shall not mean a majority of those present and voting, but at least three (3) votes in favor. Board members are encouraged to vote either "yes" or "no" or, in the case of abstention, the member is encouraged to identify the intent and reason for the abstention before the vote.

20. Dissent and Protest: Any board member shall have the right to express dissent from or protest against any action of the Board and have the reason therefor entered into the minutes. Such dissent or protest must be filed in writing and presented to the Board no later than the next regular meeting following the date of passage of the objected action.

21. Excusal from Attendance: Board members are urged to attend all meetings, workshops, hearings and other functions of the Board. Members shall notify the Town Manager when not able to attend a scheduled meeting or event.

22. Appointments to Town Boards, Committees and Commissions: Appointments to Town Boards, Committees and Commissions shall be made in accordance with State Statutes and the following guidelines. Candidates, after completing an application, ~~shall~~ may be interviewed by the Board ~~in public session~~ before being considered for appointment. The Board may waive the interview process requirement for reappointments and for individuals serving on standing committees, Town boards and commissions.

23. Public Comment on Non-agenda Items: At each regular Selectmen meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer, of the Town of Wiscasset to address the Selectmen regarding any item that is not on the agenda for that meeting. Comments will be limited to five minutes per person. There will be a 30-minute maximum for this section.

BOARD PROCEDURE

24. Order of Business: The business of all regular meetings of the Board shall be transacted in the following order, unless the Board changes the order:

10 E.

TOWN OF WISCASSET
PERSONNEL POLICIES

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2 PURPOSE

The Board of Selectmen hereby adopts the following personnel policies which shall apply to Town personnel . These policies, however, shall in no manner alter any written policies or union contracts of any Town Department which written policies have been approved by the Board of Selectmen. Rather, if there is a conflict between a Department's approved written policy and these policies, the Department's approved written policy shall prevail. These rules shall supersede any policy rules made previously by the Board of Selectmen.

The Board of Selectmen may delete, amend, modify or change any or all of the provisions of these policies and any benefits, which may have accrued hereunder. The provisions set forth are not contractual but are rather the Town's current policies pertaining to its personnel.

3 EQUAL OPPORTUNITY EMPLOYER

The policy of the Town of Wiscasset is to provide equal opportunity to all employees and applicants without regard to religion, age, sex, marital status, race, color, ancestry, national origin, physical or mental handicap, except as a bona fide occupational qualification.

4 CATEGORIES OF EMPLOYEES

The Town shall have the following categories of employees:

4.1 Full Time.

A full time employee works at least 35 hours per week and on a continuing basis (indefinite). He/she is subject to all personnel rules andregulations and receives all benefits and rights as provided by these policies.

4.2 Regular Part-Time.

A regular part-time employee works less than 35 hours per week but on a continuing basis (indefinite). He/she is subject to all personnel rules and regulations. Benefits may be granted by the Board of Selectmen or as outlined within this policy.

4.3 Temporary Employees.

Temporary employees work on a non-permanent basis, usually within a limited time frame. They are not entitled to the benefits and may be terminated at any time.

4.4 Volunteer Employees.

Volunteer employees are ambulance attendants and fire fighters who are governed by the rules and regulations of their respective Departments. They are not entitled to benefits.

5 EMPLOYMENT

5.1 General Provisions:

1. The employment of all personnel shall be the responsibility of the Town Manager

2. All applicants must submit a written application for employment.

3. All regular employees excepting police officers, shall be on probation for the first six months of employment. This probationary period shall be an extension of the selection process. Employees may be discharged at any time during their probationary period without cause and without the right to file a grievance pursuant to SECTION VI. At the end of the probationary period the employee's department head will review the employee's performance and submit a summary of this review to the Town Manager with a recommendation of whether to make the employee a permanent employee, discharge him or her, or extend his or her probationary period. The Town Manager may make the employee a permanent employee, discharge him or her, or extend his or her probationary period.

During the probationary period regular full-time employees will be paid for holidays but shall not be entitled to take vacation time or sick leave. However, vacation time and sick leave shall accrue during the probationary period.

4. Full Time Police Officer Employees: The probationary period for full time police officers, the discharge procedures pertaining to them during the probationary period, and the Town Manager's review process, shall be as set out in the Police Department's Rules and Regulations which have been approved by the Board of Selectmen.

During the probationary period the police officer will be paid for holidays but shall not be entitled to take vacation time. Police officers may take sick leave after the first 6 months of employment. Vacation time shall accrue during the probationary period, and sick leave shall accrue during the first six months of employment. If a police officer is on probation for 18 months because of Academy attendance, he/she will get vacation after one year.

