manager a written application describing the medical emergency. The Town Manager shall determine the amount of sick leave, if any, which an employee may receive under this section. Such leave shall be donated in eight-hour increments. However, an employee shall not receive, in donations, a total of more than 720 hours of donated sick leave.

An employee who has accrued a sick leave balance of more than 100 hours may request that the Town Manager transfer a specified amount of sick leave to another employee authorized to receive sick leave under this section. In no event may the employee requests a transfer of an amount of sick leave that would result in his or her own sick leave account going below 100 hours.

The amount of sick leave time transferred under this section which remains unused shall be returned to the employee or employees who transferred the leave when the Town Manager finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred. Donation of sick leave shall not negatively affect any existing sick leave incentive program.

6.5a EARNED PAID LEAVE

ACCRUAL AND USAGE OF EARNED PAID LEAVE: Effective January 1, 2021, as mandated by Maine State Law, employees are entitled to earn one (1) hour of paid leave for every 40 hours worked. Accrual of Earned Paid Leave begins upon commencement of employment; however, the employee is not permitted to use the Earned Paid Leave until he or she has been employed by the Town for 120 calendar days. Earned Paid Leave can be used in increments of 1 hour and for any reason.

Seasonal employees (those employed from June 15th – September 15th) and those working less than 120 hours per year are not subject to the accrual of Earned Paid Leave.

NOTICE REQUIREMENTS: Employees must provide at least 3 days prior notice to their supervisor of their intent to use earned paid leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

CARRY FORWARD OF UNUSED ACCRUED LEAVE: Unused Earned Paid Leave can be carried forward from year-to-year.

PAYMENT OF ACCRUED LEAVE UPON SEPERATION OF EMLOYMENT: Upon separation of employment, an employee is entitled to be paid for unused Earned Paid Leave, to a maximum of 40 hours. The amount of payment shall be calculated based on the employee's straight-time hourly rate of pay on the date of separation.

6.6 HEALTH INSURANCE

Eligible employees will be enrolled in the health insurance program on the first of the month following their date of hire.

A. **REGULAR FULL TIME EMPLOYEE-** The premium for individual and family plan subscription under the Maine Municipal Employee Health Trust PPO-500 option or a similar program will be paid by the Town for regular full-time employees at 85% of the cost. The employee will pay any difference in premium cost for any coverage under the Maine Municipal

Employee Health Trust Plan offered and elected. The Town reserves the right to change health plans, employee and Town contributions and eligibility requirements.

B. REGULAR PART-TIME EMPLOYEES- WORKING 30 TO 39 HOURS PER WEEK-These employees are eligible for the above benefit with the Town paying 75% of the full-time benefit and the employee paying the remainder of the cost.

C. REGULAR PART-TIME EMPLOYEES WORKING 20 TO 29 HOURS PER WEEK-These employees are eligible for the above benefit with the Town paying 50% of the full-time benefit and the employee paying the remainder of the cost.

D. CASH-OUT OPTION- A regular full time employee who has health insurance coverage from another source may elect to apply 75% of the premium cost for the health insurance of a single subscriber to obtain other forms of insurance available through the Town employment or to receive 60% of the premium cost for a single subscriber in cash on an annual basis. To qualify for this option, the employee must provide satisfactory proof of health insurance coverage on an annual basis. Note: This cash-out option is not available to any regular part-time employee.

The Town reserves the right to amend this benefit in full or in part. Employees will be promptly notified of any such amendments in advance.

6.7 EMPLOYEE HEALTH INFORMATION PRIVACY POLICY

The Town of Wells sponsors a group healthcare plan that is subject to the Health Insurance Portability and Accountability Act (HIPAA). On the basis of that law, privacy regulations now apply to certain protected health information. The Town, as plan sponsor, has adopted the following policy to comply with these regulations. The Town's medical privacy policy will continue to apply to medical information, and the Town will comply with all other federal and state laws concerning medical privacy.

The Town generally only performs enrollment, changes in enrollment, and payroll deductions, and to the extent it obtains HIPAA-protected health information (PHI), and it will maintain that information in confidence. Specifically, the Town will not use or disclose such information for employment-related actions and decisions or in connection with other benefit plans.

PHI refers to individually identifiable health information received by the Town's group health plan and created or received by a healthcare provider, health plan, or healthcare clearinghouse that relates to the past, present, or future health of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care. Such health information includes health status, medical condition, claims experience, receipt of health care, medical history, genetic information, and evidence of insurability and disability.

