

Town of Sanbornton Personnel Rules and Regulations

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WELCOME TO THE TOWN OF SANBORNTON

Starting a new job is exciting, but at times can be overwhelming. This manual of Personnel Rules and Regulations has been developed to help you become acquainted and answer many of your initial questions.

As an employee of the Town of Sanbornton, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This manual of Personnel Rules and Regulations explains our personnel policies and benefits. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to the Town Administrator.

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

Sincerely,

BOARD OF SELECTMEN

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SECTION 1 GENERAL PROVISIONS

Purpose/Mission Statement

The purpose of these policies is to help ensure the effective and efficient operation of the Town and to provide management and employee alike with a ready reference to established policies and procedures for personnel administration.

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

Each employee is responsible for making and keeping him/herself aware of these policies and any changes to them.

Employer Rights

Employer reserves the right to add to, delete from, or modify any of these policies either on an individual or organization-wide basis. Such additions, deletions or modifications will be effective when approved by the employer. This manual is not intended to and does not create contractual obligations for the employer.

The terms and conditions of fringe benefit programs are spelled out in greater detail in insurance contracts with the specific insurance carriers. Those terms and conditions will supersede any provisions herein to the contrary. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

All employees are employed "at will" and have no employment contracts of any type with Employer. Employees may be terminated at any time when in the sole discretion of management the continued employment of the employee is not in the best interest of the employer. This manual does not modify or limit the employment-at-will relationship.

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Promulgation

These policies and their amendments have been adopted by formal action of the employer and shall take effect immediately following the formal adoption of the policies and/or amendments, unless otherwise determined by the Board of Selectmen.

Separability

If any Article or Section of these rules should be held to be invalid by competent authority, the remainder shall not be affected thereby.

Individual departments may have their own specific operating procedures. Such specific operating procedures must be approved by the Board of Selectmen and may supersede some articles of these Personnel Rules and Regulations.

Supersession

These rules and regulations shall take effect on the date established by the Board of Selectmen and shall supersede all previous rules, regulations, customs, and/or past practices that may be in us on the effective date.

If there is any conflict between these rules and any federal or state law, union contract, or other negotiated agreement, then these rules shall not apply to those specific areas covered by such law, contract or agreement.

Amendment Procedure

These rules may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, all amendments must be reviewed at least once at a public meeting and shall not be rejected nor adopted until at least fourteen (14) days after the public meeting. If any proposed amendment is amended, there shall be at least one public meeting held prior to adoption of the amended version of the rule(s).

SECTION 2 EMPLOYER

Employment/Hiring Authority

The hiring authority for the Town shall be the Board of Selectmen, or its duly authorized designees.

EEO/Affirmative Action

It is the policy of the Town to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, physical or mental disability, political affiliation, color, marital status, familial status, veteran status, sexual orientation, or pregnancy, or any other legally protected class, except as a bona fide occupational qualification. This policy shall apply to all employees, applicants for employment and extends to all phases of employment,

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including recruitment, screening, referral, hiring, training, promotion, discharge or layoff, rehiring, compensation, and benefits.

Recruitment and Selection

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

In an effort to inform employees of promotion and transfer opportunities, we will make every effort to list vacancies for non-exempt positions on the Town bulletin boards. Employees who meet the qualifications of the open position are eligible to apply.

Orientation

The applicable department head and the employee's immediate supervisor shall provide new employees with the necessary orientation to enable the employee to start in their new position. This orientation shall include, but not be limited to: the goals, objectives and work rules of the department; the employee's job description; these policies and procedures; filling out all tax and benefit forms; safety and hazardous materials procedures; time keeping procedures; call-in procedures; and any other information that the town believes the employee needs to know to make a reasonable entry into the employ of the town.

SECTION 3 EMPLOYEES

Employee Classification

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

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

Probationary Employee

Initial employment shall be for a probationary period of one year. Employee performance shall be reviewed on a regular basis to determine skill levels, adaptation to the job and the work environment, adaptation to fellow employees and the need, if any, for additional training. A probationary employee shall be notified at least two weeks (14 days) prior to the end of their probationary period if they shall be terminated, or recommended for an extended probationary period. An extended probationary period is to permit further evaluation of the employee's skills and adaptation to the job and shall not exceed 90 calendar days. There shall be only one extension of a probationary period granted for any probationary

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employee. In the instance of an extended probation, notification of the employee as to their status can occur at any time, but must be made known to them no later than 7 days prior to the end of the extension.

Temporary Employee

A temporary employee is one hired to work for a defined, but limited, period of time when a special project, or emergency, or the filling of the position of an employee on a leave of absence or at long term training requires the addition of employees for a specific time. Such appointment may also include a person hired under an existing federal manpower program. Hours of work may be less than the standard work week.

Seasonal Employee

A seasonal employee is one hired for work that can only be performed during certain times of the year, and do not maintain continuous regular employment. The hours of work for this type of position may vary due to weather and other factors which may affect work schedules.

Regular Part-Time Employee

A Regular Part-Time Employee is one who is hired for work and regularly scheduled to work at least 1,300 hours a year but less than 1,664 hours a year (at least 25 hours per week, but less than 32 hours per week). Regular Part-Time Employees are eligible to receive sick time, annual leave, and holiday benefits on a prorated basis as described herein. Part-time employees who are regularly scheduled to work less than 1,300 hours a year (25 hours per week) are not considered "Regular Part-Time Employees" and are not benefit_eligible.

Elected Officials

Unless authorized by Town Meeting and permitted under the particular benefit plan, Elected Officials are not entitled to the same benefits as employees.

Full-Time Employee

Employee, who is hired for work other than temporary or seasonal employee, retained in any appointed position who is regularly scheduled to work 1,664 hours a year (thirty-two (32) or more hours per week) shall be deemed a full-time employee of the Town. They shall be compensated at a rate of pay consistent with the position occupied. See Appendix A (employee pay scale).

On-Call Employee

An On-Call employee is an employee who is hired for work and works partly or completely on an "as needed basis", and as such shall not be considered Full-Time Employees or Regular Part-Time or Part-Time Employees.

On-Call employees do not receive any benefits, sick time, annual leave, insurance etc. except as otherwise specified herein.

Per Diem Employee

A Per Diem employee is an employee who is hired for work and is scheduled on an "as needed" basis and does not work a fixed schedule. Per Diem employees do not receive any benefits, sick time, annual leave, insurance etc. except as otherwise specified herein.

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Promotion/Demotion

The Town shall endeavor to hire the most qualified individuals to fill all positions. The Town shall seek to use promotion wherever possible to recognize skill, performance and service with the Town. In making a promotion decision, the Town will assess current employees for the necessary skills for the position being filled. An individual's performance in their current position will be weighed as an indicator of likely success in a new position. We may also recruit individuals from outside of the Town, depending upon the circumstances.

An employee promoted to a higher classification shall serve a one year probation period in that higher classification. If an employee is not granted permanent status in the higher classification, the town will reassign such an employee to any available job within the town that is comparable in classification and rate of pay to the job previously held by such employee prior to the probationary promotion. However, if no such job is available, or if the employee declines such reassignment, the employee's employment with the town shall be terminated.

Employment of Relatives

The hiring of relatives (spouse, children/stepchildren, parents, guardians, mother-in-law, father-in-law, brothers/sisters, grandparents, grandchildren, or other relatives residing with the employee) shall not be permitted unless authorized by the Board of Selectmen. If related persons are employed, they will report to an alternate supervisor and not the related party.

Performance Appraisal

It is the intent of this Town that each employee be aware of their duties and performance on the job. To this end employee performance will be regularly reviewed, both informally and formally.

Each employee's performance will be reviewed in accordance with the provisions of this section. The performance review system is designed to:

- a. Maintain or improve each employee's job satisfaction and morale by letting the employee know that the employee's supervisor is interested in the employee's job progress and personal development as a town employee.
- b. Assist in determining and recording special talents, skills and capabilities that might otherwise not be noticed or recognized.
- c. Provide an opportunity for each employee to discuss job problems and interests with the Employee's supervisor.
- d. Serve as a systematic guide for supervisors/employers in planning each employee's further training.
- e. Assist in planning personnel moves and placements that will best use each employee's capabilities.

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- f. Assemble substantiating data for use as a guide, although not necessarily the sole governing factor, for such purposes as wage adjustments, promotions disciplinary actions, and reassignments.

Employee performance evaluations shall be in writing using a standard form for each department and shall be made a part of the employee's personnel file. A department specific form shall be approved by the board of selectmen. The evaluation will be discussed with the employee by the immediate supervisor and reviewed by the department head and/or the Board of Selectmen. (See Appendix B).

The Town shall endeavor to evaluate probationary employees at the end of 30, 90 and 150 calendar days during the probationary period. The probationary employee's immediate supervisor shall notify the Department Head or the Board of Selectmen, if appropriate, at least 160 calendar days after hire of any recommendation for extension of the probationary period, termination of employment, or continuation as a regular employee of the Town. In each case, the supervisor shall provide written reasons and documentation for the recommendation.

Should a probationary period be extended, the probationary employee's immediate supervisor shall notify the Board of Selectmen at least 7 days prior to the expiration of the extension with his/her recommendation for the continuation as a regular employee or termination of employment.

The Town shall endeavor to conduct performance evaluations at least annually. Employees shall be evaluated by department heads in November of each year and department heads shall be evaluated by the Board of Selectmen in December. Annual pay adjustments shall be effective the first pay period in July.

Access to Personnel Records

In conformity with NH RSA 275:56, employees shall have a reasonable opportunity to inspect their personnel files and, upon request, to obtain a copy of all or part of the file. The Employer reserves the right to charge a reasonable fee for the costs associated for all copies made at the employee's request.

If an employee disagrees with any information in the personnel file, and the Selectmen refuse to remove or correct such information, the employee may submit a written statement explaining the disagreement together with evidence supporting the employee's version. Such statement shall be maintained as part of the employee's personnel file and shall be included in any transmittal of the file to a third party and shall be included in any disclosure of the contested information made to third party.