5. Temporary Employees: The Town Manager shall determine the hiring procedures for all temporary employees.
6. Promotion: When promotion opportunities arise the Town will provide a notice of openings and necessary qualifications to all town employees. Town employees will be given first consideration during the promotion process

5.2 Employee Appearance

We are representatives of the Town and are expected to conduct ourselves professionally and project a positive image. Because of the special nature of government service, we have daily contact with the public. These contacts directly affect the Town's identity and how we are perceived by the public. We are expected to project a positive image to co-workers and the public through our overall appearance and our work performance.

When determining whether or not attire is appropriate, employees should consider:

- What types of job duties we are required to perform;
- Where we are required to carry out our job duties;
- With whom we are interacting when we are required to transact Town business; and
- Personal safety considerations.

The following are minimal guidelines for employee appearance:

1. Uniforms and other apparel, which are required to be worn due to labor contracts and/or safety regulations, are considered acceptable clothing for those particular jobs.
2. Standard work clothes are appropriate for employees who spend virtually all their time out in the field (for example Highway Department, Parks and Recreations and custodial personnel).

   Non-uniformed employees who do administrative work are expected to wear clothing generally associated with professional office setting, rather than casual or work clothing.
3. Employees who perform office work and also must work in the field may wear casual attire that will allow them to perform the job safely, minimize destruction of good clothing while still projecting a professional image.
4. Employees are expected to dress in more formal business attire when the situation dictates. These situations may include: meetings with the Board of Selectmen and other community boards, commissions and groups, court appearances, special business or community events and meetings, planned media interviews, etc.

   Additionally, employees are expected to come to work in clothing which is neat, clean, in good repair and is free from slogans and symbols which may be offensive to co-workers, general public and others with whom they do business. T-shirts, halter-tops, sweatshirts, shorts, skorts, or jeans are inappropriate office attire.

There will occasionally be exceptions to the above minimal guidelines. For example, if the day is going to be spent cleaning or painting office space, office attire may be more relaxed for that time period in which the work is being done.

5.3 Employee Conduct and Ethics

5.3.1 General Statement of Ethics

Work in the public sector can allow employees to be exposed to many areas of ethical judgment. In order for the Town, its employees, and its leadership to maintain a positive relationship with the public they serve, we must all abide by the policies and procedures that will protect the public trust and the trust we place in ourselves and co-workers.

5.3.2 Local Political Activity

While employed by the Town of Wiscasset, all personnel shall refrain from seeking or accepting nominations or elections to any elective office in the Wiscasset Town government including the School Department, and using their influence in any way for or against any candidate for elective office in Town government.

Town employees shall not work at the polls (unless employed by the Town Clerk's office during elections), circulate petitions or campaign literature, or be in any way involved in the solicitation of endorsements, subscriptions, contributions or political service from any persons for any political purpose pertaining to the government of the Town.

This policy shall not be construed to prevent Town employees from becoming or continuing to be members of any political organization from attending political meetings, from expressing views in political matters, or from voting with complete freedom in any election.

5.3.3 Conflicts of Interest

a) Employees must avoid situations where loyalties may be divided between the Town's interests and their own personal and/or financial interests.
b) Employees will place public interests above individual, group and special interests.
c) Employees will not have any material financial interests in any private or professional activity which will be in conflict with their job responsibilities.
d) Employees will not engage in any business activity or professional activity that would appear to be in conflict with job responsibilities or that would tend to impair independent judgment or action on performance of official duties.
e) Employees will refrain from using their position for personal gain.
f) Employees will keep confidential all information not available to all citizens that is acquired by virtue of their positions with the Town.
g) Employees will not represent private interests which conflicts with Town interests.
h) Employees shall treat all citizens and others doing business with the Town alike – courteously and with respect. Employees will not grant any citizen any favor, benefit, or special privilege beyond what is provided to all citizens.
i) Employees shall handle all matters of personnel, including recruitment, selection, or promotion on the basis of qualification, ability and merit.
j) Employees must disclose to their Department Director or to the Town Manager, the nature and extent of any financial or personal interest in any Town contract, agreement, purchase of goods or services or project.