PHI does not refer to health information received apart from a group health plan, such as workers' compensation, short-term disability, and long-term disability, medical information received based upon the Americans with Disabilities Act (ADA), medical information received

based upon the Family and Medical Leave Act (FMLA), or pre-employment physicals. However, the Town's medical privacy policy will apply to such information.

The plan and its insurers will only disclose summary health information to the plan sponsor for the purpose of obtaining premium bids or for the purposes of modifying, amending, or terminating the Employment Retirement Income Security Act (ERISA) healthcare plan. The plan and its insurers will not disclose PHI to the plan sponsor. As a plan sponsor, the Town will request summary health information only for the purpose of obtaining premium bids or for the purposes of modifying, amending, or terminating the ERISA healthcare plan. Summary health information means claims history, claims expenses, or type of claims experienced from which the following information has been deleted:

- Names
- Street address, city, county, ZIP code
- All elements of dates (except year)
- Telephone numbers
- Fax numbers
- Electronic-mail addresses
- Social Security numbers
- Medical records numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers
- Web Universal Resource Locators (URL)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including fingerprints and voiceprints
- Full-face photographic images and any comparable images
- Any other unique identifying number, characteristic, or code

Before assisting employees with understanding the group health plan, filing claims, or disputing claims, the Town will obtain an individual's authorization to access that person's protected health information.

The Town, as plan administrator and plan sponsor, will provide plan participants with a summary plan description. A notice of the privacy practices will be provided by the health insurer. The Town will discipline (up to and including discharge) employees for improper access, use, or disclosure of protected health information or other confidential medical information.

The Town will not take any retaliatory action against any person for filing a complaint, assisting in an investigation, or otherwise opposing any act under the HIPAA privacy regulations.

Any protected health information will be secured against unauthorized access. When protected health information is used for payment of benefits and plan operations, only the minimum necessary information will be released.

If you have questions about the disclosure of your health information, please contact the Human Resources Department at (207) 361-8872.

6.8 COBRA

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the Plan because either one of the following qualifying events happens:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because any of the following qualifying events happens:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct.
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both).
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the plan as a "dependent child."

When is COBRA Coverage Available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee,

commencement of a proceeding in bankruptcy with respect to the employer, or the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event. Filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the Town of Wells and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee will become a qualified beneficiary with respect to the bankruptcy. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

You Must Give Notice of Some Qualifying Events

For other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs.

How is COBRA Coverage Provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, the employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), your divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the Plan. This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B, or both), or gets divorced or legally separated, or if the dependent child stops being eligible under the Plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

If You Have Questions

Questions concerning your Plan, or your COBRA continuation coverage rights should be addressed to the contact or contacts identified below. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa.

The EBSA Regional Office for the State of Maine is located in Boston, MA at: JFK Federal Building 15 New Sudbury St, Room 575 Boston, MA 02203 Tel: 617-565-9600 Fax: 617-565-9666

Keep Your Plan Informed of Address Changes

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Plan Contact Information

Marcella Faucher, Human Resources Director/Plan Administrator
Town of Wells
208 Sanford Road
Wells, Maine 04090
Phone #: 207-361-8872

6.9 WOMEN'S HEALTH AND CANCER RIGHTS ACT

The Women's Health and Cancer Rights Act of 1998 was signed into law on October 21, 1998. The Act requires that all group health plans providing medical and surgical benefits with respect to a mastectomy must provide coverage for all of the following:

A. Reconstruction of the breast on which a mastectomy has been performed

- B. Surgery and reconstruction of the other breast to produce a symmetrical appearance
- C. Prostheses
- D. Treatment of physical complications of all stages of mastectomy, including lymph edema

This coverage will be provided in consultation with the attending physician and the patient, and will be subject to the same annual deductibles and co-insurance provisions which apply for the mastectomy deductibles and coinsurance applicable to the plan in which you enroll, please refer to the summary plan description or contact the Human Resource Department at 207-361-8872.

6.10 CHILDREN’S HEALTH INSURANCE PROGRAM

If you are eligible for health coverage from your employer, but are unable to afford the premiums, some States have premium assistance programs that can help pay for coverage. These States use funds from their Medicaid or CHIP programs to help people who are eligible for employer-sponsored health coverage but need assistance in paying their health premiums.

