

**TOWN  
OF  
BUCKFIELD**

**PERSONNEL  
POLICY  
HANDBOOK**

**EFFECTIVE DATE: May 2, 2023**

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## **SECTION I: INTRODUCTION**

The Town of Buckfield is a municipal corporation organized pursuant to the laws of the State of Maine. Selectmen are elected by Buckfield voters. The Selectmen appoint a Town Manager as the Town's chief executive and administrative officer. The appointing authority for all employees is the Town Manager with Board of Selectmen confirmation required for department heads.

As needed, the Town Manager has the authority to recommend modification or amendments to this *Handbook*, subject to approval by the Board of Selectmen. Employees shall be notified of all changes. This Handbook is not a contract for employment.

A copy of this *Handbook* shall be provided electronically to all Town employees upon adoption or hire, and employees will be notified upon any revisions. Employees will be required to sign an acknowledgement verifying their understanding of the policies outlined within.

## **SECTION II: GENERAL PROVISIONS**

### **A. Purpose**

It is the purpose of the Board of Selectmen in prescribing these policies and procedures to establish and set forth a uniform and equitable system of personnel administration that meets the social, economic and program needs of the people of Buckfield. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force.

These policies and procedures and any modifications shall supersede any previous personnel policies and/or prior oral or written practices.

### **B. Administration**

The day-to-day administration of these rules shall be the function of the Town Manager. These rules shall be administered in conformity with State and Federal Statutes.

### **C. Scope**

Subject to the conditions set forth in relevant State and Federal Statutes, these policies and procedures shall cover all employees not recognized by a separate employment contract or provisions of a collective bargaining agreement.

### **D. Equal Employment Opportunity/Affirmative Action**

The policy of the Town of Buckfield is to provide equal opportunity to all employees and applicants without regard to race, color, religion, sex, age, national origin, marital status, disability, genetic information or

history, sexual orientation, veteran's or military status or any other category protected under federal, state and local laws.

### **SECTION III: GUIDELINES OF EMPLOYMENT**

#### **A. Principles**

The Town's goal is to provide efficient and high-quality public services through a system of personnel administration based on the following principles:

- a. Employ the best-qualified persons who are available at the salary levels established for Town employment. It shall be the duty of the Town Manager, with cooperation of department heads, to seek out the most desirable employees for the Town. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable.
- b. Compensate employees on an adequate and equitable basis commensurate with wages and benefits for comparable work in the labor market;
- c. Take appropriate personnel actions affecting employees; and
- d. Provide opportunities for advancement in continued Town service to all employees, based on qualifications.

#### **B. Announcement of Vacancies**

Job vacancy notices will be posted at the Town Manager's discretion.

#### **C. Application for Employment**

Application for employment with the Town of Buckfield shall be made on a standard Town of Buckfield application form or by submission of a resume and completing other such forms as may be prescribed. Applications and resumes shall be accepted only during the time period set forth in the job vacancy notice. The Town of Buckfield will not accept or retain unsolicited applications or resumes.

#### **D. Probationary Period**

All Town employees are probationary for the first six (6) months of employment. Probationary employees shall be evaluated periodically, but in any event no later than sixty (60) days into employment. Any employee may be terminated by the Town Manager at any time within the probationary period without cause and without appeal.

The probationary period shall be waived for individuals who have been employed by the Town on a part-time or temporary-seasonal basis and have been promoted to full time status within the same Department providing there has been no break in employment. For seniority

purposes, time will be calculated from original date of hire providing there has been no break in employment.

See Section V for details regarding benefits while on the probationary period.

**E. Residency**

The Board of Selectmen desires that the Town employ the most qualified persons who are available at the salary levels being offered for Town employment. Among equally qualified candidates, preference will be given to residents of the Town, then to those candidates who are willing to establish residency within the Town limits. Non-residency will not, however, preclude employment.

**F. Physical Examination / Drug Test / Background Check**

Candidates for employment may be required to have a standardized physical examination to establish physical ability to perform essential functions of the job after a conditional offer of employment. Physical examination appointments shall be made by the Town and the examination shall be performed by a physician chosen by the Town. The physician's fee shall be paid by the Town. The Town may direct an employee to have a fitness for duty physical examination any time during their employment. If it is determined by the examination that continued work by the employee may be unsafe or not in the best interest of the Town, the right to take appropriate action, including but not limited to, reassignment or accommodation if practical, or termination of employment.

Employees required by State and/or Federal law to have drug and/or alcohol testing shall be required to have such test prior to employment, as well as any other time after employment commences.

All individuals being considered for employment shall consent to a criminal background check and a driving record check. Checks of these types may be performed by the Town Manager for any employee as the Town Manager deems appropriate and after a signed authorization statement is received by the employee.

**G. Hiring Procedure**

- a. The Town Manager and the department head shall meet to discuss the vacancy and make a determination as to the types of advertising to be used and the time-frame for the lengths of the job vacancy notice posting period.
- b. The Town Manager shall inform the Board of Selectmen of any Department Head vacancy and may solicit assistance in the screening and interview process of the Department Head.

- c. A "hiring committee" may be formed if deemed appropriate, and shall consist of the Town Manager, the appropriate department head, a Selectperson and/or an ad hoc committee appointed by the Board of Selectmen.
- d. In the case of a department head, the Town Manager shall notify the Board of Selectmen of his/her hiring decision and shall bring it to the Board for confirmation or appointment at their next regularly scheduled meeting.

#### **SECTION IV: EMPLOYEE CLASSIFICATIONS**

Each employee shall be classified by the Town Manager and/or Board of Selectmen on or before the first day of employment.

**A. Full-Time Employee**

A full-time employee is a person who works thirty-six (36) hours or more for the majority of weeks within a fiscal year.

**B. Part-Time Employee**

A part-time employee is a person who is regularly scheduled to work less than thirty-six (36) hours for the majority of weeks within a fiscal year.

**C. Temporary Employee / Seasonal Employee**

A temporary/seasonal employee is a person who works a standard work week, or less, on a regular basis but for a definite limited time period not to exceed six (6) consecutive months.

**D. On-Call Employee**

An on-call employee is a person who is called in to work on an as needed basis – aka per-diem. On-call employees are not eligible for benefits unless specifically provided herein.

#### **SECTION V: BENEFITS**

Employees of the Town of Buckfield shall be eligible for benefits depending on the employee's classification as set forth in this *Handbook*. Employees shall be eligible for all other benefits upon completion of the probationary period as set forth in this *Handbook*. (See Section III D.)

The Town of Buckfield offers the following benefits at the financial responsibility of the Town and/or employee:

**A. Salary/Wage**

- a. ***Hourly wage rates*** shall at least conform with the Federal or State minimum hourly wage rate (whichever is higher). Hourly wage rates and increases are recommended by the Town Manager and approved by the Board of Selectmen.

- b. **Salaries** are determined by contract and/or the Board of Selectmen.
- c. **Stipends** are recommended by the Town Manager and approved by the Board of Selectmen.