5.3.4 Conflicts of interest and Employment Positions

Town employees shall not hold a supervisory position or be senior in the chain-of-command to an individual with whom he or she has a personal relationship or a financial involvement, unless:

a) The relationship is disclosed by the employee to the Town Manager.
b) The Town Manager approves a management plan that is designed to prevent favoritism or any other improper influence in connection with the employment relationship and that provides ongoing oversight by a person or persons not subordinate to either individual who have the personal or financial involvement.
c) For purposes of this section, a personal relationship is defined as any family, affectionate, or social relationship that is characterized by one or more of the following:
d) Persons who are husband and wife, or parent or child;
e) Persons who share a physical intimacy with each other;
f) Persons who acknowledge an ongoing romantic relationship with each other;
g) Persons who live together in the same residence;
h) Persons who intermingle their financial assets without an accounting of separate ownership interests.
i) For purposes of this section, financial involvement means any existing (or current efforts toward achieving) ownership or investment interests, contract rights, significant customer relationships or employment relationships of a Town employee.

5.3.5 Guidelines for accepting Gifts or Gratuities

Employees will not accept personal gifts, favors, services, money or anything of value from the public which might reasonably tend to influence or be perceived to tend to influence the impartial discharge of duties. Employees will not accept gifts or money for services which they are paid by the Town to perform.

Employees with enforcement/inspection/decision making responsibilities should keep in mind that the donor of gifts, favors and/or services may expect or seek preferential treatment. Favoritism, especially as a result of acceptance of a gift, is prohibited. The policy of gifts and gratuities does not preclude the employee from accepting advertising or promotional items of inconsequential value such as pens, pads of paper, caps, etc.

Any questions relating to this policy on gifts and gratuities or on the acceptance or rejection of specific items under specific circumstances should be directed to the Department Director, Human Resources Director or to the Town Manager.

5.3.6 Outside Compensation

Town working hours shall be reserved for the conduct of Town business. Under no circumstances shall an employee conduct private business activities for compensation or profit during his or her Town work hours.

No employee shall, during off-duty hours, be engaged in any employment, activity or enterprise that is incompatible or in conflict with his/her duties, functions, and responsibilities with the Town. No employee shall accept outside employment if said employment will interfere or not permit the employee to meet emergency, special assignment or overtime requirements in conjunction with his/her duties with the Town of Wiscasset.

5.3.7 Town Property

All Town-owned equipment, vehicles, tools, materials and supplies are the property of the Town of Wiscasset. The following rules shall govern the personal use by employees of Town owned equipment (other than motor vehicles):

a) No Town equipment (including computers, laptops and cell phones) or supplies will be used by an employee in the conduct of private business activities for compensation or profit.
b) No Town equipment will be removed from Town premises where it is normally kept, for an employee's personal use unless such equipment is also available to the general public.
c) With permission of their supervisor, an employee may use Town equipment such as computers, photocopy machines, occasionally for personal tasks, as long as these tasks are performed on the employee's own time.
d) Employees are responsible for any damage to Town equipment occurring during personal use thereof.
e) Employees will reimburse the Town for any supplies consumed in their personal use of Town equipment.
f) The Town's letterhead will not be used for personal correspondence or in personal business correspondence.
g) Individual departments may establish stricter rules governing the use of specific types of equipment.

5.3.8 Computer Use

The Town takes seriously those situations where employees are using the City's equipment for prohibited uses. To be clear, here are a few examples that represent prohibitive uses. If you are in doubt whether what you are doing is, or could be, a prohibited use, immediately notify your supervisor of your question.

a) Using the Internet or e-mail for any illegal or unethical purpose, or in violation of our harassment policy.

b) Visiting Internet sites that contain illegal, obscene, pornographic or hateful content.

c) Sending obscene, defamatory or harassing e-mails or other electronic communications.

d) Initiating or forwarding chain letters of any kind.

e) Participating in "Chat Groups" not related to work.

f) Making or posting indecent remarks, proposals, or materials on the Internet in e-mail or by way of other electronic communication.

5.3.8.1 Internet Usage

Shopping and browsing on line for personal reasons is not acceptable. Below are a few more examples of unacceptable use.

A. Inappropriate Content - Users must not intentionally seek, or provide information to, any site or organization that promotes violence or hate, that discriminates against any protected group or organization, or that displays inappropriate content.

B. Do not view any websites that you would not want your spouse, your significant other, the Manager, Selectmen or a Wiscasset resident to know that you visited.

C. Software can only be downloaded with the express permission of management. There are many malicious spyware programs disguised as legitimate applications and updates. Think before you click.