If you or your dependents are already enrolled in Medicaid or CHIP and you live in the State of Maine, you can contact Maine’s Medicaid office at 1-800-321-5557 or online at www.maine.gov/dhhs/oms/ to find out if premium assistance is available to you. If you or your dependents are NOT currently enrolled in Medicaid or CHIP, and you think you or any of your dependents might be eligible for either of these programs, you can contact Maine’s Medicaid office or dial 1-877-KIDSNOW or www.insurekidsnow.gov to find out how to apply.

If you qualify, you can ask the State if it has a program that might help you pay the premiums for an employer-sponsored plan. Once it is determined that you or your dependents are eligible for premium assistance under Medicaid or CHIP, your employer’s health plan is required to permit you and your dependents to enroll in the plan – as long as you and your dependents are eligible, but not already enrolled in the employer’s plan. This is called a “special enrollment” opportunity, and you must request coverage within 60 days of being determined eligible for premium assistance.

6.11 EMPLOYEE ASSISTANCE PROGRAM

The Town of Wells cares about you and your family’s total health management – both physical and emotional. For that reason, the Town provides, at no cost to you, an Employee Assistance Program (EAP). This service connects you with the best mental health and counseling services to fit your individual needs. Whether you are interested in work/life resources, mental health assistance, or legal and financial advice, the Anthem Employee Assistance Program can connect you with a variety of professionals.

With just one phone call, at any hour of the day or night, you can reach a compassionate ear and connect to helpful resources. All services provided are confidential and will not be shared with the Town of Wells.

You may access information, benefits, educational materials, and more by phone at 1-800-647-9151 or online at www.anthemeap.com

6.12 RETIREMENT PLAN

Regular full-time employees and regular part-time employees whose normal workweek consists of at least 20 hours per week shall be entitled to benefits under both Social Security and the International City Managers Association Retirement Corporation (ICMA RC) Deferred Compensation 457 Plan or under the MEPERS Plan (formerly known as MSRS) if employed by the Town as of July 1, 1998 and continuously enrolled since that date in the MEPERS plan. Eligible employees must enroll in order to receive a retirement benefit from the Town. ICMA RC Deferred Compensation benefits shall be consistent with the Town's plan documents. Summary Plan Description (SPD) documents are available for each of the Town's insurance and benefit plans and are available in the Human Resources Department.

Town ICMA RC 401A matching contributions are subject to the following three-year (3) vesting period, to coincide with the employee's original date of hire, as follows:

0 to 1 Year:	(33%)
Over 2 Years:	(66%)
Over 3 Years:	(100%)

The Town reserves the right to amend this benefit in full or in part. Employees will be promptly notified of any such amendments, and if amending the benefit, will appropriately notify employees in advance.

6.13 MILITARY LEAVE

Military Service Leave: Employees who are members of the organized military reserves and who are required to perform field service will be granted reserve service leave in addition to the vacation leave, but not to exceed fifteen [15] calendar days per fiscal year. All other such military leave will be unpaid, but employees may choose to utilize any accrued leave time. If earned time is exhausted, then the leave will be without pay. The employee is expected to return to work upon expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the employer. If applicable, employees may choose to continue insurance benefits for the duration of leave by assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave unless the employee is using earned time. The Town will comply fully with the Uniformed Services Employment and Reemployment Rights Act, USERRA.

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

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

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

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

This provision applies only to relief services related to a disaster declared by the governor or the President of the United States.

6.14 OTHER TYPES OF LEAVE

A. **BEREAVEMENT LEAVE** – In the event of the death of an employee’s sister, brother, grandparent, father-in-law or mother-in-law, the employee shall be entitled to up to three (3) days’ leave with pay for the purpose of attendance at the funeral and assisting in the necessary family arrangements, and up to five (5) days in the case of the death of a spouse, mother, father, domestic partner as defined by law, or child. In cases where travel arrangements or other unusual circumstances prevail, the Town Manager may, at his/her discretion, grant additional time, which the employee may take without pay. An amount of leave time, to be determined by the Town Manager but in no case to exceed one (1) day, will be allowed at funerals for other relatives or persons actually living in the same household.