SECTION 4 COMPENSATION

Base Compensation

A minimum and maximum pay range for each job has been established by the Board of Selectmen and shall be reviewed annually by the Board. Adjustments in pay rates shall be recommended by the Department Head and approved by the Board of Selectmen. Base compensation is the hourly rate or salary an employee receives for working a normal schedule. Other forms of compensation such as overtime, differentials, etc. are considered premium rates. In accordance with applicable law, the base

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compensation rate will be the only rate used when determining merit, cost of living or other forms of compensation. All Department Heads shall be deemed salaried employees.

Salary Deductions of Exempt Employees

Employee's salaries are intended to cover all hours worked. The Town intends to pay its overtime exempt employees on a salary basis and will not make deductions from salaries that are prohibited under the Fair Labor Standards Act (FLSA) or state law. An employee who believes an improper deduction from salary has occurred may report it in writing with an explanation to the Town Administrator. The Town Administrator will promptly investigate the claim. Should the Town determine an improper deduction has occurred, it shall immediately arrange for proper payments to the affected employee(s). The following deductions are permissible under the law:

- Absences from work for a full day or more (in daily increments) for personal reasons, other than sickness or disability in accordance with the Town's policy that provides for wage replacement benefits in the event of sickness or disability;
- To offset jury or witness fees or military pay received by the employees;
- Penalties imposed in good faith for infractions of "safety rules of major significance";
- Salary may be prorated to a daily basis when a salaried employee is hired after the beginning of a pay period, or terminated of his own accord before the end of a pay period;
- Unpaid disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules.

Overtime

All eligible employees shall be entitled to time and one half for all hours worked over 40 hours in any one week period, with the exception of all fulltime Firefighter/EMTs or fulltime Firefighter/Paramedics who will be entitled to time and one half for all hours worked over 42 hours in a one week period (per section 7(k) of the Fair Labor Standards Act). All overtime shall be approved and authorized by the employee's supervisor before an employee shall work any overtime hours.

Department Heads shall work to keep all overtime requirements within their budgets and the Board of Selectmen shall be notified of financial concerns as they pertain to each department. Overtime requests shall be submitted in writing to Department Heads by employees stating the amount of overtime requested and the reason for the request.

Holidays

Full-Time Employees shall be entitled to the following paid Holidays:

New Years Day	Labor Day
Martin Luther King/Civil Rights Day	Columbus Day
President's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day
Veteran's Day	

Holidays falling on a Saturday shall be observed on the preceding Friday. Holidays falling on a Sunday shall be observed on the following Monday.

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Employees who receive scheduled Holidays shall be paid a maximum of 8 hours for a Holiday.

Regular Part-Time Employees will be paid holiday pay on a prorated basis.

Should a holiday fall within a vacation period, it shall not be counted as part of annual leave.

Full-Time Employees who do not receive scheduled Holidays, such as Police Officers, shall be paid 8 hours at time and a half for all Town Holidays.

Employees who are eligible for Holidays and are called into work due to emergency conditions, such as DPW drivers, shall be paid 8 hours for the holiday for Full-Time Employees (prorated for Regular Part-Time Employees) and at time and a half for all time worked on Town holidays.

Full-Time Firefighter/EMT's or Paramedics do not receive scheduled Holidays, therefore if the Full Time Firefighter/EMT or Paramedic IS scheduled to work on a Holiday they shall be paid an additional 12 hours at time and a half for working the Holiday.
If the Full-Time Firefighter/EMT or Paramedic is NOT scheduled to work on a Holiday they shall be paid 12 hours at straight pay.

On-Call and Per Diem Firefighters or EMT's that are scheduled to work on a Town approved Holiday will receive Time and One Half pay for the scheduled hours worked. A holiday will begin at 12:00 am and end at 11:59 pm.

Scheduled hours for On-Call Firefighters or EMT's are from 12:00 am to 5 am and from 7 pm to 11:59 pm. Only the On-Call Firefighters or EMT's that are assigned by the Fire Chief to work the holiday will receive Time and One Half pay.

Scheduled hours for Per Diem Firefighters/EMT's are from 7:00 am to 7:00 pm. Only the Per Diem Firefighters/EMT's that are assigned by the Fire Chief to work the holiday will receive Time and One Half pay.

All other On-Call and Per diem Firefighters or EMT's that are NOT assigned by the Fire Chief that respond to emergency calls will receive straight pay.

The Town shall pay all employees on Thursday for work completed the preceding work week for which the employee is being paid.

Separation of Employment

Employees, who separate from employment in good standing with the Town, shall be entitled to receive payment for all accrued unused annual leave and one half of their accrued unused sick days, not to exceed payment for thirty (30) sick days. Any accrued unused sick days above this amount at the time of separation of employment shall be forfeited. Personal days and holidays are not reimbursable and shall be deemed forfeited.

In order to separate in good standing, the employee must provide at least 14 days' notice for hourly employees and 30 days' notice for Department Heads and not be terminated for cause by the

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Town. Those employees who do not separate in good standing from Town shall lose, and not be entitled to be paid for, any accrued unused annual leave and sick days.

The Town will offer the employee the opportunity to continue those benefits covered by State and Federal Law under the terms and conditions allowed by those laws.

Prior to leaving employment with the Town, employees shall return to the Department Head all personally held Town property and will receive a receipt for such property from the Department Head.

Prior to separation, employees may be asked to meet with the Department Head and/or the Board of Selectmen regarding reasons for leaving employment with the Town.

Mileage Reimbursement

Employees required to use their personal vehicles during the course of performing their duties shall be paid the current BOS approved mileage reimbursement rate. No reimbursement will be paid for mileage traveled for commuting to and from an employee's principal place of employment.

SECTION 5 ATTENDANCE

Hours of Work

The regular work week will be comprised of five (5) days totaling 40 hours. Actual starting and quitting times may vary from department to department. The Department Head, with the approval of the Board of Selectmen, will determine the regular hours of work both daily and weekly. The regular work week will commence at 12:01 am on Sunday, and conclude at midnight on Saturday.

Employees shall be at their respective places of work in accordance with the schedule(s) established and posted for their department. Time cards/sheets must reflect actual hours worked, and be maintained and signed by the employee and verified by the Department Head. All employees including Department Heads must complete and sign a weekly time sheet.

Employees are not permitted to register "in" more than 15 minutes before or "out" more than fifteen minutes after their scheduled hours unless overtime work has been authorized.

Call-In Procedure

It is the responsibility of the employee to notify their immediate supervisor, or duly authorized representative, of any absence, and the reason for such absence, not previously approved, at least one hour in advance of the beginning of the work shift to be missed, unless there is an emergency. A family member may notify the supervisor of an employee's absence in an emergency. Unless specifically authorized by a supervisor, an employee must call-in on each day of absence thereafter.

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The message must include: name, department, shift, brief reason for absence and expected time of return. Messages conveyed by other employees or called in to another employee, not authorized by the supervisor, and other than the supervisor does not meet the notification requirement of this policy.

Absenteeism

Absenteeism detracts from the level of service of the Town and causes an undue burden for those employees who must fill in for absent employees.

Unauthorized absence(s) from work may be cause for loss of pay for the time absent and may be cause for disciplinary action up to and including termination. Any unauthorized absence of three consecutive scheduled working days may be deemed as voluntary resignation.

Tardiness

Employees shall notify their supervisor if they will be late by more than one-half hour and of their expected time of arrival. Occasional tardiness may be excused by the employee's supervisor; however, the employee will be paid only for hours worked. Emergency conditions may warrant occasional tardiness but must be reported to the supervisor. The Department Head shall have the sole discretion to determine if the condition warrants an excused tardiness.

Unexcused tardiness may be grounds for disciplinary action, up to and including discharge and may result in the denial of step and/or merit increase.

Work Rules

The Board of Selectmen may establish additional rules and policies when deemed necessary by the Board. These rules may be developed and presented by the Department Head to the Selectman for review and approval. All work rules shall be available to every employee and posted in a prominent place in the department. All amendments to these rules shall be communicated to employees in the affected department, as soon as they are approved for implementation.

SECTION 6. LEAVE

Annual

Prior to the awarding of annual leave, Full-Time Employees and Regular Part-Time Employees shall be employed by the Town in their position on a continuous basis for one year. Annual leave shall be awarded to an employee on his or her anniversary date of hire. Following the first year's accrual, annual leave shall be awarded to Regular Part-Time Employees on January 1st of each year.

Upon termination of employment, employees shall be reimbursed for accrued unused Annual leave, subject to the requirements of Section 4 entitled "Separation of Employment".

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Full-Time Employees shall receive paid annual leave as set forth below:

Years of Continuous Service	Annual Leave Allotment Per Year
0-1	0
1 year	40 hours (5 work days)
2 nd year – 4 th year	80 hours (10 work days)
5 th year – 9 th year	120 hours (15 work days)
10 th year and above	1 additional work day per year

Due to Full-Time Firefighter/EMT's or Paramedics work schedule being 12-hour shifts, all paid annual leave will be calculated on 12-hour days.

A Regular Part-Time Employee shall earn annual leave on a pro-rated basis in accordance with his/her regular hours of work. For example, if a Regular Part-Time Employee regularly works five (5) hours per day, then the Regular Part-Time Employee shall only be entitled to five (5) hours of pay when he/she takes an annual leave day.

Full-Time Employees shall be allowed to accrue up to 200 hours (twenty-five days) of annual leave. Annual leave following maximum accrual will be on a "use it or lose it" basis unless extenuating circumstances are approved by the Board of Selectmen prior to expiration.

Regular Part-Time Employees shall be allowed to accrue up to ten (10) pro-rated days of annual leave. Upon completion of 10 years of continuous service, Regular Part-Time Employees shall be allowed to accrue up to fifteen (15) pro-rated days of annual leave. Accumulated annual leave will be on a "use it or lose it" basis as of January 1st each year, unless extenuating circumstances are approved by the Board of Selectmen prior to expiration.

Sick

Sick leave may only be used for personal illness, non-work related injury, or accident of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other available work and is assigned such other work or qualified FMLA leave, with the approval of the Department Head.

The employee shall notify his/her supervisor of the amount of sick time that shall be needed and advise that supervisor of the expected return to service date or time. The employee shall notify the employer should any other changes occur. A certificate from the employee's attending physician may be required for any illness, or absence of three consecutive days or more.

Sick leave shall be used in one hour increments, and recorded on the employee's time card/sheet.