**B. Salary/Wage Increases**

- a. During the annual budget development process, the Board of Selectmen and Budget Committee shall make recommendations with regard to any Cost-of-Living Allowance (COLA) wage adjustments for employees of the Town. Voters at the annual Town Meeting shall approve such budget amounts as they may deem appropriate. While any Town Meeting amendment to a budget is based on the entire budget, the Board of Selectmen must consider whether to honor the voter's wishes with regard to specific discussions and desired changes to wage increases. In their sole judgment however, the Selectmen may make such other adjustments to other line items in said amended budget amount that would have the same net effect to the approved amount of said budget.
- b. When salary/wage increases are under review, the following shall be considered:
  - i. Cost-of-Living Allowance (COLA) – The periodic, often annual, change in a salary/wage based on changes in a cost of living index, typically the Consumer Price Index (CPI) and said COLA is applied to all employees.
  - ii. Merit Increase – The periodic increase in an employee's hourly wage or annual salary based on his/her individual performance. Merit increases shall be recommended in writing by the Town Manager and/or Department Head on a Merit Increase Recommendation form. Final approval of a merit increase shall be by the Town Manager. Merit increases shall not exceed three percent (3%) annually and not be approved any sooner than every six (6) months.

**C. Social Security**

The Town of Buckfield as well as the employee shall pay their applicable share as determined by the Internal Revenue Service for Social Security tax. The employee shall pay, through payroll deduction(s), their share of the tax. This benefit shall apply to all employees and shall commence on the date of hire.

**D. Medicare**

The Town of Buckfield as well as the employee shall pay their applicable share of Medicare tax as determined by the Internal Revenue Service. The employee shall pay, through payroll deduction(s), their share of the

tax. This benefit shall apply to all employees and shall commence on the date of hire

**E. Workers' Compensation Insurance**

The Town of Buckfield shall provide Workers Compensation Insurance to all classes of employees at no cost to the employee. This benefit shall apply to all employees and shall commence on the date of hire.

**F. Health Insurance**

The Town of Buckfield shall provide a health insurance plan to all classified full-time employees hired after the effective date of this *Handbook*. The Town of Buckfield reserves the right to change and/or amend health insurance plans and/or carriers and coverage levels as necessary. To meet the requirement of the Affordable Care Act (ACA), this benefit shall be offered to eligible employees on the first day of the month following their date of hire.

- a. For full-time employees the Town of Buckfield shall pay 80% of the actual insurance premium, towards an *employee only* policy or 50% of the actual insurance premium towards an *employee & family* policy. The employee shall pay, through payroll deduction(s), their share of the premium.
- b. Any full-time employee who elects to not enroll in the health insurance plan offered by the Town of Buckfield however is insured by a comparable insurance plan may elect to receive \$100.00 per month in lieu of health insurance. Such employees shall be required to provide proof of comparable health insurance coverage to the Town Manager. This benefit shall be offered to eligible employees on the 181<sup>st</sup> day from the date of hire.

**G. Dental Insurance**

The Town of Buckfield makes available dental insurance to all full-time and part-time employees. The employee shall pay, through payroll deduction(s), 100% of the premium. This benefit shall be offered to eligible employees on the first day of the month following their date of hire.

**H. Miscellaneous Insurance**

The Town of Buckfield may make available an array of miscellaneous insurance products to all full-time and part-time employees. The employee shall pay, through payroll deduction(s), 100% of the premium(s). This benefit shall be offered to eligible employees on the 181<sup>st</sup> day from the date of hire.



**I. Retirement Plans**

- a. The Town of Buckfield makes available a SIMPLE Individual Retirement Account (IRA) to any employee whose gross wage exceeds \$5,000.00 in a fiscal year. The Town shall match dollar for dollar up to a certain percentage of the employee's gross wage. The Board of Selectmen reserves the right to change the match, depending on the Town's financial position. The percentage shall be determined annually in the month of January during a duly called Meeting of the Board of Selectmen and the Town Manager shall be responsible to remind the Board of Selectmen of such. Should the Board of Selectmen neglect to determine the percentage rate, then the rate shall be 3%. The employee shall pay, through payroll deduction(s), his/her contribution. This benefit shall be offered to eligible employees on the 181<sup>st</sup> day from the date of hire.
- b. The Town of Buckfield also makes available to all full-time employees the option to make a one-time irrevocable election to participate in the Maine Public Employees Retirement System (MainePERS), Plan AN, as an alternate retirement plan. The employee shall pay, through payroll deduction(s), his/her required contribution determined by MainePERS. The Town shall pay its required contribution determined by MainePERS. This benefit shall be offered to eligible employees on the date of hire.

**J. Vacation Leave and Earned Time Off**

- a. Full-time employees shall be entitled to:
  - One week vacation on the anniversary of 1 year of service
  - Two weeks vacation on the anniversary of 3 years of service
  - Three weeks vacation on the anniversary of 8 years of service
  - Four weeks vacation on the anniversary of 20 years of service
- b. All requests for vacation leave should be submitted a minimum of two (2) weeks prior to the requested time off. If a conflict occurs, leave will be granted in order of submission and if submitted together then by seniority.
- c. Vacation leave is not cumulative from anniversary year to anniversary year, and unused leave does not carry over. The Department Head shall be responsible for the scheduling of all vacation leave to insure all leave is taken. The Department Head shall have the right to schedule an employee's vacation leave, if the employee has not done so, to insure all leave has been used. If an employee does not indicate his/her leave preference, time-off can be scheduled by the Department Head or Town Manager before the end of the fiscal year and charged to annual leave.

The Town Manager may seek Board of Selectmen approval to pay out unused vacation time at the end of an employee's anniversary year, if that employee could not have reasonably used said vacation time due to emergency workload and / or staffing shortages that would leave the Town unable to perform municipal services.

- d. In the event one or more holidays fall within a vacation leave, such holidays shall not be charged as vacation.
- e. An employee shall receive all earned vacation leave pay as well as all accrued vacation leave pay at his/her current rate of pay upon separation or retirement.
- f. Part-Time employees shall accrue one (1) hour of earned time off for every forty (40) hours worked, up to a maximum of forty (40) hours in a calendar year. Employees may carryover any unused earned time into the following year, however this carryover shall not exceed forty (40) hours.

The Town of Buckfield follows all applicable requirements of the Maine Earned Paid Leave (MEPL) law.

Note:

In the event an employee is involuntarily reclassified from Full-Time to Part-Time, that employee shall continue to annually receive, on his/her anniversary date, vacation hours equivalent to the vacation hours he/she was entitled to on the date of reclassification.

In the event an employee voluntarily requests and receives reclassification from Full-Time, benefits for that employee shall become subject to the provisions of this *Handbook*.

**K. Leaves-of-Absences**

- a. ***Bereavement Leave/Funeral Leave:*** An employee may be excused from work for up to three (3) scheduled workdays because of the death of his/her immediate family member, as defined, and shall be paid his/her regular rate of pay for scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and for observing any final services. In the event of the death of a spouse or child, the Town Manager may authorize up to two (2) additional days when requested. The use of the two (2) additional days shall be charged against the employee's sick leave accumulation, or shall be taken as unpaid leave. This benefit shall apply to all employees and shall commence on the date of hire.



b. **Sick Leave:** Full-time employees are eligible for Sick Leave. Sick Leave time shall not be considered as a right that an employee may use at his/her discretion. If this privilege is abused, the employee shall be subject to disciplinary action in accordance with this *Handbook*. This benefit shall be offered to eligible employees on the 181<sup>st</sup> day from the date of hire.