B. **CITIZENS OBLIGATIONS** – Employees shall be granted leave with pay when it becomes necessary for them to be absent from work for the purpose of such citizenship obligations as jury duty, witness (when properly subpoenaed), and other similar obligations; provided however, that should any fees be paid the employee, the employee shall receive as wages the difference between his/her regular wages and the amount of fees so paid, if any, if such fee is less. All notices to an employee to appear for any citizenship obligation shall be presented to his/her department head in order for him/her to be eligible for payment of wages during his/her absence. Employees are required to present a copy of such order, notice or subpoena to their supervisor prior to taking any citizens obligation leave.

C. **MATERNITY/PATERNITY LEAVE** – For purposes of paid leave, maternity/paternity leave shall be treated as any other temporary disability.

D. **FAMILY AND MEDICAL LEAVE** – As provided by the Federal and State law and as outlined in the Family and Medical Leave Policy. Employees wishing to exercise their rights under these Acts should make their requests to the Town Manager and complete information on employees' benefits under these Acts will be provided. The Town reserves the right to designate any qualifying absences as Family and Medical Leave and to designate the method by which the entitlement period is calculated.

Please note that depending on the individual employee’s service with the Town, qualifications, eligibility requirements, and number of Town employees, an employee may be eligible for either federal or state FMLA, or neither. The full policy attached will serve to describe eligibility requirements for each; however, it should not be construed as a promise of eligibility or benefits.

For further information, please see the Town’s Family and Medical Leave Policy in section 6.15.

E. **FAMILY SICK LEAVE** – An employee may use up to a maximum of forty (40) hours of “Family Sick Leave” per year due to the illness of a member of the employee’s immediate

family. "Immediate family" shall mean the following individuals: spouse, domestic partner, father, mother, child, stepchild, or other family member. Family Sick leave may also be used for transporting such immediate family members to health care appointments. Eligible employees may use such time for doctor, dental and other health care provider visits. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have who have no such leave banked and accrued shall receive unpaid leave.

F. SCHOOL ACTIVITY LEAVE – An employee may use up to a maximum of twelve (12) hours of his/her accrued sick leave per year for the purpose of attending their children's school activities. Employees requesting leave for school activities are expected to notify their department head within forty-eight (48) hours before such leave is needed. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have who have no such leave banked and accrued shall receive unpaid leave.

G. VICTIMS OF VIOLENCE LEAVE – The Town will grant reasonable and necessary paid or unpaid leave from work for eligible regular full-time and part-time employees who are victims of domestic violence, stalking, or sexual assault as provided for in State law Title 26 M.R.S.A. Sec. 850 (Employment Leave for Victims of Violence):

Leave will be granted for an employee to:

- A. Prepare for and attend court proceedings.
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent, or spouse; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. Employees will accrue vacation and sick leave benefits during such leave, As soon as an employee becomes aware of the need of a leave of absence, they must make a written request for leave from his/her supervisor. This request shall be forwarded to the Town Manager or his/her designee for approval as soon as possible. The request must specify the length of leave requested, the reason for the leave, and estimated dates of departure and return. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have who have no such leave banked and accrued shall receive unpaid leave.

H. UNSPECIFIED NON-MEDICAL LEAVES OF ABSENCE – A regular full-time employee may request in writing and be granted a non-medical leave of absence without pay at the sole discretion of the Town Manager. Such leave of absence without pay shall not exceed thirty (30) working days in length and shall only be granted when it is in the best interest of the Town to grant the leave.

The employee must exhaust all paid benefits (including vacation, sick and compensation time) prior to requesting such leave. All benefits and seniority for the purpose of figuring benefit allowances shall cease during such a leave of absence.

6.15 FAMILY MEDICAL LEAVE POLICY

Please note that depending upon the number of employees employed by the Town, and the individual employee's position, tenure and circumstances, the State and Federal FMLA may not apply to the Town or to an individual employee. This policy applies to all employees to the extent that any applicable collective bargaining agreement is silent as to any provision set forth herein.

A. Federal FMLA

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

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

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

B. Maine Family/Medical Leave

Employees who have worked for the Town for 12 months during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave every two years under Maine law, and should follow the procedures set forth herein to apply for a leave.

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

1. Birth of a child of the employee or a child of the employee's domestic partner.

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

C. Procedures

Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the Family and Medical Leave Act, calculated on a "rolling" 12 month period measured backward from the date of any FMLA leave usage. For example, if an employee used four weeks of leave beginning February 1, 2014, four weeks of leave beginning June 1, 2014, and four weeks of leave beginning December 1, 2014, the employee would not be entitled to any additional leave until February 1, 2015. On February 1, 2015, the employee would be entitled to four weeks of leave, and on June 1, 2015, the employee would be entitled to an additional four weeks, etc.