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Sick leave shall be accrued for Full-Time Employees at the rate of 10 hours per month. Employees may accumulate up to 60 days of sick leave. Accumulated sick leave in excess of this amount after January 1st of any year shall be lost. A Regular Part-Time Employee shall accrue 4 hours per month.

For the purposes of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month.

Abuse of sick leave privileges shall be cause for disciplinary action up to and including dismissal.

As detailed in Appendix D to this policy, the Town offers a Sick Leave Bank & Donation of Sick Leave Policy (See Appendix D).

Military Service

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

Military leaves of absence will be unpaid, unless otherwise required by law.

Employees may elect to take accrued earned time during military leave, but are not required to do so. An employee needing time away from work for service or training in the uniformed services should make the Town Administrator aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least thirty (30) days before the leave begins if it is at all possible to do so. An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services.

Reasonable time off will be decided by Town Administrator on a case-by-case basis. If a military leave lasts less than thirty-one (31) days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health care insurance. Payment for insurance with less than thirty-one (31) days leave may be paid in advance or upon return through payroll deductions. If a military leave lasts thirty-one (31) days or more, the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his/her own expense for up to twenty-four (24) months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a two-percent (2%) administrative fee may also be charged. When the employee returns to work, he/she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

Accrual of Annual leave and sick time will follow the same guidelines as leaves of absence.

Employees wishing to be reinstated following military leave should promptly notify the Town Administrator of their desire to be reinstated.

If the leave is for service of less than thirty-one (31) days, the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and

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time for safe transportation back from the service. If the service lasts 31 to 180 days, the employee should notify the Town Administrator of the desire for reinstatement within 14 days of completing service.

If the military leave lasts more than 180 days, the employee should notify the Town Administrator of the desire for reinstatement within 90 days of completing service. The Town will reinstate eligible employees promptly and they will be eligible for reemployment in the previous position, with the same seniority, pay, status, rights and benefits. Eligibility for re-employment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service was not disqualifying. If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his/her reemployment position.

Jury Duty/Witness Leave

The Town of Sanbornton considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. An employee shall be excused from employment for the day or days required in serving as a juror or witness in any court created by the United States or the employee's state of residence. For part-time and temporary employees, jury or witness duty should be considered an excused unpaid absence. A full-time employee called for jury duty or subpoenaed as a witness shall be granted paid leave for the first three (3) days for the period of the civil involvement, and any absence thereafter will be unpaid leave, unless otherwise required by state or federal law. Employees who are compensated for jury duty shall be paid the difference between their regular day's pay and the amount of compensation they receive for performing their jury duty.

Employees summoned for jury duty must inform his or her Department Head and the Town Administrator as soon as possible, and must present a copy of the summons to the Town Administrator. If released from jury duty on any day, the employee is expected to return to work.

Bereavement

Employees may take and will be paid bereavement leave as provided below. The employee may be required to provide verification of absence prior to granting leave.

Leave and payment for three (3) consecutive scheduled days will be paid when there is a death in the family (spouse or civil union partner, children/step children, parents, guardians, mother-in-law, father-in-law, brothers/sisters, grandparents, grandchildren, or other relatives residing with the employee). Department Heads, with the approval of the Board of Selectmen, may authorize additional bereavement leave should they deem it necessary.

Personal Leaves of Absence

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

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

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

To request a personal leave of absence, please contact the Town Administrator. You may be asked to provide a written request for the leave and/or a doctor's certificate stating the reason for the leave and the expected date of return to work. If granted, personal leaves typically will not exceed 30 days.

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

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

Family and Medical Leave

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

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

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

Eligibility Requirements: To be eligible for FMLA leave, an employee must satisfy both of the following conditions:

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

Leave Entitlement: If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a “rolling” twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the “Available Leave Weeks”). For example, if an employee used four weeks beginning February 1, 2011, four weeks beginning June 1, 2011, and four weeks beginning December 1, 2011, the employee would not be entitled to any additional leave until February 1, 2012. Beginning on February 1, 2012, the employee would be entitled to four weeks of leave; on June 1, 2012, the employee would be entitled to four additional weeks; and so on.

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

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

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

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

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

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

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

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

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

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

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

- If paid leave is substituted for unpaid FMLA leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction.
- If an employee’s leave is unpaid, or is paid through workers’ compensation, short-term disability benefits, or other benefits not provided through the Town’s payroll system, the employee must pay his or her portion of the premium by making arrangements with the Town’s Finance Director.
- Health and other benefit coverage may be canceled if the employee’s premium payment is more than (thirty) 30 days late.

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

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

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

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

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

Medical Certifications: If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service-member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Finance Department for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Town will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Town reserves the right to authenticate or clarify any medical certification if necessary.

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

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

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

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

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

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

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

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

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

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after

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the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

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

Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Town Administrator at the Town Hall, PO Box 124, 573 Sanborn Road, Sanbornton, NH 03269 (603) 286-8303.

Maternity Leave

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

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

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

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

The Americans with Disabilities Act

In accordance with the Americans with Disabilities Act of 1990 ("ADA") and RSA 354-A, the Town prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

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

Leave of Absence for Victims of Crime

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

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

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

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town of Sanbornton. An "undue hardship" for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee's position, and our need for the employee to be at work.

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

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

Compensatory Time

Under certain circumstances and in compliance with the applicable Federal and State Laws, an employee may be granted compensatory time off in lieu of compensation for the time worked.

Compensatory time shall be granted only in accordance with applicable law and by agreement between the Department Head and employee, and shall not accumulate more than sixteen (16) overtime hours. The Department Head shall keep a written record of all compensatory time earned and used.

Personal Days

A personal day is a day of paid leave granted to an employee for the purpose of conducting personal business, or other activities as determined by the employee.

At the conclusion of an employee's probationary period a Full-Time Employee shall be entitled to take four (4) personal days per year. Full-Time Firefighter/EMT or Paramedics days will be calculated at 12-hours. The employee shall notify his immediate supervisor of their intent to take a personal day at least five (5) working days in advance. In the case of an emergency, the department shall have the authority to grant a personal day without the requisite notice. Personal days are non-accruing. Personal days cannot be carried into the next calendar year. Upon termination of employment, whether voluntary or involuntary, accrued unused personal days are forfeited; employees shall not be paid for such personal time upon termination of employment.

Administrative Leave

Administrative leave is intended to allow the Selectmen to place an employee in a leave status with pay or without pay for a fixed duration pending the conclusion of an investigation, review of performance or other circumstances not covered under other policies of the Town that may require the removal of the employee from the workplace until circumstances are reviewed and/or resolved. A request for administrative leave shall be initiated in writing by an employee's department head or the board of selectmen for the circumstance stated above. The request shall clearly state the reasons for the request and the duration of the leave.

Expense Reimbursement

The Town will reimburse employees for expenses occurred in the execution of their job duties and responsibilities. Expenses eligible for reimbursement must be job related and may cover, but are not limited to such items as mileage, meals, lodging, toll, fees, dues, etc.

Reimbursement will be made in accordance with specific policies promulgated in each department, and to the extent of budgeted amounts. All reimbursed expenses must be approved by the Department Head and/or Board of Selectmen.

SECTION 7. INSURANCE/RETIREMENT

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Medical Insurance

The Town provides medical insurance coverage to its eligible employees. Employees should refer to the basic contract provision of the Town's plan available at Town Office. As amendments are adopted they shall be provided to each employee. Upon separation from the employ of the Town, the employee may continue coverage at the employee's option and employee's expense and in compliance with Federal and State Law. Eligible employees that opt not to take the medical insurance benefit will be provided an opt-out payment from the Town in lieu of benefits in accordance with applicable law. This opt-out payment as of January 2018 is set at \$4,500.00 to be paid at the end of the calendar year for the year in which the eligible employee has opted out of the health insurance benefit for the full calendar year. The terms of this benefit is subject to change from year to year at the discretion of the Board of Selectmen.

Dental Insurance

The Town provides dental coverage. Employees should refer to the basic contract provision of the Town's plan available at Town Office. As amendments are adopted they shall be provided to each employee. Upon separation from the employ of the Town, the employee, in accordance with COBRA and at the employee's expense, may continue coverage at their option and in compliance with Federal and State Law. Eligible employees that opt not to take the dental insurance benefit will be provided an opt-out payment from the Town in lieu of benefits in accordance with applicable law. This opt-out payment as of January 2012 is set at \$150.00 to be paid at the end of the calendar year for the year in which the eligible employee has opted out of the dental insurance benefit for the full calendar year. The terms of this benefit is subject to change from year to year at the discretion of the Board of Selectmen.

Short Term Disability Insurance

The Town provides short term disability insurance for all Full-time employees. Employees should refer to the basic contract provision of the Town's plan available at the Town Offices. As amendments are adopted, they shall be provided to each employee.

Life Insurance

The Town provides all Full-time employees with a Life Insurance Policy. Employees should refer to the basic contract provision of the Town's plan available at the Town Office for amounts and terms and benefits. As amendments are adopted, they shall be provided to each employee.

Workers' Compensation

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

Reporting Injuries: If you are injured on the job, no matter how slightly, you must report the incident immediately to your Department Head who will report it to the Town Administrator. Employees must complete the necessary workers' compensation forms following any injury. The Workers' Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury).

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Weekly Income Benefits: The amount of the weekly worker's compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by our workers' compensation carrier to eligible employees.

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

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

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

Unemployment Compensation

The Town complies with the Laws of the State of New Hampshire (RSA 282-A) with regard to unemployment compensation coverage for employees. General information on the law is posted in each work area. Particular information may be available from the New Hampshire Department of Employment Security (DES) local office for this area.

Retirement

The Town participates in the State of New Hampshire Retirement System. Full time employees who work a minimum of thirty five (35) hours a week are required to participate. The employer's contribution rate is determined on an annual basis by the system and will be paid by the Town.

Some or all employees may be required to participate in the Federal Social Security System. Deductions for this program begin at the time of employment and are not governed by an employees' status.

Other optional and voluntary programs may be offered from time to time by the Town. The specific benefits and obligations of these programs will be explained to all new employees at the time of hire and at the completion of the probationary period.

SECTION 8. CODE OF CONDUCT

Ethics

Town of Sanbornton Personnel Rules and Regulations

Employment with the Town carries with it a responsibility to be constantly aware of the importance of ethical conduct. Employees must refrain from taking part in, or exerting influence in, any transaction in which their own interests may conflict with the best interests of the Town. Each employee is individually responsible for adhering to the policy and for reporting violations to his/her supervisor.