1. *Rate of Accrual:* Sick leave time shall accrue at the rate of six (6) hours for each full calendar month of service, cumulative to a maximum of four hundred eighty (480) hours or sixty (60) days. 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 fifteenth (15th) day of the month. When an employee accumulates the maximum of sixty (60) days, he/she shall no longer accumulate sick time until the balance drops below sixty (60) days.

Note:

i. In accordance with this *Handbook* and in the event an existing full-time employee is reclassified as a part-time employee, that employee's future sick leave benefit shall accrue at one half (1/2) the rate of full-time employees and be subject to the provisions of this *Handbook*.

2. *Use of Sick Leave:* An employee must call his/her Department Head or the Town Manager no less than one (1) hour before his/her scheduled start time unless physically unable to do so; otherwise, the day will be charged to leave without pay. Sick leave may be used only in the following cases:

i. Personal illness or physical incapacity to 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 department and is assigned to such other work. The employee shall furnish the Department Head with a statement from his/her attending physician, after three (3) consecutive days of absence, confirming the employee's illness and/or ability to return to work; or

ii. Personal medical or dental appointments for the employee or his/her immediate family member; or

iii. For other such reasons specifically provided for in this *Handbook*.

3. *Sick Leave Records:* Absences for a fraction or a part of a day that are chargeable to sick leave in accordance with this

section shall be charged proportionally in an amount no smaller than one (1) hour per occasion. Sick leave usage shall be recorded regularly on forms maintained by the Payroll Clerk. The Town Manager shall review at least quarterly all sick leave records and investigate any cases that indicate abuse of the privilege. Willful abuse of the sick leave privilege shall be cause for disciplinary action.

4. *Sick Leave and Workers' Compensation:* Employees are eligible for Workers' Compensation for a service-connected injury and may elect to take earned sick leave in addition to Workers' Compensation, to the extent that it provides full, regular pay, and to the extent of earned sick leave they have accrued.
5. *Unused Sick Leave:* All accumulated unused sick leave shall be forfeited upon separation.

c. ***Family and Medical Leave Act (FMLA):***

The Town of Buckfield complies with all the requirements of the Federal Family and Medical Leave Act as well as the State of Maine Family and Medical Leave Requirement Act.

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

During FMLA leave, the employee shall not accrue employment benefits, such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

The Town may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior

to the return from any FMLA leave. Employees with chronic or continuing health issues may be required to provide recertification every six (6) months.

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

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

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days notice is not possible. All necessary forms are available from the Town Manager or his designee. Appropriate forms must be submitted to the Town Manager and/or his designee to initiate a family leave and to return the employee to active status.

For further information on Federal FMLA and MFMLRA visit the websites listed below:

Federal Family and Medical Leave Act -  
<https://www.dol.gov/agencies/whd/fmla>

Maine Family and Medical Leave Requirement Act -  
[https://www.mainelegislature.org/legis/statutes/26/title26\\_sec844.html](https://www.mainelegislature.org/legis/statutes/26/title26_sec844.html)

d. ***Jury Duty/Witness Leave:***

1. *Jury Duty:* Any employee of the Town of Buckfield shall be excused from work when required to respond to a summons for jury duty, to serve as a juror or to attend court for prospective jury service. Employees must provide the Town of Buckfield with a copy of the jury notice prior to jury service. The Town encourages employees to fulfill such duties, and agrees to pay employees the difference between his/her regular pay and juror's pay, provided the employee presents an official statement of jury pay received. Upon completion of jury service, the employee must return to work for the remainder of the normal workday.
2. *Town Litigation Duty:* In the event that the Town requires an employee to attend a court proceeding, to serve as a

witness or otherwise, the employee will suffer no loss in regular pay as a result of such attendance, and hours required to be spent at court at the Town's request shall be considered hours actually worked for the Town for purposes of overtime eligibility. Employees who are compensated by the Town for attendance at court are required to turn over any witness or other fees received for such appearances.

3. *Personal Litigation:* An employee required to appear as a witness in personal litigation, shall be given time off as leave without pay or eligible leave time if available.

**Note:**

Employees required to report for possible jury duty or to appear as a witness shall inform the Town as soon as possible of such notice to report, any subsequent obligations and to return to work promptly after such jury or witness duty is completed.

- e. ***Reserve Service Leave:*** Reserve Service leave is available to employees who are members of the military reserves or National Guard, under the terms of applicable Federal/State law. In addition, for any period of reserve service up to two (2) weeks in any calendar year, the Town will compensate the employee for the difference between his/her regular weekly wages and his/her total military pay. Employees using Reserve Service leave must furnish the Department Head with a copy of their orders and an official statement of Reserve Service pay received. Any amount served in excess of two (2) weeks shall be considered leave without pay.
- f. ***Military Leave:*** Leaves of absence for service in the uniformed services shall be granted in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Generally, "service" is defined as active duty, active duty for training, inactive duty training, full-time National Guard duty, and absence from work for determination of fitness for duty. "Uniformed Services is defined as Army, Navy, Marine Corps, Air Force or Coast Guard; Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve; Army or National Guard; Commissioned Corps of the Public Health Service.

An employee is permitted, but not required, to use any accrued vacation instead of unpaid leave.

For military leave of less than 30 days and for employees who are eligible for health insurance benefits, continuation will be provided without additional obligation. For periods greater than thirty (30) days, the employee may elect to continue coverage consistent with COBRA requirements.

The employee is responsible for providing to the Town Manager copies of all military orders that will result in a leave of absence for active military duty. Employees are required to notify the Town Manager at the earliest possible date upon learning of scheduled military duty.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

- g. **Leave Without Pay:** Employees may request, in writing, a non-FMLA leave of absence without pay for a period of up to thirty (30) calendar days. Requests for a leave of absence without pay shall be made, in writing, to the Town Manager, at least 14 days prior to the start of the leave, or in emergency situations as soon as the need for leave is known. The Town Manager will have sole discretion to grant or deny the request, and will reach a decision concerning the request as soon as possible.

An unpaid leave of absence may be extended upon request of the employee and approval of the Town Manager. The employee is expected to return to work upon the expiration of the granted leave, or to have arranged an extension of the leave, two (2) calendar weeks prior to its expiration. Failure of the employee to return to work upon expiration of an approved leave may be deemed to be a voluntary resignation from the Town's employ. Employees may choose to continue health insurance benefits for the duration of the leave by assuming the employer's contribution. Vacation and sick time shall not accrue during the leave without pay if the leave is in excess of fifteen (15) calendar days, nor shall the employee be eligible for or receive holiday pay.

**Note:**

This leave without pay policy does not apply to employees who are eligible for FMLA leave; in such circumstances, the employee must apply for available FMLA leave under the Town's FMLA policy. This policy also does not apply to employees who have accrued and unused paid leave benefits, such as vacation or sick time; in such circumstances, the employee must exhaust all paid leave benefits before being eligible to apply for leave without pay under this policy. Finally, this policy does not apply to circumstances where the employee is eligible for another category of leave (whether paid or unpaid) provided in this handbook.

- h. **Administrative Leave:** Administrative leave is an absence from work for a specified time period. It is used when other types of leave do not apply. The Board of Selectmen may grant a request for or place the Town Manager on Administrative Leave. The Town Manager may grant or place any employee on administrative



leave. Administrative leave may be granted with or without pay and with or without benefits, depending on the circumstances.

i. **Holiday Time:**

1. *List of Paid Holidays:* Subject to these rules, the following shall be paid holidays.