5.3.8.2 Personal Web Pages/Social Networking Sites

Web sites such as My Space and Facebook allow individuals to express themselves and seek communication with other individuals for personal relationships, friendships or just pen pal correspondences. Policy is necessary to ensure that employees use appropriate discretion in their use of references to the Town of Wiscasset and not discredit themselves or the department.

A. No sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video or other reference may be posted along with any Town reference.

B. Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the Town.

C. Employees should consider the possible adverse consequences of internet postings, such as future employment, public and private embarrassment.

D. Employees are encouraged to seek the guidance of supervisors regarding any posting that may adversely reflect upon either the Town or upon the professionalism or integrity of the employee.

5.3.9 Seat Belt Policy

All Town of Wiscasset employees must use seat belts while in Town vehicles or equipment, either as an operator or passenger. This policy also applies when an employee is using his or her own personal vehicle for Town business. Employees failing to comply with this safety policy will receive disciplinary action. Employees involved in an accident while on Town business while not wearing a seatbelt will be suspended without pay for one week. The only exception to this policy is in the case when the manufacturer of the equipment does not advise the use or installation of seatbelts.

5.3.10 Workplace Safety and Injury Management

The Town strives to provide a safe work environment for all employees and the general public conducting business in our various facilities. Supervisors are responsible for ensuring that each worksite is free from recognized job hazards and that each job task is performed in compliance with appropriate safety regulations. Employees are equally responsible for working in a safe manner in accordance to all safety policies and report unsafe conditions to their supervisor.

Despite employee's best efforts in maintaining a safe work environment, workplace injuries may occur. When this happens, employees are required to follow these procedures:

The injured employee must report the injury immediately to his or her direct supervisor who will in turn report the incident to the Office Manager and/or the Human Resources Department. The Department Director or his or her designee will file a "First Report of Injury" within 24 hours with the Human Resources Department, which will be forwarded to the Town's third party administrator for the Town's self-insured Workers' Compensation program. Injured employees needing medical treatment will be treated at the Town's designated occupational health provider or if seriously injured at one of the area hospitals. If the employee is unable to return to work, the employee must provide a physician statement from the Town's provider stating the incapacity and any restrictions.

If the employee is out of work for more than 6 days, the Human Resource Officer must prepare a wage statement. Medical bills for a covered claim are payable without any waiting period. The Town will pay the waiting period of a compensable claim.

Workers' Compensation does not cover 100% of the employee's base wages. Employees are responsible for any regular employee contributions toward benefits.

The employee will have the opportunity to attend Workers' Compensation mediation for any claim which the Town denies compensability.

Employees, out of work more than three consecutive days due to a work related injury, who have filed a claim for Workers' Compensation but whose claim is being contested, will be placed on Family Medical Leave if he or she would otherwise be eligible for such leave. Please refer to the FMLA Policy-Attachment H, at the end of the Employee Handbook.

6 COMPENSATION

6.1 Wages

Each year the Board of Selectmen, with Town approval, will review and may adjust the rate of pay for employees. These rates will then prevail for that year and will not be deviated from unless market conditions or unusual economic circumstances arise within that year.

6.2 Mileage Reimbursement

A travel allowance, in the form of a "per mile" reimbursement, will be paid to any employee using his or her personal vehicle in the service of the Town. The rate will annually follow IRS standards.

7 GRIEVANCE

Should an employee feel aggrieved concerning the interpretation, meaning, or application of any provisions of the Town's personnel rules, regulations and policies or the terms of employment, he/she shall submit the details of such grievance within five (5) working days from the incident, in writing, to his/her Supervisor. The Supervisor shall respond in writing to the employee within five (5) working days. If the employee feels that the action taken by his/her Supervisor is not adequate or is unfair he/she may then appeal the decision, in writing, to the Town Manager within five (5) working days of receiving the response of the Supervisor.

Within thirty (30) calendar days thereafter, the Town Manager shall meet with the employee for the purpose of discussing the grievance and the Town Manager shall render their final written decision within thirty (30) calendar days after this meeting.

8 TRAINING

The Board of Selectmen has determined that both the Town and its employees will profit from training opportunities. Therefore it is the Town's policy to encourage training opportunities when they relate directly to the employee's present position. Upon recommendation from an employee's department head and the Town Manager's prior approval, the Town may pay up to 100% of the costs of training tuition, fees, books, supplies and travel allowances. The Town Manager shall determine whether any such payment is made directly to the training institution, or is a reimbursement to the employee, or is a combination of the two. If the Town makes payments directly to the training institution, the employee shall be obligated to reimburse the Town, in full, for its payments if the employee fails the course of training or fails to complete it. The Town Manager shall determine when such repayment shall be due to the Town, and any other conditions under which the employee will be obligated to repay the Town (for example, if the employee fails to work for the Town for a specific period after he or she completes the training) and when such repayment shall be due. If the payment is by way of a reimbursement to the employee, the Town's obligation for such reimbursement shall be conditioned on the employee's successful completion of the course and upon any other conditions, which the Selectmen shall determine. The Town Manager may allow the employee to undertake such training during normal working hours.