The Selectmen recognize and respect the individual employee's right to engage in activities outside of his/her employment which are private in nature and do not in any way conflict with or reflect poorly on the Town. The Board of Selectmen does reserve the right, however, to determine when an employee's activity represents a conflict with the Town's interests and to take whatever action necessary to resolve the situation including termination.

The list below includes, but is not limited to types of activity that would reflect negatively on the employee's personal integrity or that would limit his/her ability to discharge their job duties and responsibilities in an ethical manner:

- a. Simultaneous employment by another firm that is a supplier to or contractor with the Town.
- b. Conducting business with a firm in which the employee, or close relative of the employee has a substantial ownership or interest.
- c. Holding a substantial interest in, or participating in the management of, a firm from which the Town makes purchases.
- d. Borrowing money from individuals or vendors, other than recognized loan institutions, from which the Town buys services, materials, equipment, or supplies.
- e. Accepting gifts or entertainment from an outside organization, individual or agency.
- f. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the Town.
- g. Participating in civic or professional organization activities in a manner whereby confidential information is divulged.
- h. Misusing privileged information or revealing confidential data to outsiders.
- i. Using one's position in the Town or knowledge of its affairs for outside personal gain.
- j. Engaging in practices and procedures that violate federal, state, or local laws, ordinances, or rules.

Employees with any questions regarding these guidelines are required to discuss them with the Town Administrator and/or Board of Selectmen, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

Town of Sanbornton Personnel Rules and Regulations

Confidentiality

The security of Town property and confidential information is the responsibility of every employee. The Town is constantly involved in issues that affect the property and reputations of its residents. Therefore, legal and personnel issues, and the policy formulation process are confidential matters and must not be divulged without the approval of the Board of Selectmen.

Town owned materials, equipment, tools, or other personal property, confidential literature, and manuals or other documents of a sensitive nature, shall not be removed without prior written authorization of the employee's Department Head and/or Board of Selectmen.

Violations of this policy will result in immediate and appropriate disciplinary action, up to, and including termination.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

The Town is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, marital status, familial status, veteran status, pregnancy, physical or mental disability, sexual orientation or any other legally protected class will not be tolerated.

Further, retaliation against an individual who has made a complaint about sexual or other unlawful harassment and/or individual who has cooperated in an investigation of harassment is unlawful and will not be tolerated.

Sexual harassment is any conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile humiliating, or sexually offensive work environment.

It is not possible to list all of the circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct; however the following are just a few examples of prohibited conduct:

- unwelcome sexual advances, whether or not they involve physical touching;
- requests for sexual favors;
- any conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile, humiliating or sexual offensive work environment;
- sexual or non-sexual comments that are directed at an individual because of his/her sex, race, color, national origin, age, religion, marital status, familial status, veteran status, pregnancy, physical or mental disability, sexual orientation;
- sexual epithets; sexual jokes; written or oral references to sexual conduct; gossip regarding one's sex life;
- commenting on an individual's body or about an individual's sexual activity, deficiencies, or prowess;

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- displaying sexually suggestive objects, pictures, cartoons; leering, whistling, brushing against the body; sexual gestures;
- suggestive and/or insulting comments including inquiries into an individual's sexual experiences and discussion of one's sexual activities.

The Town takes allegations of sexual and other forms of unlawful harassment seriously and will respond promptly to any complaints. Where it is determined that the policy has been violated, the Town will act promptly to eliminate the conduct and impose any necessary disciplinary action including suspension, demotion or termination of employment.

COMPLAINT PROCEDURES

If an employee believes they are being harassed they should request that the person engaging in the alleged conduct stop such behavior. However, if an employee is uncomfortable taking this step, it is not a requirement to do so and the employee should report the conduct to the Department Head or Town Administrator. The The Department Head will immediately report to the Town Administrator or to the Board of Selectmen.

In the event the allegation involves the Town Administrator or Selectmen, the employee shall report the matter to the one or more members of the Board of Selectmen.

The Board of Selectmen will assign an impartial person to promptly investigate the allegation and report the investigation and findings to the Board of Selectmen within ten (10) business days or within another time frame as deemed appropriate. The investigation will be conducted in a manner to maintain confidentially to the extent practicable under the circumstances.

Where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. The Board of Selectmen will notify the reporting employee of the findings of the investigation. The reporting employee will not be subject to any adverse employment action unless it is determined that the employee purposely made a false allegation.

Employees who violate the Sexual and Other Unlawful Harassment policy will be subject to disciplinary action up to and including termination of employment.

EMPLOYEE EDUCATION AND TRAINING

The Town's policy against sexual and other unlawful harassment shall be communicated in writing to all employees. Educational posters communicating the Town's opposition to sexual and other unlawful harassment shall be conspicuously and continuously displayed in the workplace. Such notices shall advise employees of the right to initiate a sexual and other unlawful harassment complaint through the procedures outlined in this policy as well as the right to initiate complaints with the New Hampshire Commission on Human Rights and/or the Equal Employment Opportunity Commission.

Each Town department shall conduct periodic training to inform employees of the Town's policy prohibiting sexual and other unlawful harassment and retaliation and the complaint and investigation procedure set forth herein. Such training shall include the following components:

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- A. For all employees: As part of general orientation, each recently hired employee shall be provided a copy of this policy and during their first year of employment shall attend a training session regarding this policy.
- B. For all supervisory employees: All supervisory personnel shall annually participate in a training session regarding sexual and other unlawful harassment which includes information about the types of conduct which will not be tolerated in the workplace.

Gifts, Gratuities, Favors

Employees and contract personnel of the Town are prohibited from accepting, soliciting, or taking any gratuity, favor or entertainment, loan, property (personal or real), or other items of monetary value from any person whose interest may be affected by the employee's or contractor's performance or non-performance of duties.

Acceptance of gifts of negligible commercial and/or monetary value in keeping with special occasions (marriage, retirement, etc.), and generally available to the general public and other Town employees is permitted, but must be reported immediately to the employee's supervisor.

Failure to comply with the provisions of this policy or to report information regarding the possible violation of this policy shall be grounds for immediate disciplinary action. In the case of employees, and review of contract continuation, in case of contractors, such failure to comply may result in immediate termination of the employee or contractor.

Telephone Use

Telephone use is restricted to the conduct of business for the Town. Incoming phone calls for non-business matters are discouraged.

Cellular Phones

Cellular (cell) phones are an important part of our world today. Because many of our employees own personal cell phones we feel it necessary to provide guidance about use of personal cell phones in the workplace. Additionally, some employees may receive cell phones due to the nature of their position. This policy also outlines the appropriate and safe use of Town-provided cell phones.

Personal cellular phones

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. The Town encourages a reasonable standard of limiting personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention.

The Town will not be liable for the loss of personal cellular phones brought into the workplace.

Personal use of Town-provided cellular phones

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Where job or Town needs demand immediate access to an employee, the Town may issue a Town cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for Town reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Safety issues for cellular phone use

Employees whose job responsibilities include regular or occasional driving shall not use a cell phone while driving, or operating Town equipment. Safety must come before all other concerns. Employees are required to comply with NH RSA 265:79-c Use of Mobile Electronic Devices While Driving; Prohibition.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including termination.

Visitors

To insure the safety of department operations and ensure productivity, non-business related visits to work areas are discouraged. It is the supervisor's responsibility to make certain that visitors in his/her department, whether employees or not are authorized to be there.

Parking

The Town will not be liable for fire, theft, damage, or personal injury involving employees' automobiles or their contents when parked in municipal parking lots.

Solicitation

Unauthorized solicitations of employees on the premises are strictly prohibited at all times. This prohibition applies both to employees during working hours and to outsiders. Any such incident should be reported to the Board of Selectmen immediately.

In some instances, the collection of money for presents, flowers, parties, donations, or for cases of particular hardship can be considered appropriate. In these cases, prior approval of the Department Head is required and all such solicitations shall be made during regularly scheduled rest and lunch periods.

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Political Activity

Nothing in these rules is to be construed to prevent any employee from seeking out or continuing to be a member of a political organization or from attendance at a political meeting, or having freedom from interference in casting his/her vote.

The Town shall not allow the displaying of any political advertisements on Town property, other than that allowed at the polling place according to polling rules and regulations.

Town elected officials or employees seeking office may campaign for their own cause, but not on Town time and in accordance with normal campaign regulations.

Outside Employment

Employees working for other employers, including self-employment, are required to notify the Selectman immediately of their employment, their likely schedules and work location so that the Selectmen may determine if there is any conflict with work performed for the Town or likely to raise conflict of interest issues for the Town.

An employee on an approved leave of absence, other than annual or military leave, who works for another employer during that leave will be considered to have voluntarily resigned from Town employment.

Personal Dress

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Jeans, tight-fitting clothing, tank tops, bare midriff (half) shirts, shirts with bare backs, shorts, and short skirts or dresses are not considered workplace appropriate clothing. Exceptions to the business attire policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

Any questions concerning dress should be directed to the Town Administrator.

Social Media Policy

(1) **Purpose and Intent.** The Town acknowledges that the public and employees may benefit from reasoned debate on matters of public interest. This policy, like the Town Computer and Communications Equipment policy, does not seek to censor public debate. However, the Town is justifiably concerned with the potential negative aspects of comment that may lead to adverse impact upon the Town's mission or the workplace, liability, and inefficiency. This policy advises employees as to the nature of appropriate and inappropriate social networking and blogging that may affect the public, the Town, or other employees. This policy must be read in conjunction with other applicable policies and requirements. Employees who are uncertain about the scope or applicability of this policy may contact the Town Administrator for guidance.

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(2) **Scope.** This policy applies to “social media”, “social networking” and “blogging” in a broad sense including comments made to or by a public employee whether made by e-mail, contribution to a weblog, or posting on a website (public or personal) (collectively herein referred to as “social media”). This policy also applies to social media statements made officially or unofficially in a public capacity and to social media statements made privately.

(3) General Guidance.