New Year's Day	Martin Luther King Day
Presidents' Day	Memorial Day
Fourth of July	Labor Day
Indigenous People's Day	Thanksgiving Day
Veterans' Day	Employee Day
Christmas	

2. *Eligibility:* Full-time employees shall be eligible for all holidays listed above on the 181<sup>st</sup> day from the date of hire. Part-time and On-call employees shall be eligible for all holidays listed above on the 181<sup>st</sup> day from the date of hire providing the holiday falls on a regular scheduled work day for that employee.
3. *Scheduling of Holidays:* If any regularly scheduled paid holiday falls on Saturday, the holiday will be observed on the preceding Friday, and if any regularly scheduled paid holiday falls on a Sunday, the holiday will be observed on the following Monday, unless otherwise regulated by law.
4. *Holidays during Leaves-of-Absence:* An employee on a leave-of-absence shall not be eligible for holiday pay.
5. *Holidays during Vacation Time:* Town Employees shall be eligible to an additional day of vacation time should a paid holiday fall within their vacation time period.
6. *Holiday Pay:* Holiday pay is equal to an employee's regularly scheduled work day hours times their base hourly rate.
7. *Holiday Work Rate:* Employees who are assigned to work a holiday, excluding Employee Day, shall receive two (2) times their base hourly rate for hours worked on the holiday. Any hours worked in excess of the employee's work day as defined shall be compensated at two times that employee's base hourly rate. The Holiday Work Rate shall not compound with any other rates. Employees who work a portion of a holiday shall receive the balance of the number of hours in the holiday as it relates to a work day as defined at their base hourly rate.
8. *Christmas Eve/New Years Eve:* All employees of the Town Office and Zadoc Long Free Library shall be released from

work at Noon on Christmas Eve (December 24<sup>th</sup>) and New Year's Eve (December 31<sup>st</sup>) and only paid for actual hours worked.

9. *Holiday Bonus:* All full-time and part-time employees shall receive a Thanksgiving turkey or a gift-card equivalent to the cost of a turkey and a Christmas gift-card valued at \$20.00.

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

Leave will be granted for an employee to:

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

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

## **SECTION VI: REIMBURSEMENT OF EXPENSES**

### **A. Automobile Expense**

All municipal employees shall be reimbursed for actual mileage incurred in the performance of official Town business. The mileage rate shall be the current I.R.S. reimbursement rate and will automatically take effect

on January 1st of each year. All reimbursement requests will be submitted in writing, in the form of receipts, to the Town Manager.

**B. Travel, Training & Development Expenses**

Employees of the Town of Buckfield shall be reimbursed for reasonable and necessary expenses incurred while carrying out official Town business. Such reimbursement will require prior authorization from the Town Manager and the submission of a detailed expense voucher to the Accounts Payable Clerk. Travel expense reimbursement shall not apply, in any case, to travel from the employee's home to work. When an employee attends off-site work-related trainings (such as meetings, seminars, workshops, and the like), his/her eligible work hours shall be those from when the training begins through when the training ends plus travel time to and from the employee's normal work reporting location. Reimbursable mileage shall be from the employee's residence to the training location.

**C. Cell Phone Expense**

An employee shall be issued a Town-owned cell phone when it is deemed by the Town Manager it is crucial for the employee's line of Town business communications.

**SECTION VII: OVERTIME**

**A. Fair Labor Standards Act (FLSA)**

Overtime does not apply to employees who are exempt under the Fair Labor Standards Act (FLSA).

**B. Compensation Rate**

All hours worked after 40 hours in an actual work week shall be compensated at a monetary rate of one and one-half (1½) times the base hourly rate of the affected employee.

**C. Authorization**

All planned overtime requires authorization from the Department Head or Town Manager and shall be reported to the Payroll Clerk in Homebase.

**SECTION VIII: TRAINING**

**A. Job-Related/Required Training**

As a condition of employment and for effective job performance, each employee shall attend and participate in training programs designated to be necessary by the Department Head or the Town Manager.



**B. Voluntary Training/Development**

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

**SECTION IX: ATTENDANCE AND WORKPLACE RULES**

**A. Attendance**

Employees shall be at their respective places of work at the appointed, departmental starting time. Time sheets must be approved by the Department Head.

It is the responsibility of the employee to see that their Department Head is advised of the reason for an absence not previously arranged within two (2) hours of the beginning of the unexpected absence.

**B. Appearance**

All persons employed by the Town shall maintain a non-disruptive level of personal hygiene and a non-suggestive level of personal appearance appropriate for their job assignment.

**C. Conduct**

All employees are expected to conduct themselves at the highest ethic level, and not engage in any activity which would create the appearance or perception of impropriety. As such, employees must avoid any action that might result in or create the impression of using public employment for private gain, giving unfair or preferential treatment to any person, business or entity, or which fails to show complete partiality in conducting Town business.

**D. Confidentiality**

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information that is required under the "Right to Know" Law, 1 M.R.S.A., Section 401-410.

**SECTION X: INTERNET & ELECTRONIC MAIL**

**A. General**

The Town of Buckfield Electronic Mail System (e-mail) is designed to facilitate Town business communication among employees and other business associates for messages or memoranda. Since no computer is completely secure, the e-mail system is not intended to transmit

sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

The e-mail system is Town property and intended for Town business. The system is not to be used for employee personal gain or to support or advocate for non-Town related business or purposes. All data and other electronic messages within this system are the property of the Town of Buckfield. E-mail messages have been found to be public records and may be subject to the Right to Know Laws, depending on their content.

In addition, the Town, through its Town manager and Department Heads, reserves the right to review the contents of employee's e-mail communications when necessary for Town business purposes. Therefore, employees should have no reasonable expectation of privacy when using the Town's computer or electronic systems. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other person's e-mail messages without proper authorization.

The Town of Buckfield, purchases, owns and administers the necessary software and licenses to provide access to e-mail and internet services. Employees may not rent, copy or loan the software, or its documentation. The Town has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternate software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town system. Department heads are responsible for the implementation and adherence of this policy within their departments.

**B. Procedures**

*General Information on Passwords:* While you may have a confidential password, users should be aware that it does not mean that the system is for personal confidential communications, nor does it suggest that e-mail or texts are the property right of the employee. The use of e-mail system is for Town business. Passwords shall be changed no less than annually to ensure security of the e-mail system. Users should not share their passwords with anyone else, other than as his or her managers may require.

**C. Internet**

The Internet provides the Town with significant access and dissemination of information to individuals outside of the Town. The use of the Internet system for access and dissemination is intended to serve Town business. Like e-mail messages, internet messages are capable of being forwarded without express permission of the original author. Internet messages are also routinely passed through routes before they

reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the Town, and must comply with all state and federal laws.

All passwords associated with accessing the municipal software package and data shall be changed no less than annually for security purposes.

**D. Prohibited Uses**

When sending e-mails and text messages, appropriateness and good judgment should be used. Following are examples of internet and e-mail uses which are prohibited:

- a. Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening.
- b. Communications of sexually explicit images or messages.
- c. Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability, sexual orientation, genetic history, or religious beliefs, or any other legally protected categories.
- d. Solicitation for commercial ventures, religious political causes, outside organizations, or other non-job-related solicitations.
- e. Access to internet resources, including web sites and news groups that are inappropriate in a business setting.
- f. Any other use that may compromise the integrity of the Town and its business in any way.
- g. Downloading, viewing, or copying copyrighted materials, such as music, videos, games, etc.