9 WORK WEEK

9.1 Normal Working Hours.

a. Highway Department - Highway department employees will work a 40-hour week.

b) Sewer Treatment Plant - Sewer Treatment Plant employees shall work the hours specified by the Town Manager.
c) Police Department - Police Department employees will work a 40- hour week (four ten-hour days).
d) Fire Department – The Town Manager may, at his/her discretion, employ any full-time or regular part-time employees s/he deem necessary and within the department's budget to operate a safe and efficient department. These employees will be members of the department, under the supervision of the Fire Chief, and shall work the hours specified by the Town Manager. All other members of the department are volunteer employees.
e) Ambulance Department - The Board of Selectmen may, at their discretion, employ any full-time or regular part-time employees they deem necessary and within the department's budget to operate a safe and efficient department. These employees will be members of the department, under the supervision of Emergency Medical Services Director , and shall work the hours specified by the Town Manager. All other members of the department are volunteer employees.
f) Administration Employees - Administration employees shall work the hours specified by the Town Manager.
g) Recreation Department - The Recreation Director and Assistant Director shall work the hours specified by the Town Manager. The Director will determine the necessary hours to operate this department and may employ, with the approval of the Town Manager and within the department's budget, any employees necessary to operate this department; these employees shall work the hours specified by the Director.
h) Transfer Station - Transfer Station employees will work a 40-hour week.
i) Other Town Employees - The Town Manager shall hire such other Town employees as may be appropriate. These employees shall work the hours specified by the Town Manager .

9.2 Overtime.

Full time employees who receive an hourly wage and who are not exempt from the Fair Labor Standards Act shall receive overtime pay after 40 hours of work per week, with the exception of the police officers who will receive overtime after 10-hour days.

9.3 Attendance.

All Town employees are expected to work the designated normal working hours for his or her department. Any absence will be charged to vacation, sick leave or uncompensated time as determined by the department head.

Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be unexpectedly absent from work to see that their immediate Supervisor is advised prior to the start of the shift or if not possible within two (2) hours, if possible, of the beginning of the starting time of his/her workday.

10 HOLIDAYS AND VACATION

10.1 Holidays

Subject to these rules, the following holidays shall be paid holidays for regular full time and regular part-time employees:

New Year's Day	Memorial Day	Veteran's Day
Martin Luther King Day	Independence Day	Thanksgiving Day
Washington's Birthday	Labor Day	Day after Thanksgiving
Patriot's Day	Columbus Day	Christmas Day

Unless otherwise regulated by law, for administrative personnel, if one of the above holidays falls on a Sunday, the following Monday is considered the holiday; if on a Saturday, the preceding Friday is considered the holiday. The purpose of this section is to recognize up to 8 hours of holiday day time for each eligible employee. Part – time employees will receive a pro-rated portion of the holiday time in relationship to the average number of hours worked daily. The Board of Selectmen may determine any other holiday by proclamation. All employees must work the last workday before and the first workday following the holiday to receive holiday pay, unless otherwise approved in advance by his/her department head or by the Town Manager if the employee is the department head.

Transfer Station and Police Department - If you are not scheduled to work on a holiday you are expected to take another day off as a designated holiday. If you are scheduled to work the holiday you will be paid double time and one-half or carry eight hours and take that eight hours at a later date.

10.2 Vacation

All regular full-time employees and regular part-time employees will be awarded annual vacation time based on anniversary date of hire, Part – time employees will receive a pro-rated portion of the vacation time in relationship to the average number of hours worked daily. Employees will earn vacation time on a pro-rated monthly basis.

YEARS OF SERVICE	VACATION TIME
Up to five (5) years of employment	80 hours annually
After five (5) years and up to ten (10) years of employment	120 hours annually
After ten (10) years and up to fifteen (15) years of employment	160 hours annually
After fifteen (15) years and up to twenty (20) years of employment	200 hours annually
After twenty (20) years and up to twenty-five (25) years of employment	240 hours annually

If a holiday falls within a vacation period, the vacation time will be extended by one workday. All vacations will be taken during the time approved by the employee's department head or by the Town Manager if the employee is the department head. Employees are expected to utilize available vacation time during the year in which it was accrued. However, effective January 1, 1999, up to 80 hours of vacation time may be carried over from the anniversary date of one year to the anniversary date of the next year. No vacation time may be taken until all probation time has been completed. (Amended 12/14/98.)