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

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

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

- Prenatal care.

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

Employees are required to use their available sick/personal time, compensatory time and then vacation time during FMLA leave when such leave is taken because of the employee's serious health condition. The remainder of FMLA leave will be unpaid.

In the case of FMLA leave due to reasons other than the employee's own serious health condition, the employee must use available family sick time (as appropriate), personal time, compensatory time, and then vacation time during the FMLA leave time. The remainder of the FMLA leave will be unpaid.

Please note that an employee on a FMLA leave may be eligible for benefits under the Town's Disability Leave Policy. FMLA will also run concurrently with any qualifying Workers' Compensation related injury. Employees out on paid Worker's Compensation leave or paid Disability Leave may elect to use available sick and/or vacation leave during their absence but are not required to do so.

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

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

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

- the date the serious health condition began.
- the possible duration of the condition.
- the appropriate medical facts regarding the condition.
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue.
- if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job.
- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date and duration of the treatment should be specified; and
- in the case of intermittent leave or leave on a reduced hours basis for medical conditions that do not necessarily involve planned medical treatment, an estimate as to the anticipated frequency and timing of the absences should be given.

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

During the unpaid portion of any approved FMLA leave where the employee is not receiving any salary continuation through the Town (such as through use of paid sick or vacation leave), the employee shall not accrue employment benefits, such as vacation pay, sick pay, holiday pay, pension, etc. Employment benefits accrued by the employee up to the day on which the FMLA leave of absence begins will not be lost.

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

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

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

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days' notice is not possible. All necessary forms are available from the Town Manager or his/her designee. Appropriate FMLA forms provided by the Town to the employee must be returned to the Town Manager and/or his designee during the time frames set forth in this policy, or as may be required under either federal or Maine law, as applicable.

Each employee taking leave that meets the requirements for FMLA leave will be provided with written confirmation confirming the leave parameters, expectations, and employee responsibilities. Forms and notices relating to FMLA leave can be obtained from the Town office and from Human Resources.

6.16 TRAINING AND PROFESSIONAL DEVELOPMENT

The Town of Wells recognizes and encourages professional development and personal growth for employees. Therefore, the Town encourages its employees who are interested in continuing education and job specific training to research these further and get Town approval before signing up for the seminars or courses.

6.17 EMPLOYEE EDUCATION ASSISTANCE PROGRAM

The Town of Wells is dedicated to the notion that the better the education of its employees, the better the employees are prepared to deal with the world of work. To that end, the Town offers an Employee Educational Assistance Program which provides financial assistance to those eligible employees who may be interested in expanding and enriching their educational backgrounds by matriculating in a GED program or an accredited, degree-granting Institution of higher education.

Eligibility

Employees of the Town of Wells who are eligible to receive pro-rata and full fringe benefits shall be considered eligible under the Town of Wells Employee Education Assistance Program. This program is provided to current employees only. Spouses, dependents, and those having reserved status with the Town are not eligible for this program.

Purpose

This program provides eligible employees the opportunity and encouragement to enrich and expand their creative abilities, their communication abilities, and their self-awareness by providing partial financial support.

The intent of the program is to provide support to those employees who wish to obtain their High School Diploma (General Equivalency Diploma, GED) or a higher education degree including an Associate's degree (AA/AS), Bachelor of Arts (BA) or Bachelor of Science (BS) degree, or graduate degree. It is not the intent of this program to support individual courses one may take to improve their job skills. The employee must be matriculated in a defined program of study leading to the GED or a higher education degree.

HOW TO QUALIFY AND APPLY

Eligible employees must initially submit a **letter of intent** (application), which briefly describes their interests, focus of study, and diploma or degree they wish to pursue to with the Town Manager. All correspondence will be held in strict confidence until initial acceptance of the plan by the Town Manager.

Having determined that the employee is eligible to participate in the program, the Town Manager will assist the employee by directing the individual to appropriate pertinent sources (Adult Education or selected colleges) for assistance and direction with advisors in the preparation of the program of study they wish to pursue. This written plan of action will be submitted to the Personnel Advisory Committee for their review. Upon receiving a favorable review by the Personnel Advisory Committee, the employee's plan will be submitted to the Board of Selectmen for their review and approval.