**E. Retention of E-Mail**

Generally, e-mail messages are intended to be temporary communications which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. As such, these e-mail messages are similar to printed communication and should be written with the same care. Each department head is responsible for establishing and maintaining department retention schedules for the information communicated through the e-mail system.

However, employees should be aware that when they have deleted a message from their workstation mailbox it may not have been deleted from the central e-mail system. The messages may be residing in the

recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that certain e-mail may be classified as "public" documents subject to a "freedom of access" request. Keep that in mind when you create or store e-mail. Employees who have any questions about email retention should contact the Town Manager for guidance.

As set forth above, certain substantive emails (such as those that qualify as personnel records, or as records that the Town is statutorily required to maintain) must be maintained in either electronic or paper form. Substantive emails that have been printed to paper form and been placed in the proper paper file may then be deleted. Employees should delete non-substantive e-mail messages (i.e., emails that are of a personal nature, or are non-personnel and/or non-Town related) and which the Town is not required to maintain by law as soon as possible after reading. An accumulation of files will degrade system performance and response times. The system will automatically delete all messages after 30 days, unless archived by the user.

**F. Web Site**

The Town's web site is an effective channel for the Town to share information with citizens, visitors and customers. Department heads shall work to develop and keep up to date departmental pages as a link to the Town's home page.

The primary purpose of the Town's web site is to provide people with information related exclusively to municipal and municipal related functions, such as but not limited to meetings, policies, programs and general information. It is not intended to provide a means to share information relating to business advertising, advocacy (political/religious), public utilities, and/or derogatory or inflammatory content.

**G. Applicability to Employees, Contractors, and Other Users**

This e-mail policy applies to all employees, contractors, volunteers, and other individuals who are provided access to the Town's e-mail system. Third parties should only be provided access to the e-mail system as necessary for their business purpose with the Town, and only if they abide by all applicable rules.

**H. Employee Termination, Leave of Absence and Vacation**

Employees who leave employment with the Town have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. The Town Manager and/or Department Head may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the Town's business purposes, or for any other reason in the discretion of the Town Manager.

**I. Penalties**

The misuse of the internet or e-mail privileges may be considered sufficient cause for discipline in accordance with the provisions of this *Handbook* and or other applicable rules or laws.

**SECTION XI: MISC. POLICIES, PROCEDURES AND REGULATIONS**

**A. Resignation**

- a. ***Notice to Department Head:*** Any employee wishing to leave in good standing shall file with their Department Head a written resignation stating the date the employee is leaving the Town's service and the reasons for leaving. The written resignation shall be submitted at least ten (10) working days prior to its effective date. The Town, in its discretion, may choose to pay the employee during the 10-day notice period in lieu of work. Failure to comply with this procedure may be cause for denying such employee's future reemployment by the Town.
- b. ***Unauthorized Absence:*** Unauthorized absences from work for a period of three (3) days or more without permission of the Department Head and/or the Town Manager may be considered as being a voluntary resignation by the employee.
- c. ***Separation Responsibilities:*** Effective date of separation shall be at the close of business on the last day the employee reports for work, the date specified in his/her written resignation, or the last day of leave granted should he/she fail to report on the first working day following the expiration of his/her leave. All separating employees shall turn in any Town-owned property in their possession, including keys. Separating employees shall also leave a forwarding address with their Department Head or the Town Treasurer for the purposes of forwarding Internal Revenue Service forms and any remaining checks for unpaid compensation.

**B. Personnel Reduction**

If the Town has to reduce its work force for lack of funds, an employee may be laid off by the Town Manager at any time without recourse to the grievance procedure. All employees shall be furnished a written statement setting forth the reasons for the personnel reduction.

**C. Reinstatement**

Employees resigning but wishing to be reinstated may be reinstated at the discretion of the Town Manager if this action shall be in the best interest of the Town. If reinstated within thirty (30) days from the effective resignation date, the employee shall be restored to his/her former position at the same pay and with full fringe benefits and seniority rights as if the employee had continuous service.



**D. Promotions**

Qualified employees shall be given consideration first in filling a vacancy and may be given training opportunities to qualify for promotion. Whether a position is filled from within or outside is determined by the Town Manager only after careful review of the qualifications of all the Town employees who have applied for the position. In all instances, the Town reserves the right to hire the best qualified candidate, and to re-open any hiring process if the applicant pool does not meet the Town's needs.

**E. Transfers**

Transfers are assignments to other positions and may be initiated by management for the good of the Town service, subject to the approval of the Town Manager.

**F. Anti-nepotism**

No supervisor may hire a family member within the same Department without Select Board approval.

**G. Conflicts of Interest**

In addition to observing general standards of conduct from employees of any organization, public employees are expected to treat everyone they serve with complete impartiality, and are thus prohibited from using their official positions for personal profit or the profit of friends and family.

**H. Fraud**

The Town has a zero-tolerance policy regarding fraud. No employees, shall remove any Town asset from the property, misuse any Town asset for one's personal gain, or willfully misappropriate any Town asset. Any evidence supporting fraud, theft or embezzlement of Town assets and equipment may be subject to any of the following actions including but not limited to: suspension, termination, restitution, and criminal charges.

a. ***Prohibited Acts:*** Fraud and misuse of Town assets are prohibited. Examples of fraud and misuse of Town assets include but are not limited to:

1. Embezzlement
2. Misappropriation, misuse, misapplication, destruction, removal, or concealment of Town property.
3. Alteration or falsification of documents.
4. Theft of any asset (money, tangible property, water, etc.)
5. Authorizing or receiving compensation for goods not received or services not performed.

6. Authorizing or receiving compensation for hours not worked.
7. Misrepresentation of fact.
8. Assisting or abetting any of the above with knowledge of the impropriety.

b. **Complaint Procedure:**

1. Suspected or known fraudulent acts by employees shall be reported to their respective Department Head or to the Town Manager. If the employee has valid reason to believe that their Department Head may be involved, the employee shall notify the Town Manager. If an employee has valid reason to believe the Town Manager is involved, the employee shall notify the Chairman of the Board of Selectmen.
2. Department Heads shall:
  - i. Take no action without consulting with the Town Manager, or the Chairman of the Board of Selectmen, as appropriate.
  - ii. Recommend appropriate temporary disciplinary action when there is evidence of wrong-doing, and
  - iii. If suspension or termination is recommended, consult with the Town Manager (or the Chairman of the Board of Selectmen, as appropriate) and Town Attorney.
3. Department Heads shall communicate any suspected or known fraudulent act to the Town Manager. The Town Manager may initiate internal investigative actions of the suspected act.
4. All participants in a fraud investigation shall keep the details and results of the investigation confidential, but confidentiality cannot be guaranteed.
5. No employer or person acting on behalf of an employer shall dismiss or threaten to dismiss an employee, discipline or suspend or threaten to discipline or suspend an employee; impose any penalty upon an employee; or intimidate or coerce an employee because the employee has acted in accordance with the requirements of the policy. Any violation of this section may result in disciplinary action up to and including termination of employment.