Vacation time can be taken in no less than one hour increments.

11 SICK LEAVE AND ABSENCES

11.1 Sick Leave

Sick leave shall not be considered as an entitlement, which an employee may use at his/her discretion, but shall be allowed for necessity. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other work in his/her division and assigned to such other work; or for personal medical or dental appointments; or to care for members of his/her immediate family affected by serious illness. Immediate family is defined to mean spouse, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, and grandchildren. If requested, the employee shall furnish the Town with a certificate from his/her attending physician.

Each full-time employee, hourly as well as salary, will be paid sick leave which will be earned at the rate of one day (8 hours) for every month of service, accumulating to a maximum of sixty (60) days. Part – time employees will receive a pro-rated portion of the sick time in relationship to the average number of hours worked daily.

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

Full-time employees, other than police officers, shall be eligible to use sick leave after six months days of service with the Town.

Absences for a part of a day that are chargeable to sick leave shall be charged proportionately in an amount not smaller than one hour.

Sick leave usage shall be recorded regularly. The Town Manager shall review all sick leave records periodically and shall investigate any cases, which indicate abuse of the privilege. Abuse of the sick leave privilege shall be cause for discipline.

11.2 Jury Duty

Employees will be excused from work when they are on jury duty. The Town will pay an employee who is called for jury duty his/her regular pay and the employee shall pay over to the Town his/her jury pay.

11.3 Bereavement Leave

The Town Manager shall grant leave for a period of up to four (4) working days, based on the employee's regularly scheduled hours, for the death of the employee's spouse, children, stepchildren or parents.

The Town Manager shall grant up to two (2) working days for the death of the employee's grandparent, brother or sister, parents in law, grandchildren, step-parent, brother or sister in law, son or daughter in law, aunt or uncle, nephew or niece.

Bereavement leave is intended to provide time for the employee to make funeral arrangements and attend the funeral. Employees needing additional time shall make a written request to the Town Manager , who shall have the authority to grant additional time off if the Manager deems the additional time off necessary. (Amended 12/14/98.)

11.4 Leave Without Pay

11.4.1 Family and Medical Leave Policy

The Town of Wiscasset will grant unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- The birth of a child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
- In order to care for an immediate family member (spouse, child, parent and for the purposes of FMLA only, domestic partner) of the employee if such immediate family member has a serious health condition; or
- The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

In order to be eligible, the employee must have worked for the Town of Wiscasset for at least 12 consecutive months and at least 1250 hours prior to taking leave.

Employees will be paid through accrued sick (if applicable) or vacation leave, or if exhausted, through accrued compensatory time. Verification of the basis for the leave must be provided 30 days prior to commencement of the leave or as much in advance as practical. Employees taking leave for the birth or adoption of a child will be compensated through vacation pay or will be unpaid. Leave for the birth or adoption of a child will be paid through accrued sick leave only if there is a serious health condition that requires leave as certified by a health care provider.

An employee on family medical leave has certain job protections and may continue to be covered under the Town's group health insurance plan, life insurance plan and disability plan under the same conditions as coverage would be provided if they had been continuously employed during the leave period.

11.4.2 Family Military Leave

The Family Military Law is intended to allow employees time-off to spend with immediate family members who are going to or returning home from a deployment to areas of armed conflict.

a) **Eligibility** -- The Town of Wiscasset will grant eligible employees up to 15 days of unpaid family military leave, upon notice and request per covered deployment. An eligible employee is any employee who has been employed by the Town of Wiscasset for at least 12 months and for at least 1250 hours of employment during the 12 months immediately prior to the leave.
b) **Definition of covered deployment** -- A covered deployment is a deployment of:

- Of a spouse, domestic partner, or parent of an employee;
- Longer than 180 days;
- Into active military or National Guard duty when the duty assignment is in a combat theater or in an area where armed conflict is taking place.

The leave must be used during the 15 days immediately before or immediately following deployment or both.

The Town of Wiscasset will maintain the employee's benefits during the leave and restore the employee's employment (or equivalent) after the leave. The Town of Wiscasset will not discriminate against any employee who uses or seeks to use family military leave.