(a) Unless specifically and expressly authorized by an individual job description, the Town Administrator or by the Board of Selectmen, an employee:

- (i) May not use the Town’s computer system for social media purposes. This prohibition applies to all social media of any format or kind.
- (ii) May not participate in social media while on duty.
- (iii) May not participate in social media in any manner or at any time in a manner that identifies the individual as an employee of the Town to create an appearance, whether intended or not, that the employee is speaking as a representative of, agent for, or in any way on behalf of the Town. Personal social media should have clear disclaimers that the views expressed by the author is the author’s alone and do not represent the views of the Town.

(b) An employee must understand that social media of any kind transmits information electronically and that the content may be viewed by anyone at any time. Therefore, employees cannot have any expectation of privacy in any social media, and the Town may read, review, monitor, or copy social media. Employee further acknowledges that the Town may take all necessary steps to ascertain the identity of individual employees who engage in social media, except for social media that expressly constitutes nonwork-related use under this policy.

(c) Social media by employees, whether it is authorized work related or non-work related, should follow these general guidelines.

- (i) Town employee participants in social media are reminded that Integrity is the essential ingredient to using social media ethically. Town employees should therefore be honest in their use of social media and maintain high regard for the public interest. All information disseminated should be absolutely accurate.
- (ii) Employees are cautioned to exercise discretion when making statements on social media that may be taken out of context and used to smear an employee’s credibility, integrity, or character.
- (iii) Social media may not be used for sexual or other unlawful harassment, unfounded accusations, or to create or contribute to a hostile work environment and may not disclose confidential information about others, which is protected by HIPAA, RSA 91-A or any other applicable law.
- (iv) Unless authorized, social media may not display images of the Town’s property, logo, seal, or premises.

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- (v) Participants in social media must avoid any activity or conduct that unjustly reflects adversely upon the Town and other employees, including but not limited to, pornography, illegal drugs, threatening, disparaging of any race, religion, gender, age sexual orientation, disability or national origin, or other illegal acts.
- (vi) Participants in social media should ensure that opinions they express or relay are not capable of being seen as opinions of the Town or its officials or employees unless expressly authorized. Standard disclaimers, do not by themselves, exempt command staff member from any special responsibility. By virtue of their position, they must consider whether personal thoughts they publish may be misunderstood as expressing opinions of the Town. Additionally, a managers should assume that Town employees will read what is written. Social media is not the place to communicate Town policies to Town employees.
- (vii) Participants in social media should not assume that anonymous social media, or social media conducted under a pseudonym, protects their identity from disclosure.

(4) Guidance for Non-Work-Related Social media. Subject to the general guidelines and other policy provisions, users of social media acting on their own behalf, without identifying themselves as employees or in any way indicating their status as such, may make non-work-related social media comments, without prior review or approval by the Town, provided that such activity does not constitute defamation or misrepresent or distort facts in such manner that it may cause negative effects for the Town, officials, or employees. Non-work-related social media, as described in this paragraph by an employee of the Town who is identified as such, shall conform to paragraph (5).

(5) Guidance for Non-Work-Related Social media when Participant is Identified as Public Employee.

(a) When an employee engages in personal, non-work-related social media, but the employee is identified as an employee of the Town, the Town has an interest in protecting itself, the public, and other employees from potentially adverse effects of social media. Accordingly, employee agrees that any such social media shall clearly indicate that the content, opinions, and statements are solely those of the employee and do not necessarily represent the views of the Town, other employees, or the public.

- (b) Such social media may constitute a basis for discipline, including termination, if it:
 - (i) Contains defamatory or false content;
 - (ii) Creates or adds to an unreasonable adverse effect on the workplace;
 - (iii) Is represented or appears to be made as part of the official duties of the employee unless the official duties of the employee include the authority to engage in social media in the manner in which the social media occurred; or
 - (iv) Otherwise exposes the Town and/or Town to liability or adversely affects public officials, employees, the public, or the Town without due cause.

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(6) Guidance for “Unofficial” Work-Related Social media.

- (a) The rights of public employees in some instances to make statements that constitute legitimate public comment on matters of public concern may be protected to an extent by statutory and constitutional guarantees of free speech, association, and religion. Those rights, however, are not unlimited and are subject to control depending on the employee’s position and duties and the effect of the statements.
- (b) An employee may not state, imply, or suggest that social media is authorized by or represents the Town unless that is actually the case and the employee expressly has been authorized to make such statements.

(7) Guidance for Official Social media. Social media on behalf of the Town or as a representative or agent of the Town may be conducted only with specific written authorization of the Town Administrator. The general guidelines and standards for official social media require that the social media be specifically authorized, honest and candid, and confined to the authorized statement or topic, and conducted in the manner authorized.

Discipline Procedures

It is the Town’s policy to place as few restraints on personal conduct as possible. We are justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and sense of responsibility. Each employee is expected to conduct himself/herself in an appropriate manner. However, for the protection of its property, business interests, and other employees, the Town has established certain rules of conduct. Violations of any rule will be treated accordingly. It is the policy of the Town to take corrective action against employees who violate rules, regulations, standards of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town:

1. Documented verbal warning
2. Written warning
3. Suspension
4. Dismissal

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

These rules are published for your information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. It is only fair that you should be familiar with those rules the Town considers to be of importance. It is also fair that you be made aware of the procedures to be used should any disciplinary action be required. The employer believes in using a process that is fair to all, and maintains employee responsibility.

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Violations of one or more of the following rules will be considered adequate justification for immediate termination of an employee.

- a. Possessing, carrying, or being under the influence of intoxicating beverages or narcotics while at work.
- b. Stealing or attempting to steal property from any individual or stealing or attempting to steal property from the Town.
- c. Provoked or unprovoked bodily assault upon any person, or fighting while at work.
- d. Immoral or indecent conduct.
- e. Threatening, coercing, intimidating, or interfering with other employees.
- f. Insubordination to a supervisor, refusal to perform assignments, or directing abusive or threatening language at any supervisor, employee or official.
- g. Disclosing confidential information to unauthorized persons, or any action that might create poor public relations.
- h. Falsification of employment application(s), time cards, work reports, or other employer records.
- i. Willful entering data on another employee's time record or permitting another employee to enter data on your time record, tampering with time cards, clocks, or records; failure to maintain accurate time records.
- j. Fraud committed by knowingly accepting pay for operations not performed on time or time not worked.
- k. Acts of sabotage, or other interference with employer projects.
- l. Defacing Town and/or private property.
- m. Conviction of a felony.
- n. Sleeping during working hours.
- o. Accepting or soliciting any gift, gratuity, favor, loan, or other item or consideration of monetary value from any person who has or is seeking to transact business with the employer or from any person within or outside the employee's performance or non-performance of official duty.
- p. Absence of three (3) consecutive working days without notification.
- q. Inciting other employees to illegal action.

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- r. Unsafe or negligent operation of Town equipment
- s. Violation of Town policy or procedure.
- t. Sexual or unlawful harassment.
- u. Unsatisfactory job performance or neglect of duty.
- v. Conduct unbecoming of a Town employee
- w. Other circumstances which warrant discipline.

Computer Use and Communications Equipment Policy

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

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

The following guidelines apply to all employees:

- Employees should be aware that in addition to monitoring e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), the Town has the ability and the right to monitor such things as each Internet web site visit, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Town of Sanbornton and may be monitored by the Town at any time.
- Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any legitimate law enforcement investigation.

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

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

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- The Town of Sanbornton retains the copyright to any Town-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.
- All information on the network, Internet, computers, and other communications equipment is the property of the Town of Sanbornton. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.
- All employees are required to report any violations, or suspected violations, of this policy

Use of Town Vehicles

Introduction

For vehicles assigned to management personnel, the use is limited specifically to work duties and such travel as is necessary to perform their established duties. All other guidelines also apply.

Procedures

a) Off Duty vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route and should not be utilized for trips which are out of the primary route for personal business.

Town vehicles are only to be used during the time frame of travel to and from the residence, and/or for work associated functions.

All vehicles shall be identified with the Town seal and/or the town and department name.

Vehicles should only carry those items for which the Town vehicle is designed or utilized. Personal property should not be carried in the vehicle and is the sole responsibility of the operator.

The vehicle operator shall drive in a safe and courteous manner, in compliance with all relevant traffic laws. The operator shall be responsible to pay any tickets received and shall be held accountable for any damage to the car due to negligence on the part of the operator. In emergency situations please refer to the Departments emergency driving procedures.

Passengers shall be limited to Town employees; committee and board members; and individuals who are directly associated with a Town work activity (consultants, contractors, and so on).

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Family members shall not be transported in Town vehicles, except in emergency situations.

Management personnel may utilize their vehicles during the day for in-Town transportation incidental to normal work day activities such as lunch.

If a Town vehicle is utilized for personal business due to unforeseen emergency circumstances, the Board of Selectmen shall be advised and reimbursement shall be arranged.

In no event is the vehicle ever to be utilized to transport alcoholic beverages or controlled substances, with the exception of police/fire vehicles transporting: evidence and/or contraband or medical supplies associated with the employee's official duties and responsibilities.

Seat Belts shall be worn at all times while operating Town vehicles.

Smoking in any Town vehicle by the driver or by a passenger is prohibited.

Employees are responsible for making sure all vehicles which they drive or in which they ride are clean and neat, and they are responsible for reporting any accidents, malfunctions, mechanical problems or situations immediately to a supervisor.

The use of cell phones shall not be permitted while operating a Town vehicle. Likewise, texting shall not be permitted while operating a Town vehicle.

In all instances, vehicles are only to be driven by Town employees who are properly licensed.

The Board of Selectmen may authorize specific provisions for individual management personnel required to respond to unanticipated situations.

SECTION 9. SEPARATION FROM EMPLOYMENT

At-will employment Relationship

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

Resignation

Voluntary separation occurs when the separation is initiated by the employee by:

- a. A written or oral resignation.
- b. Failure to appear or call for three consecutive scheduled working days.

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- c. Failure to return from an approved leave of absence at the conclusion of the leave.
- d. Failure to report for work upon recall from a lay-off or reduction-in-force.
- e. Retirement.

Layoffs/Reductions In Force

A layoff is the discontinuance of employment for any period of time when no work is available; no funds are available or other legitimate reasons. All employees shall be furnished a statement in writing setting forth the reasons for the layoff.