- c. **Prevention:** Each department shall maintain an internal control environment to protect the department and the Town from loss or other damages as a result of the fraudulent act.

- d. ***False Allegations:*** False allegations of suspected fraud with the intent to disrupt or cause harm to another, or made without good faith, may be subject to disciplinary action, up to and including termination of employment.
- e. ***Corrective Actions and Discipline:*** Appropriate and timely action shall be taken against those proven to have committed a fraudulent act. These remedial actions may include, but are not limited to:
  - 1. Disciplinary action (up to and including termination of employment).
  - 2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
  - 3. Forwarding information to the appropriate authorities for criminal prosecution.
  - 4. Institution of civil action to recover losses.
  - 5. The Town may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from the fraudulent conduct.

## **I. Discipline**

The Town has a progressive discipline policy designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior, performance issues and/or violation of any provision contained in this *Handbook*. This policy applies to any and all employee conduct that the Town, in its sole discretion, determines must be addressed by discipline. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the Town takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline

Most often, employee conduct that warrants discipline is a result of unacceptable behavior, poor performance or violation of the provisions of this *Handbook*, practices or procedures. Progressive discipline may be issued based on, but not limited to, the severity of the grievance or performance history of the employee. Equally important, the Town need not resort to progressive discipline guidelines but, may bypass steps and take action deemed necessary to address the issue or circumstances at hand, up to and including immediate termination of employment.

Probationary employees are held to the same standards for behavior and job performance, but may not use the disciplinary procedure. Progressive discipline is the exception rather than the rule for probationary employees.



The Town will normally adhere to the following steps of this progressive disciplinary process, unless the circumstances dictate otherwise:

a. **Step #1: Counseling and Verbal Warning**

This Step creates an opportunity for the Town Manager and/or Department Head to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issue. The Town Manager and/or Department Head must discuss with the employee the nature of the problem and/or violation of this *Handbook*. The Town Manager and/or Department Head shall clearly outline expectations and steps the employee must take to improve performance and/or resolve the problem/violation – this shall be referred to as the Action Plan. Within five (5) business days, the Town Manager and/or Department Head shall prepare written documentation of the Step 1 meeting. The employee will be asked to sign this document. The employee's signature is needed to demonstrate the employee's understanding and acknowledgement of the issues and corrective action needed. In the event the employee denies the signing of the document, the Town Manager shall note on the document the employees' denial to sign.

b. **Step #2: Written Warning**

While it is hoped the performance, conduct or attendance issues that were identified in step 1 have been corrected, the Town recognizes that this may not always be the case. A written warning involves a more formal documentation of the performance, conduct or attendance issues and consequences.

During Step #2, the Town Manager and Department Head shall meet with the employee and review any additional incidents or information about the performance, conduct, attendance, and/or violations issues in addition to any prior relevant corrective Action Plan(s). The Town Manager and/or Department Head shall outline the consequences for the employee of his/her continued failure to meet performance and/or conduct expectations.

A formal Performance Improvement Plan (PIP) requiring the employee's immediate and sustained corrective action shall be issued within five (5) business days of a Step #2 meeting.

A narrative outlining that the employee shall be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken shall be included in the written warning.

The employee will be asked to sign the written warning document. The employee's signature is needed to demonstrate the employee's understanding and acknowledgement of the issues and corrective action needed. In the event the employee denies

the signing of the document, the Town Manager shall note on the document the employees' denial to sign.

c. ***Step #3: Suspension and Final Written Warning***

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the Town Manager may suspend the employee pending the results of an investigation.

Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Town Manager will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

d. ***Step 4: Termination of Employment***

The last and most serious Step in the progressive discipline procedure is to terminate employment. Generally, the Town will try to exercise the progressive nature of this policy by first providing warnings, final written warning and/or suspension from the workplace before proceeding to terminate employment. However, the Town reserves the right to combine and skip Steps depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Town and its employees.

Termination shall be documented and maintained by the Town Manager in accordance with the laws of the State of Maine.

e. ***Appeal Process***

Employees shall have the opportunity to present information that may challenge information the Town Manager and/or Department Head has used to issue disciplinary action. The purpose of this

process is to provide insight into extenuating circumstances that may have contributed to the employee performance and/or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, he/she will have five (5) business days after that meeting to present information.

**f. *Performance and Conduct Issues Not Subject to Progressive Discipline***

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination.

**g. *Documentation***

The employee shall be provided copies of all progressive discipline documentation, including all performance improvement plans. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these documents shall be placed in the employee's official personnel file.

## **SECTION XII: WORKPLACE SAFETY AND REPORTING OF INJURIES**

### **A. Health and Safety**

Employee health and safety are important to the Town. All employees must adhere to all Occupational Safety and Health Administration (OSHA), federal and state regulations and comply with the following general rules:

- a. All accidents or injuries must be reported to a supervisor immediately.
- b. Horseplay and practical jokes in work area are prohibited.
- c. Smoking is prohibited in all Town owned or leased buildings, Town owned or leased vehicles and all personal vehicles whenever other employees or another person is in the personally owned vehicle for work related reasons.

Smoking is not allowed in any location that allows smoke to circulate into a Town owned or leased building.

- d. Employees are to be careful with their extremities when operating any machinery and must see to it that others do not harm themselves on their machines.

Operating shortcuts that jeopardize employee safety shall not be tolerated and shall result in disciplinary action.

- e. All employees of the Town of Buckfield shall wear seat belts when operating road licensed or off-road or construction equipment that is a Town-owned vehicle, any vehicle on municipal premises or private vehicle on municipal business, that is equipped with a manufacturer's installed seatbelt. All occupants are to wear seatbelts.
- f. Use of alcohol or drugs is prohibited while working for the Town, and may subject the employee to drug or alcohol testing as permitted under federal or Maine law.
- g. Persons not employed by the Town of Buckfield are prohibited from being in or on any Town owned vehicle, except a person or persons who is/are assisting a Town employee with official Town business in an advisory or contractual manner.

Employees failing to comply shall be subject to disciplinary action as set forth in this *Handbook*.

Employees are responsible to themselves and to the Town for reporting unsafe conditions or practices to management. It is then the Town Manager's responsibility to act as conditions warrant.

No employee should ever perform a task or work with equipment that he/she considers to be unsafe or use equipment they are not properly trained on.

## **B. Return to Work**

The Town will work to facilitate the return of staff to full duty after they have suffered an absence due to a work-related injury or illness.

Modified work assignments may be made available to employees as a positive means of rehabilitation following a disabling injury. However, the Town is under no obligation to create modified or "light duty" positions. Modified duties must meet the Town's staffing needs as well as accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee, his/her co-workers and/or citizens.

To be eligible for modified work assignment, the employee's injury/illness must be temporary, not permanent and must prevent the employee from performing the full duties of his/her position for a minimum of two weeks. Any employee interested in a modified duty assignment must notify his/her Department Head of any injury or illness. The employee's Department Head and/or Town Manager will work to develop a modified duty assignment. The employee must obtain written medical approval from his/her physician concerning his/her ability to perform the assigned modified duties. Modified duties are a

temporary measure to facilitate early return to work and should not exceed ninety (90) calendar days in duration, commencing upon the employee's return to work. If the employee has not returned to his/her pre-injury position by the end of ninety (90) calendar days, then the Town may terminate the temporary modified duty assignment. If the employee has restrictions that result in his/her inability to perform the essential functions of his/her pre-injury position, the provisions of the Americans with Disabilities Act (ADA) and/or other applicable laws shall be applied to determine the employee's continued suitability for employment.