DEVELOPING A PLAN

There are four types of programs of study that the Employee Education Assistance Program (EEAP) will support:

- The General Equivalency Diploma (GED)
- The Associate degree
- The Bachelor of Arts or Bachelor of Science degree
- Graduate Degree

GED PROGRAM

1. Following their submission of "intent to pursue the GED" and establishing their eligibility to participate in the EEA Program, the employee will arrange an appointment to meet with an advisor/counselor at the Wells-Ogunquit Adult Education Office (WOAEO) to discuss their educational goals or education questions;

2. With an advisor, they will determine a plan and program of study which will result in the GED and which the employee will submit to the Town Manager for his review prior to submitting the Program to the Personnel Advisory Committee. The plan will also contain a financial need component outlining expected associated direct and indirect costs to achieve the GED. If the costs are approved, the Town may pay these expenses as they occur while obtaining the GED.

3. The Personnel Advisory Committee will review the plan prior to submitting it to the Board of Selectmen for their review and final approval.

ASSOCIATES, BACHELORE of ARTS, BACHELORE of SCIENCE and GRADUATE DEGREE PROGRAMS

Following their intent to pursue a Degree Program (AA, AS, BA, BS or Graduate degree) and establishing their eligibility to participate in the E.E.A Program, the employee will arrange an appointment with the College Admissions Office and an Admissions advisor at the college they wish to attend to determine the information they will need to provide in order to appropriately complete admission requirements and to matriculate in the college degree program.

Generally, the college will require the student to

- Provide an official secondary (high school) transcript for the school attended including at least the first marking period of the senior year. Transcripts must be sent from the employee's high school directly to the college Admissions Office. In the case of an employee having earned a GED, test scores must be sent directly to the Admissions Office from the Department of Education in the State issuing the GED, or from an Official Testing Center.
- Submit Scholastic Aptitude Test (SAT) scores if available. Test scores must be sent directly to the Admissions Office of the selected college by the Educational Testing Service or the attended high school.
- Submit any and all official college transcripts for employee applicants who have previously attended other colleges. The employee must arrange for the mailing of the transcripts.
- Take a required placement assessment, the purpose of which is to determine the courses in which the employee should be enrolled. The employee must call the Admissions Office to make an appointment.
- To complete a Health History Form upon acceptance to provide appropriate documentation of immunizations required by Maine State Law.

Following satisfactory completion of college entrance requirements, the employee will prepare and provide the documentation of admission into the selected college which must include the program plan developed in conjunction with a department advisor. This plan should include the frequency and number of courses that will be taken in the given fiscal year (July-June) in order to determine funding availability. Once admitted into the program, the applicant shall request a course to be reimbursed prior to enrolling in it. Funding availability will then be determined by the Town Manager. This plan must be submitted to the Town Manager for his review and submission to the Personnel Advisory Committee.

All applications must be completed satisfactorily and completed prior to their submission to the Personnel Advisory Committee by the Town Manager. The Committee will invite the applicant to attend the meeting at which their application will be discussed. Sensitive information and

application materials will be kept confidential.

All applicants must agree, in writing, to complete their Educational Degree Plan.

Any changes to the Educational Degree plans or to the Institution of Higher Education will be reviewed by the Personnel Advisory Committee.

FINANCIAL PARTICIPATION AND PROGRAM BENEFIT

Any financial benefit received from the program will be taxed as a fringe benefit.

The Employee Educational Assistance Program will reimburse employees up to the agreed upon level after receiving an official acknowledgement from the attending institution that the employee has successfully passed the educational course.

The financial support awarded is dependent upon the funding of the program. With appropriate funding, the following financial assistance will be offered for the various programs:

GED Program - The EEA Program will pay 100% of the cost of the employee's participation in the GED program. This cost may include dependent care costs while attending classes or paid time away from work. The costs are to be explained and agreed to by all parties.

College Programs - Upon satisfactory completion of a course within the education plan, employees will be reimbursed 50% of the credit hour cost. The maximum allowed is based on the average cost per credit hour at the University of Southern Maine. Employees are responsible for the remaining course cost. If requested, the program will work with the employee to obtain scholarships or low interest loans to assist with their costs.