Recall

Recall from lay off will be made of all qualified regular employees for up to one year from the date of the lay off before employment of others. Persons who are laid off in good standing shall, provided that their qualifications are equal to the qualifications of the other applicants, be given preference for re-employment.

SECTION 10. EDUCATION AND TRAINING

Education

The Town is committed to providing opportunities for employees to maintain and improve their skills, and to learn new skills. To this end the Town provides reimbursement, to the extent of budgeted amounts for this purpose, and may grant paid time off during working hours to permit employees to receive training. Reimbursement for this and other forms of skill development, enhancement and maintenance are covered in the Training and Development section of these rules and regulations.

Training and Development

It is the policy of the Town to provide reasonable assistance to employees interested in furthering their formal education, and enhancing or maintaining their skills.

The following education reimbursement policy will apply to all employees after twelve months (12) of continuous Town service. The Town agrees to provide reimbursement for fifty percent (50%) of the cost of courses if all of the following are met:

- A) Course reimbursement not to exceed five hundred dollars (\$500.00) per course
- B) Courses must be approved in advance by the department head. The Town course approval form must be completed by the employee.
- C) Courses are related to the employee's job or as part of an approved career development program. The Department Head will make the determination whether such course or program of study is eligible for reimbursement and provide a recommendation to the Board of Selectmen.

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D) Not more than one thousand dollars (\$1,000.00) will be paid for any employee in any fiscal year for course reimbursement.

E) Successful completion of course work with a "B" grade or the numerical equivalent grade or better and satisfactory proof of attainment. If a class is only graded as "Pass" or "Fail", reimbursement will only be made for employees who receive a "Pass."

F) Requests for tuition, books and program reimbursements under this policy must be submitted within (30) days of course completion. Tuition reimbursement request must be completed and submitted to Department Head with supporting documentation.

G) Participant under this policy must be employed with the Town at time of reimbursement.

If a course is paid for in whole or in part through federal, state or private industry programs, then the Town will not reimburse for the same course, it being the intent of this section to eliminate double payment for any course.

Education reimbursement expenses include: tuition, registration, books, supplies, and course material.

The restriction and requirements above will not apply to courses which the Town requests an employee to take during on-duty time.

All employees may be required to engage in such on the job training programs as may be deemed necessary or desirable by the appropriate Department Head.

SECTION 11. SAFETY AND HEALTH

Safety Programs

Providing safe working conditions and maintaining continuity of employment is of continual concern. The Selectmen will not knowingly permit unsafe conditions to exist, nor will it permit employees to indulge in unsafe acts. Violations of Town safety rules and regulations will result in disciplinary action.

Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited.
- c. The use, adjustment, and/or repair of machines or equipment is to be performed only by you if you are trained and qualified.

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- d. Get help when lifting or pushing heavy objects.
- e. Understand your job fully and follow instructions. If you are not sure of a safe procedure, ask your supervisor.
- f. Know locations, contents, and intended use of all first aid and firefighting equipment.
- g. Wear personal protective equipment in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

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

Department Heads and supervisors, in conjunction with the Joint Loss Committee shall be responsible for incorporating safety and good housekeeping into the day-to-day activities of their departments, including the taking of corrective and preventative action on problems within their departments.

Employees are encouraged to make recommendations, suggestions and reports of unsafe conditions to their immediate supervisor so that they may be reviewed and corrected.

All employees will be specifically rated on their knowledge and adherence to their safety procedures of the Town and their work unit.

Joint Loss Management Committee (Safety Committee)

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

Workplace Violence

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. The Town of Sanbornton therefore prohibits violence and verbal and physical threats of violence of any kind in the workplace or on Town property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including separation from employment. Responsive action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence or threat of violence, you must immediately report the matter to the Town Administrator.

Accident Reports

It is mandatory that an employee report any injury, however slight, to the supervisor or Department Head as soon as possible. The supervisor or Department Head will complete the required

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reports and forward them to the Board of Selectmen immediately. Any delay in reporting a work-related injury may lead to disciplinary action up to and including discharge.

Smoking

Because of overwhelming evidence that smoking is dangerous and injurious to a person's health and in accordance with State law, the Selectmen have banned smoking in the workplace and Town vehicles, except in specifically designated areas and during rest periods and employee meal times.

In order to comply with town policy, state law, fire safety and maintain a positive and professional image, smoking will not be allowed in town buildings or town vehicles. Smoking will be allowed only during scheduled breaks and only in designated areas as follows:

1. Transfer Station: Near the perimeter of the Town property on Shaw Hill Road. All other areas of the Transfer Station are considered smoke free.
2. Highway garage: In the general area of the employee parking (front of building).
3. Town Office: In the general area of the parking lot between the buildings.
4. Town Hall: In the parking lot on the southern side of the building.
5. Recreation Office: In the general area of the parking lot.
6. Town Beach: No Smoking
7. Town Park: Only in the designated area

All smoking materials will be disposed of properly.

Failure to comply will result in administrative action leading disciplinary action up to and including dismissal from town employment.

Drug Free Work Place See Appendix C for CDL drivers

It is the intent of the Town to provide a drug free work environment for its employees and for other persons carrying out the municipality's functions.

- (1) The use, possession, dispensing, distribution, or manufacturing of any alcoholic beverage or controlled substance by a Town employee on Town premises, work sites, town vehicles or equipment is prohibited.
- (2) An employee shall not perform work duties while in an impaired condition stemming from the use of alcohol or controlled substances.
- (3) An employee who is found in violation of this policy is subject to disciplinary action up to and including termination and/or may be required to participate satisfactorily in an approved substance abuse rehabilitation program as a condition of continued employment.
- (4) Exceptions to this policy are (a) In the case of public safety personnel when this is required in the performance of their official duties, or (b) in the case of employees who must possess and use a controlled substance as legally prescribed by a licensed medical practitioner. (See the Town Alcohol and Drug Policy. Appendix C).

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SECTION 12. GRIEVANCE PROCEDURES

Definition

A grievance is a dispute between any employee and the employer concerning the interpretation or application of the terms of these personnel rules and policies.

Policy

It shall be the policy of this Town that any grievance shall be settled at the lowest possible leave level. This policy shall not be construed in any way to restrict the rights of employees under these personnel rules.

Step 1

Any employee who deems himself/herself aggrieved shall, within five(5) working days of the occurrence or knowledge of the problem, bring such grievance to the attention of his/her immediate supervisor. In all instances the employee should specifically cite the violation of a section of these rules or policies. The immediate supervisor shall render a decision within five(5) working days.

Step 2

If the employee is not satisfied with the decision of the supervisor, he/she may, within five (5) working days from such decision, submit the matter in writing to his/her Department Head. The Department Head shall have a meeting with the aggrieved employee and the Department Head shall render a written decision within ten (10) working days of the submission of the grievance.

Step 3

If the employee is not satisfied with the decision of the Department Head, he/she may, within five (5) working days from such decision, submit the matter in writing to the Board of Selectmen. The Board of Selectmen may, at its option, hold a hearing on the grievance and shall render a written decision within twenty (20) days of receipt of the grievance.

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Appendix A
Employee Classifications and Pay Scales

Town of Sanbornton Personnel Rules and Regulations

APPENDIX B TOWN OF SANBORNTON



Employee Performance Review

Employee Information					
Name				Date Hired	
Job Title				Date	
Department				Department Head	
Review Period		to			
Ratings					
	1 = Poor	2 = Fair	3 = Satisfactory	4 = Good	5 = Excellent
Job Knowledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments					
Work Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments					
Attendance/Punctuality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments					
Initiative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments					
Communication/Listening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments					
Dependability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments					
Overall Rating (average the rating numbers above)					

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Employee Information			
Name		Date Hired	
Job Title		Date	
Department		Department Head	
Review Period		to	
Evaluation			
ADDITIONAL COMMENTS			
GOALS <i>(as agreed upon by employee and manager)</i>			
Verification of Review			
<i>By signing this form, you confirm that you have discussed this review in detail with your supervisor. Signing this form does not necessarily indicate that you agree with this evaluation.</i>			
Employee Signature		Date	
Department Head Signature		Date	

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Appendix C
CDL Alcohol & Drug Policy

REFERENCE

(A) 49 CFR
Federal Motor Vehicle Safety

(B) Drug Free Work Place Act 1988
(Public Law 100-690 Title V)

I. Purpose

This delineates the policy under which the Town of Sanbornton will comply with Federal Highway Administration mandates of reference (A), prohibiting the use of certain controlled drugs and alcohol by all town employees. Within this policy are the procedures for testing, record keeping and enforcement that will be used by the Town to monitor and ensure compliance.

II. Background

It is the policy of the Town, under guidelines of reference (B) that all of its work sites, facilities and vehicles be free from alcoholic beverages and illegal substances and that employees not report for duty in a condition that renders them unable to perform safely and properly. Specifically, the Town's general policy:

Prohibits the use, possession, dispensing, distribution or manufacturing of any alcoholic beverages or controlled substance by a Town employee on Town premises, work sites, vehicles, or equipment.

Prohibits any employee from performing work duties in an impaired conditions resulting from use of alcohol or controlled substances.

Provides for disciplinary action up to and including termination and/or required satisfactory participation in an approved assistance or rehabilitation program as a condition of continued employment.

III. Definitions Extract from reference (A)

- A. **Covered Employee:** Employees and compensated individuals whose position requires a CDL license.

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- B. **Safety Sensitive Functions**: An employee is considered performing a safety sensitive function when performing, preparing to perform or having just completed any of the following activities:
1. All driving time in a Commercial Motor Vehicle (CMV).
 2. All inspecting, servicing, maintaining, or conditioning of any CMV.
 3. All time, in or on a CMV, other than driving
 4. All time loading, unloading or preparing a CMV or supervising those activities.
 5. All time in readiness, or on call, in readiness to operate a CMV or waiting to be dispatched.
 6. All time repairing, obtaining assistance or remaining in attendance on a disable CMV.
 7. All time related to accidents.
- C. **Substance Abuse Professional**: A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of an clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

IV. Responsibilities

A. The Town of Sanbornton, as the employer, will:

1. Administer and execute the provisions of this policy and defining regulations, The Board of Selectmen will be the coordinator of the program for the Town.
2. Pay all costs for mandatory testing, training and record keeping. The Town may contract for testing other services related to this policy and will ensure that procedures used for testing meet the requirements for reference (a) Part 40. The Town will closely monitor contractor performance to protect the employees, ensure the integrity of the testing processes, and safeguard the validity and arbitrarability of the test result
3. Provide annual training for all covered employees on the content of this policy and governing directives. Additional training will be provided when changes in the policy or those directives occur. (Material to be provided to employees is outlined in 49CFR 382.601).
4. Provide specifically targeted training for supervisors and management personnel responsible for the performance of covered employees. This training will include a minimum of one hour of training on alcohol abuse and one hour on controlled substance use covering the physical behavioral, speech and performance indicators of probably participation in these activities.