## **SECTION XIII: CODE OF ETHICS**

### **A. Legal Standards**

It is the duty of every Town official, officer, employee, Board/Committee member to support the Constitution of the United States and the Constitution of the State of Maine. There are also certain provisions of the general statutes of the State of Maine, which, while not set forth herein, should be considered an integral part of this Code of Ethics. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as they may be amended, are incorporated into this Code of Ethics by reference to the extent applicable:

17	MRSA § 3104	Conflict of Interest; Purchases by the State
17-A	MRSA § 456	Tampering with Public Records or Information
17-A	MRSA § 602	Bribery in Official / Officer and Political Matters
17-A	MRSA § 603	Improper Influence
17-A	MRSA § 604	Improper Compensation for Past Action
17-A	MRSA § 605	Improper Gifts to Public Servants
17-A	MRSA § 606	Improper Compensation for Services
17-A	MRSA § 607	Purchase of Public Office
17-A	MRSA § 608	Official / Officer Oppression
17-A	MRSA § 609	Misuse of Information
17-A	MRSA § 903	Misuse of Entrusted Property
21-A	MRSA § 504	Persons Ineligible to Serve as Election Official/Officers
30-A	MRSA § 2605	Conflicts of Interest
30-A	MRSA § 2606	Prohibited Appointments
30-A	MRSA § 5122	Interest of Public Official / Officers, Trustees or Employees

### **B. Guidelines**

- a. It is the goal of this Code of Ethics that every citizen shall receive fair and impartial consideration on any matter coming before the Board of Selectmen, Employees, and the Town's appointed boards and committees. No Town official, officer, employee,



board/committee member shall make any promise or pledge to any person concerning any matter to be considered by that Town official, officer, employee board/committee member in an official capacity except upon a fair and impartial consideration of the relevant facts in the appropriate forum.

1. *Avoidance of Appearance of Improper Influence:* Town official, officers, employees, appointed board/committee members should conduct their official and personal affairs in such a manner as to avoid any appearance of improper influence in the performance of their official duties.
  2. *Fair and Impartial Consideration:* Fair and impartial consideration means that Town officials, officers, employees, appointed board/committee members should make their decisions in the appropriate public forum and should not take official action until they have given a careful and objective consideration to the facts pertaining to a particular issue coming before them. They should not prejudge matters coming before them in their official capacity and should not make promises or commit to a course of action until all of the relevant facts have been considered.
- b. The conduct of public business shall be free from any undisclosed financial or personal interests on the part of any Town official, officer, employee, appointed board/committee member and from any appearance of conflict. No Town official, officer, employee, appointed board/committee member shall advocate in any public meeting or in his/her official capacity on any matter in which that Town official, officer, employee, appointed board/committee member has a financial or personal interest, or where there is any appearance of conflict, except upon full and timely disclosure of that interest.
1. *Financial Interests:* A Town official, officer, employee, appointed board/committee member should endeavor to avoid holding any investment, directly or indirectly, in any business, commercial enterprise, or other private activity that conflicts with their official duties as a Town official, officer, employee, or appointed board/committee member. In the case of members of Town boards or committees, where such a conflict exists, it should be disclosed to the board or committee on which that member sits prior to consideration of any decision to be made by that board or committee, and if recommended by the majority of that board or committee, the member should voluntarily recuse him/herself from participating in any official action on any matter to which the conflict pertains. In the case of Town employees, any such conflicts should be disclosed to the

employee's immediate supervisor and the Town Manager and, at the request of the employee's supervisor or the Town Manager, the employee should refrain from participating in the consideration of official action on any matter to which the conflict pertains.

2. *Personal Interests:* Members of Town boards and committees should disclose any personal relationship to the board or committee on which that member sits in any instance where there could be the appearance of a conflict of interest. For example, if the member's spouse or domestic partner works for a developer appearing before that Town board or committee, that fact should be disclosed. It shall be deemed by this Policy that any direct vote or decision that may have a direct bearing on the financial impact or position of any member of a Town board, committee or employee shall be considered personal interest if a relationship between the member and the impacted party fall within the defined guidelines of state statute for relatives and shall include persons involved in a significant relationship.
  3. *Avoidance of Appearance of Conflict:* Where there is doubt about a potential conflict or appearance of conflict due to an investment, financial holding, or personal relationship, the potential conflict or appearance of conflict should be disclosed to the board or committee on which that member sits prior to consideration of any decision to be made by that board or committee, and if requested by the membership of that board or committee, the member should recuse him/herself from participation in the consideration of any official action on any matter to which the conflict or appearance of conflict pertains.
- c. The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the duty of every Town official, officer, employee, appointed board/committee member to refuse personal gifts, favors or special privileges in every instance where such Town official, officer, employee, appointed board/committee member reasonably believes such gift, favor or special privilege would not have been extended but for the official position of such Town official, officer, employee, appointed board/committee member, or where there exists a reasonable belief that the donor's interests are likely to be affected by the official actions of the Town official, officer, employee, appointed board/committee member or where the gift is or may reasonably be considered to be designed to influence the official actions of the Town official, officer, employee, appointed board/committee member.

1. *Gifts:* No Town official, officer, employee, appointed board/committee member should directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gift if it could be reasonably inferred or expected that (1) the gift was intended to influence their performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.
  2. *Limitation:* The policy against solicitation or acceptance of gifts is limited to circumstances reasonably related to the possibility of improper influence or the appearance of improper influence. In *de minimus* situations, such as meal checks, a modest maximum amount shall be established by the Board of Selectmen from time to time as a guideline to be applied under this Code of Ethics. That amount is initially established under this Code of Ethics at a maximum of twenty-five (25) dollars. Furthermore, this guideline is not intended to preclude Town officials, officers, employees, appointed board/committee members from participating in normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions and where there is no reasonable grounds to believe that a gift is motivated by an intent to improperly influence the Town official, officer, employee, appointed board/committee member in the conduct of his/her official duties.
- d. No Town official, officer, employee, appointed board/committee member shall use confidential or advance information obtained by virtue of Town office, appointment or Town employment for personal or financial advantage.
1. *Confidential Information:* Town officials, officers, employees, appointed board/committee members shall not disclose to others, or use confidential information acquired by them in the course of their official duties, to further their personal interests.
  2. *Real Estate Transactions:* In the case of real estate transactions, the potential use of confidential information and knowledge to further a Town official's, officer's, employee's, appointed board/committee member's personal interests requires special consideration. Purchase and sales of real estate which might be regarded as speculation for quick profit shall be avoided, particularly in situations where the Town official, officer, employee, appointed board/committee member may have inside or advance



information as a result of his/her office or employment with the Town.

- e. It is the duty of Town officials, officers and appointed board/committee members to faithfully discharge the duties of their offices. In the conduct of public business, no Town official, officer, or appointed board/committee member should be excused from voting except on matters involving consideration of their own official conduct, or where their personal or financial interests may create a conflict or an appearance of conflict.
  - 1. *Discharging of Duties:* It is the obligation of all Town officials, officers and appointed board/committee members to fully and faithfully discharge their duties. This includes voting on all matters coming before them even when such votes will not be popular, except in circumstances where the Town official, officer or appointed board/committee member is excused from voting due to a conflict or appearance of conflict under this Code of Ethics.
  