ARTICLE 7 - APPOINTMENTS, VACANCIES, SELECTION

Job descriptions, qualifications, hiring procedures and promotion standards for municipal employees shall be set by the Town Manager. The Town Manager may consult with the Personnel Advisory Board on any matter covered in this section.

7.1 APPOINTMENTS-DEPARTMENT HEADS & EMPLOYEES

Appointment of Department Heads:

The Town Manager appoints and supervises department heads, except the single Assessor, who is appointed by the Board of Selectmen, and the Town Clerk, who is elected. The Town Manager shall supervise the single Assessor. Appointment of department heads is subject to confirmation by the Board of Selectmen.

Appointment of other municipal employees:

The Town Manager appoints and supervises all other municipal employees, except members of

boards, commissions and committees, and the Town Clerk and their deputy and assistant clerks. The Manager may delegate appointment authority for positions within a department to a department head. Appointments made by the Town Manager shall be reported to the Board of Selectmen.

NOTE: Employees who are appointed yearly based on Town code or state law requirements should have no reasonable expectation of automatic re-appointment to their position with the Town. All such appointees are on a year-to-year basis, subject to satisfactory job performance, budgetary needs, and requirements, and at the discretion of the Town. Accordingly, employees are advised that any appointment, or subsequent re-appointment, does not confer or guarantee re-appointment in the future. All appointees will be subject to an annual review prior to any re-appointment.

7.2 VACANCIES

The Town Manager shall provide public notice of all job vacancies for regular full-time positions not filled by promotion and/or transfer. Under most circumstances, all Town employees shall be notified of such a vacancy by posting the position in each department for not less than 10 days. In all instances, the Town reserves the sole discretion to (1) post the position internally only, or (2) post the position both internally and externally, depending on the Town's needs and budget. All employee applicants who meet the minimum qualifications for the position shall be interviewed and notified of the final selection. At the discretion of the Town Manager, any position vacancy may also be advertised by public advertisement in at least one weekly newspaper of general circulation in the Wells area and/or in a daily newspaper in the Wells area, or posted on a website or using other media. Regular part-time, temporary, and seasonal positions will be posted when practical, but at the discretion of the Town Manager may be filled without the notice and posting provisions described herein.

The Town reserves the right at all times to re-post any job opening, to re-open any posting and interview process, to expand the pool of applicants, to withdraw and/or terminate any hiring process, or to change hiring and application criteria, all based on the best interests of the Town.

7.3 SELECTION

When a full-time position needs to be filled on an emergency basis as determined by the Town Manager, the Town Manager may use the services of an employment agency to fill the position on a temporary or regular basis or may otherwise act to fill the position expediently. In such a case, the notice, posting and advertisement procedures described in Subsection 7.2 above may not occur. Before acting under this subsection, the Town Manager shall obtain the approval of the Board of Selectmen.

If the notice, posting and advertisement procedures described in Subsection 7.2 above do not result in a sufficient number of qualified applicants for a regular full-time position, as determined by the Town Manager, the Town Manager may use the services of an employment agency to recruit qualified applicants and to otherwise assist in filling the position.

ARTICLE 8 - EMPLOYEE COMMUNICATIONS

8.1 STAFF MEETINGS

Staff meetings will be held between the Town Manager and Department Heads. These informative meetings allow employees to be informed on recent departmental/division activities, changes in the workplace and employee recognition. Department Heads shall communicate with department employees, including pertinent information from Department Head staff meetings.

8.2 BULLETIN BOARDS/NON-SOLICITATION

Bulletin boards placed in designated areas provide employees access to important posted information and announcements. The employee is responsible for reading information posted on the bulletin boards. Under no circumstances are employees permitted to post solicitations, notices, or other postings on any Town bulletin board without first receiving the express permission of their immediate supervisor or the Town Manager. The Town reserves the discretion to remove from bulletin boards items that are inappropriate or have not been approved by either the immediate supervisor or the Town Manager.

8.3 PROCEDURE FOR HANDLING COMPLAINTS

Under normal working conditions, employees who have a job-related problem, question or complaint should first discuss it with their immediate supervisor. At this level, employees usually reach the simplest, quickest, and most satisfactory solution. If the employee and supervisor do not solve the problem, the Town Manager encourages employees to contact their department heads or the Town Manager directly.

8.4 SEVERABILITY

If any provision of this Handbook or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, the personnel rules provisions are severable. Further, the headings and captions in this Handbook are for descriptive and organizational purposes only.