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5. Ensure confidentiality of individual employees records kept under provisions of this policy and governing directives. Except as required by law or expressly authorized or required by the governing directives, employee records will be released to individuals or outside agencies only with the written authorization of the employee which indemnifies the Town.
6. Provide anti-drug abuse and anti-alcohol abuse training. Information on counseling and rehabilitation services will be provided through the coordinator.

B. Supervisors responsible for the safety and performance of employees assigned to them will:

1. Prohibit employees, about whom they have actual knowledge of prohibited conduct, from performing or continuing to perform safety sensitive functions.
2. Observe and monitor the physical characteristics, conduct, behavior and performance of assigned employees for indications that they may be under the influence of drugs or alcohol. When personal observation provides reasonable suspicion, the employee will be immediately prohibited or removed from safety sensitive functions and directed to submit to appropriate testing.
3. Fully document in writing within 24 hours, the circumstances, conditions and observances that result in the removal of an employee from safety sensitive functions.
4. Immediately report to the responsible department head and program coordinator any violation of prohibited activities or prescribed procedures.
5. Ensure that employees are scheduled for and attend required training.
6. Make strong effort, short of detaining employee against his/her will, to arrange transportation to the employee's residence whenever an employee is prevented from reporting for or removed from duty in accordance with this policy.

C. Employees whose duties require a valid CDL will:

1. Submit to and cooperate with mandated drug and alcohol testing as delineated.
2. Not report to duty or remain on duty requiring the performance of safety sensitive functions while using any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a CMV. Employees must inform their department head and program coordinator of any therapeutic drug use.
3. Not report for duty or remain on duty requiring the performance of safety sensitive functions while under the influence of alcohol. An alcohol concentration greater than 0.04 will preclude assignment to safety sensitive duties.
4. Not use alcohol while performing safety sensitive functions.
5. Not consume alcohol within four hours prior to performing safety sensitive functions.
6. Not consume alcohol after an accident that requires alcohol testing for eight hours or until tested, whichever comes first.

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7. Report immediately to their supervisor any disqualification or incidents that may result in disqualification that occur on or off duty.
8. Properly participate and successfully complete any rehabilitation program prescribed by a substance abuse professional

V. Testing In accordance with Part 40 of Reference (a)

A. Requirement for drug testing:

1. Random Testing: Periodic unannounced, scientifically random selection of covered employees, identified by the last digit of their social security number, will determine participants to meet the annual requirement for random controlled substance testing. ***The Town of Sanbornton will contract with LRGHealth Care of Laconia or similar company to manage the testing program. The Employees to be tested will be part of a pool of employees incorporating similar employees of neighboring Towns.*** The percentage of covered employees tested will be at least 50 percent or the minimum percentage applicable for that calendar year as promulgated by the ***FMCSA (Federal Motor Carrier Safety Administration)*** Administrator.
2. Post Accident Testing: Any employee performing safety sensitive functions with respect to a Town CMV involved in an accident will be tested as soon as practicable, within 32 hours of that accident. If the accident involved loss of human life or a citation for a moving violation under State or local law, testing will be conducted by Federal, State or local officials having independent authority conforming to applicable requirements may be considered to meet this requirement.
3. Reasonable Suspicion Testing: Testing will be required whenever an appropriately trained supervisor or management official observes specific contemporaneous articulable conditions of appearance, behavior, speech or body odors and including chronic or withdrawal symptoms indicating the use of a controlled substance by a covered employee.
4. Pre-employment Testing: Prior to any final offer of employment, any applicant who will perform safety sensitive functions must be tested for controlled substances with a negative result. Employees seeking internal transfer or promotion to positions requiring CDL's will not be assigned to that position or allowed to perform safety sensitive functions until a controlled substance test with negative results has been completed.
5. Return to Duty Testing: A controlled substance test with verified negative results must be completed for any employee who has previously tested positive before the employee may return to duty requiring the performance of safety sensitive functions.
6. Screening Testing: Any initial test for the presence of controlled substances. Any non-negative test will result in confirmation testing.
7. Confirmation Testing: Any test resulting in indication of alcohol concentration greater than 0.04, will be followed as soon as practicable by a second test to confirm the quantitative data of alcohol concentration. An employee who tests 0.04 will be removed from duty requiring safety sensitive functions for 24 hours.

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8. Follow-up Testing: Following a return to duty after removal for controlled substance use, an employee who has completed a prescribed rehabilitation program will be tested at least six times in the first twelve months after return. Further follow-up testing may be conducted for up to sixty months.

B. Requirements for alcohol testing:

1. Random Testing: Periodic unannounced, scientifically random selection of covered employees, identified by the last digit of their social security number, will determine participants to meet the annual requirement for random controlled substance testing. ***The Town of Sanbornton will contract with LRGHealth Care of Laconia or similar company to manage the testing program. The Employees to be tested will be part of a pool of employees incorporating similar employees of neighboring Towns.*** The percentage of covered employees tested will be at least 25 percent or the minimum percentage applicable for that calendar year as promulgated by the ***FMCSA*** Administrator. Testing will be performed while the employee is performing safety sensitive functions just prior to performing safety sensitive functions, or just after performing safety sensitive functions.
2. Post Accident Testing: Any employee performing safety sensitive functions with respect to a Town commercial vehicle involved in an accident will be tested as soon as practicable, within two hours of that accident but no longer than eight hours of that accident, if the accident involved loss of human life, or a citation for a moving violation under State or local law. Testing will be conducted by Federal, State or local officials having independent authority, conforming to applicable requirements may be considered to meet this requirement.
3. Reasonable Suspicion Testing: Testing will be required within two hours, whenever an appropriately trained supervisor or management official observes specific contemporaneous articulable conditions of appearance, behavior, speech or body odors indicating prohibited use of alcohol by a covered employee. Testing may be directed just before, while or just after the employee performs safety sensitive functions and based on observations during, proceeding or just after the period the employee must be in compliance with this policy.
4. Return to Duty Testing: An employee, who has engaged in conduct prohibited by this policy, involving alcohol, must have an alcohol test with results indicating alcohol concentration less than 0.02 before being assigned to safety sensitive functions.
5. Follow-up Testing: Following a return to duty after removal for alcohol misuse, an employee who has completed a prescribed rehabilitation program, will be tested at least six times, unannounced, the first twelve months after return. Further follow-up testing may be conducted for up to sixty months.
6. Screening Testing: Any initial test for alcohol. This test is used to determine if confirmation testing is required. Any non-negative test, with greater than 0.02 will result in confirmation testing.
7. Confirmation Testing: Any test resulting in indication of alcohol concentration greater than 0.02 will be followed as soon as practicable by a second test to confirm the quantitative data of alcohol concentration. An employee who tests between 0.02 and 0.04 will be removed from duty requiring safety sensitive functions for 24 hours.

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VI. CONSEQUENCES - Prescribed by the Town of Sanbornton

A. Disqualification: An employee who is disqualified for committing a disqualifying offense under Federal, State or local laws will not perform safety sensitive functions on any Town vehicle before reinstatement. If the disqualification is for ninety calendar days or greater, an employee, whose position requires a valid CDL will be terminated. At the sole discretion of the Town, an employee may be reassigned, or demoted, to other duties for which qualified if the disqualification is less than ninety calendar days and a position is available.

B. Positive Test Result: When prescribed testing results in indication that an employee has engaged in conduct prohibited by this policy and governing directives, the employee will be placed immediately in non-pay status. The employee will be advised of the resources available for evaluating and resolving problems associated with alcohol and substance misuse. Names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs will be provided

When the employee has been evaluated or begun evaluation by a substance abuse professional, the employee will be returned to pay status. The employee will notify the Town of the progress and results of the evaluation. An employee, whose position requires a CDL, who fails to participate in this evaluation within two weeks of being placed in non-pay status will be terminated. An employee, voluntarily assigned duties requiring a CDL who fails to participate will be ineligible for future assignments requiring a CDL. In all cases the employee will not be assigned to safety sensitive functions until mandated return to duty testing has been successfully completed. Positive results from the return to duty testing, alcohol concentration greater than 0.02 or presence of a controlled substance will result in termination. Any employee, who tests positive in a second separate incident, indicating continued or recurring misuse of alcohol or controlled substance use, will be terminated.

C. Refusal to Submit: Any employee who has been notified of the requirement for testing who fails to provide adequate breath for alcohol testing, fails to provide adequate urine for controlled substance testing, or engages in conduct that clearly obstructs the testing process will be considered to have refused to submit to testing. Refusal to submit to testing will result in termination for an employee required by position to have a valid CDL.

D. Rehabilitation Failure: When the evaluation of a substance abuse professional determines that a rehabilitation program is required by an employee to resolve problems associated with alcohol misuse or controlled substance abuse, the employee will properly follow the prescribed program as a condition of continued employment with Town. For employees required by position to have a CDL, failure to properly follow or successfully complete a prescribed rehabilitation program as determined by a substance abuse professional will result in termination.

E. Other Compliance: Any employee or supervisor who fails to comply with provisions and requirements of this policy, except as delineated above, will be subject to disciplinary action up to and including termination.

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APPENDIX D

SICK LEAVE BANK & DONATION OF SICK LEAVE

I. PURPOSE

This Policy establishes a “Sick Leave Bank” and “Donation of Sick Leave” Policy to assist an employee, in order to protect their income by remaining in a paid status in the event of a major or catastrophic illness or disability. The Sick Leave Bank can be accessed after an employee has utilized all accrued sick and vacation leave and has been authorized for leave under FMLA (Family Medical Leave Act). This Policy recognizes that absences may be consecutive or periodic.