11.4.3 Additional Family/Medical Leave for Military Families

An employee may take 26 weeks of leave to care for a military family member who is being treated for a serious injury or illness received in the line of duty. An injury or illness is serious if the service member may no longer be able to perform his or her military duties. The employee must meet the same eligibility requirements for time worked as defined in the Family/Medical Leave policy. The employee must be the spouse, child, parent or next of kin (closest blood relative) of the injured service member. Unlike regular FMLA time, this 26 weeks does not renew every year. It may be taken only once. Leave for injured service personnel may be taken on an intermittent basis. Leave will be unpaid unless an employee has accrued sick, vacation and/or compensatory time to cover the leave period.

11.4.4 Leave for Victims of Domestic Violence –

In accordance with Maine Law, the Town will grant an employee reasonable and necessary amount of time off from work without pay if he or she is a victim of domestic violence, domestic assault, sexual assault or stalking, and if he/she needs time to:

- Prepare for or attend court hearings;
- Receive medical treatment; or

- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The employee must request the leave as soon as circumstances make it clear that time off is necessary. Approval will be dependent upon (a) whether absence will create an undue hardship for the City; (b) whether leave is requested within a reasonable time, and (c) whether the requested leave is impractical, unreasonable, unnecessary given the facts made available to the Town at the time of the request.

If leave is approved, the employee will be required to first use any accrued paid vacation, and if applicable, sick time before taking unpaid leave. The employee will not be discriminated against for taking or asking for leave.

11.4.5 Authorized leave of Absence

A regular employee may be granted a leave of absence without pay by the Town Manager on recommendation of the Department Director, with such leave not to exceed one year in length. The Town Manager will examine the need for the leave, the impact on Town operations, and current conditions when deciding whether to grant the leave. For purposes of this section, an Authorized Leave of Absence shall be defined as any leave without pay of more than two weeks in duration, which is for personal reasons of the employee, and which may not be occasioned by illness, accident, physical or mental incapacity. Examples of leave of absence include pursuing educational or specialized training opportunities, travel, or public service.

The granting of leave shall protect the employee's existing continuous service before the start of the leave of absence, but shall not count as service time. Vacation, sick leave and personal days will not accrue while the employee is on a leave of absence. Neither shall the employee receive regular wages or holiday pay. The employee will pay the full cost of his/her health insurance and other benefits while on leave of absence.

11.4.6 Return to Active Military Leave

In the event that an employee returns to active military duty, his/her pay from the Town of Wiscasset will cease. The employee's rights for various benefits provided by the Town of Wiscasset will be determined by the benefits provider. Military leave and rights to re-employment after such leave are available to employees in accordance with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and other applicable federal and state laws. Any employee returning to employment with the Town of Wiscasset within the time frame established by applicable laws will be restored to his/her previous position or a similar one with no loss of seniority or pay and accorded any other benefits provided by applicable law.

11.4.7 Termination from Employment

Absence from employment without approval or in compliance with one of the above categories will be deemed a resignation from employment.

12 LAYOFFS

Any Town employee may be laid off due to shortage of funds, insufficient work or related reasons, which do not reflect discredit upon the employee. The Town Manager will determine who will be laid off and for what period of time. If the employee is rehired, he or she will retain all benefits accrued at the time of the layoff. No benefits will accrue during the layoff period. Layoff decisions will be based on the necessary skills needed for the positions remaining and those employees who are most able to assume those duties.

13 DISCIPLINE, DISMISSAL, AND SUSPENSION WITHOUT PAY

It is the policy of the Town to provide an opportunity for full time and regular part-time employees to correct problems in work performance which do not amount to either cause for dismissal or cause for suspension from work without pay.

If a Supervisor perceives a problem with a full time or regular part-time employee which does not amount to cause for either dismissal or suspension from work without pay, the Supervisors shall:

a. identify the problem;
b. inform the employee of the Town's expectations;
c. inform the employee of the possible consequences if the problem continues without correction;
d. and give the employee a reasonable opportunity to correct the problem.

Failure of the employee to correct the problem may amount to cause for either dismissal or suspension from work without pay.

A full time or regular part-time employee may be dismissed or suspended from work without pay for cause when that employee's conduct adversely affects the performance of his or her duties.

The supervisor of the employee shall provide documentation including;

a) the basis for the potential disciplinary action;
b) evidence supporting the Supervisor's position,
c) the time and the place of the hearing; and
d) that the employee will have the right to be represented by an attorney at the hearing, and the right to introduce documents and other evidence.