II. ELIGIBILITY

Membership in the Sick Leave Bank shall be voluntary and open to all employees who accrue sick leave.

III. DEFINITIONS

- A. FMLA – Family Medical Leave Act of 1993 – FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a rolling 12-month period for specified family and medical reasons providing specific qualifications are met. (Reference the Town of Sanbornton’s Personnel Rules and Regulations for more information).
- B. Family Member – is defined in accordance with the definition of Family Member under the FMLA.
- C. Sick Leave – Earned, paid leave granted to an eligible employee for periods of absence due to illness, injury, medical quarantine, medical, dental or optical examinations and treatment.
- D. Medical Emergency – a non-work related medical condition of the employee or a Family Member that will require the prolonged absence of over 30 days of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from this Policy.
- E. Sick Leave Donation – The donation of accrued sick leave from the leave balance of an employee to the Sick Leave Bank or a donation to a designated recipient.
- F. Contract Year – The initial contract year was January 1 through December 31, 2016. Thereafter, the contract year will be January through December, and will continue as such on an annual basis until rescinded.

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- G. Qualification – An employee must be on FMLA before applying to the Sick Leave Bank. An employee wishing to request benefits from the Sick Leave Bank must be a voluntary member of the Sick Leave Bank who has a medical emergency or a Family Member with a medical emergency.
- H. Sick Leave Bank - The Sick Leave Bank will be made up of the eight (8) hours members donate each January plus donated sick leave that has not been used by a designated recipient. Any unused balance in the bank at the completion of a contract year will carry over into the following contract year.

IV. ADMINISTRATION OF SICK LEAVE BANK

- A. Application for Benefits – An application for sick leave benefits must be submitted to the Town Administrator's Office who shall then verify the documented information before providing approval. Approval will be granted if the application is consistent with the spirit and intent of the regulation.
- B. Utilization – Members utilizing sick leave from the Bank shall not have to replace the time taken.
- C. Confidentiality - All medical and leave information relating to a member of the Bank shall be treated as confidential information and will be kept within the employee's personnel records.

V. ENROLLMENT PROCEDURE

- A. Enrollment – An eligible employee must complete the Sick Leave Bank Enrollment Form with the Town Administrator's Office. By enrolling, the employee agrees to contribute eight (8) hours of their accumulated sick leave for that contract year.
- B. Open Enrollment – Each calendar year, employees must authorize participation in the Sick Leave Bank during open enrollment. Participating employees will be assessed a minimum of eight (8) hours every January as their annual contribution to the Sick Leave Bank.
- C. New Employees – A new employee may enroll in the Sick Leave Bank during an open enrollment period upon completion of their applicable probationary period. HOWEVER, the employee is not to be eligible to draw from the bank until they have been employed with the Town for twelve (12) months after completing their probationary period.

VI. ELIGIBILITY CRITERIA

- A. The following criteria must be met:

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1. The recipient must be a current member of the Sick Leave Bank.
 2. The recipient has used all accumulated sick leave, annual leave, or personal leave on record.
 3. The recipient will have made an application through the Sick Leave Bank for each separate Medical Emergency.
 4. The Medical Emergency shall cause the recipient to be absent from work and cause the recipient to be unable to work.
 5. The recipient shall not be receiving any other form of compensation such as workers compensation, social security disability or long or short-term disability payments, nor shall he/she have received benefits from such a plan concurrent with the use of sick, annual or personal leave.
- B. Certification – Before an employee is eligible to apply to the Sick Leave Bank they must meet all FMLA requirements and have the necessary documentation on file. Once an employee has completed all FMLA requirements, the employee is eligible to receive up to a maximum of 320 hours of Sick leave for which they would otherwise be without pay.
- a. The recipient's status will be reviewed by the Town Administrator's Office every 5 business days.
 - b. Recipients shall continue to accrue leave and service in accordance with the provisions of the Town of Sanbornton's Personnel Rules and Regulation.

VII. DRAWING DOWN FROM THE SICK LEAVE BANK

- A. Once an employee has been approved by the Town Administrator to draw from the Sick Leave Bank, the necessary paperwork will be forwarded to the Finance Officer.
- B. Leave requests will be completed and forwarded to the Finance Officer by the employee, or their supervisor, each pay week.
- C. Payroll will take the amount of hours needed to pay an employee for a full week at their current rate of pay and transfer the hours from the Sick Leave Bank to the employee's sick leave. This will be recorded under the employee's sick leave earned time and deducted from the sick leave bank total.

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VIII. CRITERIA FOR DONATING LEAVE

- A. Donating Directly to Another Employee – A donating employee (Donor) and the employee receiving the donation (Recipient) are not required to be members/participants of the Sick Leave Bank. In order to donate sick leave, the Donor shall be required to leave a minimum balance of eighty (80) hours of sick leave. In order to receive a donation, the Recipient must meet all FMLA requirements.
- B. Number of Donations – An employee may donate more than one time to a single individual. However, the employee may not donate more than one-half ($\frac{1}{2}$) of their leave balance in effect at the time of the initial donation. For example, an employee with a leave balance of 200 hours may donate up to 100 hours.

IX. PROCEDURAL GUIDELINES

In order to facilitate sick leave donated between employees, the following procedures must be followed:

- A. The donating employee must complete a Sick Leave Bank Donation Agreement Form stating the name of the recipient and the amount of leave being donated. This form must be signed and witnessed by two (2) employees of the Town.
- B. Upon verification of the following information, the form will be approved by the Town Administrator:
 - 1. The donating employee has sufficient sick leave to cover the donation, and
 - 2. The amount to be donated does not exceed one-half the donor's current balance or the minimum of 80 hours, and
 - 3. The recipient is eligible for FMLA.
 - 4. The use of donated time is consistent with the intent of the Sick Leave Bank regulations.
 - 5. A copy of the form will be placed in both the donor and recipient's personnel files. The original will be retained by the Town Administrator's Office and copies will be forwarded to the Finance Officer for proper recording of donations and utilization of leave.
- C. Only the amount of sick leave needed to cover each pay period will be transferred at any given time. For example; if an employee has donated eighty (80) hours and only thirty-two (32) hours are required for the current pay period, only thirty-two (32) hours will be deducted during the current pay period for the specified recipient. The remaining days will be deducted at the appropriate time as the disability continues. Donated time that is not used shall be returned to the donor or the sick leave bank.

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- D. If the Donor terminates employment, retires, transfers to another municipality, or has an insufficient sick leave balance to meet eligibility criteria, or passes away, the Donor loses all rights to donate leave.
- E. The decision to donate sick leave to another individual should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave shall be subject to disciplinary action and any prior agreement made to donate leave under these conditions shall be voided.

X. LIMITS

- A. Sick Leave Bank days are to be granted in increments so that the recipient shall continue to receive a full week of compensation with as little delay as possible.
- B. Sick Leave Days from the Sick Leave Bank will NOT be granted under the following conditions:
 - 1. Recipient becomes eligible for Social Security disability; long or short term disability payments, or has received payments concurrent with the use of accrued sick, annual, or other leave.
 - 2. Recipient accepts retirement.
 - 3. Recipient returns to a full-time work status.
- C. Participating employees may receive a maximum of three hundred and twenty (320) hours of leave from the Sick Leave Bank or from the Transfer of Sick Leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins use of such leave. The use of any such time shall be in accordance with this policy and the Town's Sick Leave policy.

XI. TERMINATION

Upon termination of employment and/or membership in the Sick Leave Bank, a participating employee may not withdraw any hours that have been donated to the Bank or from a Donor, nor will employee be entitled to any compensation for such time.

XII. LOSS OF SICK LEAVE

- A. Employees that have reached the maximum number of sick leave hours (480 hours) may choose to donate the hours not accrued above the maximum to the Sick Leave Bank. A separate agreement will need to be provided to authorize this donation.

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- B. An employee shall be required to provide reimbursement for the monetary equivalent of granted hours, if the employee recovers damages for lost wages in a civil suit, or if the employee receives disability, social security, workers compensation or any other monetary compensation for the period covered.
- C. An employee shall be required to provide reimbursement for the monetary equivalent of granted hours, and subject to discipline, if the Town Administrator discovers the employee utilized hours from the Sick Leave Bank, or time donated by another employee, through fraudulent actions or statements.

XIII. ANNUAL REVIEW

This document shall be reviewed, at least annually, by the Town Administrator to make changes as necessary.

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Town of Sanbornton
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EMPLOYEE ACKNOWLEDGEMENT

I have received and reviewed the Town of Sanbornton's Employee Personnel Rules and Regulations Manual. The Personnel Rules and Regulations Manual describes important information about the Town. I have entered into my employment relationship with Town voluntarily and understand that there is no specified length of employment.

Since the information and policies described here may change, I acknowledge that revisions to the Manual may occur. I understand that such changes will be communicated through official notices, and that revised information may replace, modify, or eliminate existing policies, just as this handbook replaces any prior policies or practices by the Town.

I understand that the Town has included in the Personnel Rules and Regulations Manual a Sexual and Other Unlawful Harassment Policy because the Town seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Town.

Only the Board of Selectmen of the Town has the ability to adopt any changes to the policies in this Manual. Furthermore, I acknowledge that this Manual is neither a contract of employment nor a legal document. I have received the Manual, and I understand that it is my responsibility to read and comply with the policies contained in this Manual and any revisions made to it.

Please return this signed acknowledgement to the Department Head of the Town Administrator to be placed in your employee file.

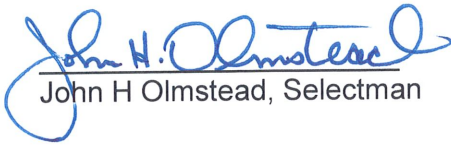
EMPLOYEE'S NAME (print): _____

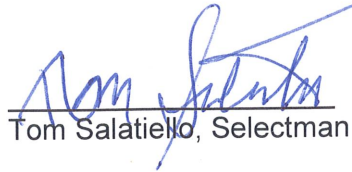
EMPLOYEE'S SIGNATURE: _____

DATE: _____

Note: return completed form to the Department Head of the Town Administrator

Town of Sanbornton
Personnel Rules and Regulations


John H Olmstead, Selectman


Tom Salatiello, Selectman

Katy North, Selectman

Dated: MARCH 27, 2019