The hearing shall be conducted by the Town Manager. Town Manager will notify the employee of his/her decision and may dismiss the employee if there is cause to do so, suspend the employee without pay for a specified period of time if there is cause to do so, or dismiss the complaint if there is no cause to dismiss the employee or to suspend him or her without pay. The Town Manager may also deem that another type of discipline is warranted instead of dismissal or suspension.

The Town Manager may place the employee on administrative leave, with pay, pending the disciplinary hearing.

14 RESIGNATION

To resign in good standing, an employee shall, at the minimum, give a written two week notice.

15 POLICY ON HARASSMENT

It is the policy of the Town that all employees should be able to work in an environment free from all forms of harassment. Harassment, both sexual and verbal, is prohibited. This policy refers not only to Supervisor-subordinate actions but also to actions between co-workers. Sexual harassment includes: unwanted touching or kisses; unwanted requests for dates; requests for sexual favors; or any physical or verbal contact of a sexual nature, including unwelcome sexual jokes or sexually demeaning remarks. This conduct violates this Town's policies when:

a. going along with such conduct is openly or implied as a condition of employment;

b. agreeing to or rejecting that behavior is used as a basis for promotions, reassignment or other workplace decisions involving the person who is subject to (or rejects) that behavior; or

c. a person's ability to perform his or her job is interfered with because of what is perceived as a threatening, hostile or intimidating workplace environment.

Such conduct - whether it is committed by co-workers, supervisors, non-employees or others in the workplace - will not be tolerated.

Any worker who feels he or she has been subjected to sexual harassment or otherforms of discrimination should promptly notify his or her workplace Supervisor, or the Town's Chief of Police. You may also contact the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (624-6050). All investigations will be treated fairly and impartially.

16 BENEFITS

16.1 Medical/Dental Insurance

For employees hired prior to December 2000 the town will pay 90% of medical coverage for all full-time employees, Road Commissioner, and Treasurer. The employee will pay 10% of the coverage cost. Effective December 2000 the town will pay 85% of medical coverage for all full-time employees. All new employees will pay 15% of the coverage cost. The town will also pay 85% of dental coverage for all full-time employees and the new employee will pay 15% of the

coverage cost. The Town pays for medical and dental coverage for all full-time employees, and their families.

When both husband and wife are employees of the Town of Wiscasset, only one of the two shall be enrolled in the Town's health and dental insurance program. The primary insured shall be the spouse who is covered by a collective bargaining agreement.

16.2 Life Insurance

Life insurance for full-time employees is available through Maine Municipal Association. The cost of coverage is paid by the Town and is for an amount equal to the employee's annual salary.

In addition, life insurance is available through Maine State Insurance that the full-time employee may purchase for themselves as well as their families.

16.3 Income Protection Insurance

Income Protection Insurance is available to all full-time employees, hourly as well as salary, for purchase through Maine Municipal Association. Coverage is based on the percentage of protection desired by the employee and 100% of the payments are made by the employee through payroll deduction.

16.4 Retirement Plan

Full time regular employees who qualify under the Town's retirement plan and who have completed their first full year with the Town may contribute up to fifteen percent (15%) of his/her income and the Town will match six percent (6%). Employees may only join the retirement plan on January 1 and July 1 of each year. Changes may be made on a quarterly basis, if desired.

16.5 Safety Equipment

Within one month of becoming employed by the Town, one pair of safety lenses will be provided to those that require eyeglasses and whose duties the Town Manager determine require safety lenses. One hundred dollars ($100) per year is allowed for steel toe boots for full-time employees in the highway, transfer station and sewer treatment departments and for other full-time employees whose duties the Selectmen determine require steel toe boots.

16.6 Retirement Health Insurance

When the following conditions are met, the Town will provide health insurance coverage for retired full-time employees and for former elected officials until that employee or former elected official reaches 65 years of age. The coverage will be with the Town carrier. That employee's or former elected official's spouse and dependents may be covered at the expense of the employee or former elected official.

1. The employee or former elected official must have completed twenty (20) years of employment or service with the Town, with at least five (5) years immediately prior to retirement in the case of a retired employee, and with at least five (5) years of service having ended not more than one month prior to applying for this benefit with regard to a former elected official.

2. The employee or former elected official must be at least 55 years of age.

3. Retirement Health Insurance coverage will only be available to those full-time employees or elected officials whose date of hire or election was prior to March 4, 2003. Employees hired or officials elected after March 4, 2003 will not be eligible for this benefit unless the employee is covered by a collective bargaining agreement that offers this benefit.