- f. It is the duty of every Town official, officer, employee, appointed board/committee member to uphold and carry out the laws of the State of Maine and the lawful Ordinances and Policies of the Town. No Town official, officer, employee, appointed board/committee member shall knowingly take any action that would violate the laws of the State of Maine or that is inconsistent with the lawful Ordinances and Policies established by the Town.
  - 1. *Public Confidence:* Town officials, officers, employees, appointed board/committee members should conduct themselves at all times so as to maintain public confidence in Town government and its lawful Ordinances and Policies. Town officials, officers, employees, appointed board/committee members should comply with the laws of the State of Maine and the Ordinances of the Town and should conduct themselves in a manner consistent with duly adopted Town Policies.
  
- g. The penalties for violation of this Code of Ethics shall vary according to the type of position held.
  - 1. *Elected Official/Officers:* For elected officials/officers, when a violation is found by the elected board of which the official/officer is a member, the actions taken may range from a letter of reprimand by the Chair of the board, to a censure by a majority of the elected board, to a request for resignation from the elected position by a majority of the elected board.

2. *Appointed Official/Officers and Members of Boards and Committees:* For appointed boards and committees, the same penalties shall apply as apply to elected official / officers, and, in addition, if the board or committee is appointed by the Board of Selectmen of the Town, the municipal officers may remove an appointee for cause, after notice and public hearing, pursuant to 30-A M.R.S.A. §2601.
3. *Town Employees:* For employees of the Town, the penalties for violation of this Code of Ethics shall be governed by the Town's personnel policies, and collective bargaining agreements as applicable, which include but are not limited to appropriate progressive discipline up to and including suspension and termination.

## **SECTION XIV: HARASSMENT**

### **A. Sexual Harassment:**

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

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

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

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

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

Individuals who believe that they have been subjected to or witnessed sexual harassment by a non-employee, a supervisor or a co-worker should bring their concerns to the attention of any department head, the Town Manager or the Chairperson of the Board of Selectmen, either verbally or in writing. Employees who observe or learn of conduct which could be construed as sexual harassment should immediately bring those concerns to the town's attention.

The individual may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 - 207-624-6050

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

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

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

## **SECTION XV: EMPLOYMENT DISCRIMINATION**

Any complaints alleging unlawful discrimination as defined in MRSA Title 5, Section 4571-4575 as amended shall be registered with the Town's Equal Employment Opportunity (EEO) Officer (Town Manager), or any other department head, or his/her designee, who will arrange a meeting to discuss the matter. The Town will investigate the matter and take prompt remedial action, if necessary.

## **SECTION XVI: SELECTMEN EMPLOYMENT**

A Selectman may be employed by the Town of Buckfield unless the employment position is an incompatible office per the current MMA Municipal Officers Manual. If a Selectman takes the oath of any incompatible office, he or she automatically vacates the office of Selectman at the moment of swearing the oath.

This in no way prevents a Selectman from performing work for the Town in an emergency situation to maintain the safety and well-being of the residents.

## **SECTION XVII: ANNUAL EVALUATIONS**

Any and all employee evaluations shall be conducted in accordance with the Evaluations Policy approved by the Board of Selectmen. The inability to strictly meet these timelines should not be construed as an endorsement or a criticism of the employee's performance.

### **A. Town Manager**

The Board of Selectmen shall conduct an annual evaluation of the Town Manager and set goals with the Town Manager during the month of February. Evaluation forms shall be provided to the Board in the month of January. Each Board Member shall have the opportunity to make notes on their evaluation form to bring with them to the evaluation meeting for discussion. The evaluation meeting shall be conducted in executive session at a duly-called meeting with the Town Manager present. The Chairman (or the Board member designated by vote of the Board if the Chairman declines the task) shall consolidate the results of the evaluation meeting into one final document to be placed in the Town Manger's personnel file. The Board may make a public statement regarding the Town Manager's performance at their discretion keeping in mind the generally confidential nature of employee evaluations. The Board shall review the Town Manager's Contract six (6) months prior to its expiration and either extend the Contract at that time for a minimum of one (1) year and a maximum of three (3) years or inform the Town Manager that the Board does not plan to extend the Contract.

### **B. Fire Chief**

The Town Manager shall conduct an annual evaluation and goal-setting of the Fire Chief during the month of November.

### **C. Rescue Chief**

The Town Manager shall conduct an annual evaluation and goal-setting of the Rescue Chief during the month of November.

**D. Town Clerk**

The Town Manager shall conduct an annual evaluation and goal-setting of this position during the month of November.

**E. Deputy Clerk**

The Town Clerk shall conduct an annual evaluation and goal-setting of this position during the month of December and report his/her findings to the Town Manager.

**F. Public Works Foreman**

The Town Manager shall conduct an annual evaluation and goal-setting of this position during the month of November.

**G. Public Works Laborers**

The Public Works Foreman shall conduct an annual evaluation and goal setting for each of these positions on or before December 31<sup>st</sup> and report his/her findings to the Town Manager.

**H. Transfer Station Attendants**

The Public Works Foreman shall conduct an annual evaluation and goal-setting for each of these positions during the month of December and report his/her findings to the Town Manager.

**I. Library Director**

The Town Manager shall conduct an annual evaluation and goal-setting of this position during the month of November.

**J. Deputy Library Director**

The Librarian shall conduct an annual evaluation and goal-setting of this position on or before December 31<sup>st</sup> and report his/her findings to the Town Manager.

**K. Rescue Department Staff**

The Rescue Chief shall conduct an annual evaluation and goal-setting for each of these positions during the month of December and report his/her findings to the Town Manager.

**L. Fire Department Staff**

The Fire Chief shall conduct an annual evaluation and goal-setting for each of these positions during the month of December and report his/her findings to the Town Manager.

**M. Animal Control Officer**

The Town Manager shall conduct an annual evaluation and goal-setting of this position during the month of November.

## **SECTION XVIII: GRIEVANCE/APPEAL**

Any employee who perceives a grievance as defined; shall within seven (7) days bring such grievance to the attention of his/her Department Head. The Department Head shall document the grievance and attempt to settle or resolve the matter within seven (7) days thereafter. If the matter is still not resolved to the satisfaction of the employee, the employee may, within seven (7) days, bring the matter to the attention of the Town Manager for his/her consideration by submitting a written statement setting forth the specific nature and details of the grievance. The Town Manager shall have seven (7) days in which to consider the matter and render a decision in writing to the aggrieved employee. If this action still does not resolve the grievance to the satisfaction of the employee, he/she may, in writing and within seven (7) days, appeal the matter to the Board of Selectmen. The Board of Selectmen may consider the appeal with or without a hearing. The Town Manager shall notify, in writing, the aggrieved employee within seven (7) days when a meeting will be held with the Board of Selectmen and the date and time of such hearing. The aggrieved employee shall receive within fourteen (14) days, a written decision of the Board of Selectmen regarding his/her appeal, which shall be final. Any failure by the employee to meet the timeline in this policy shall be a waiver of the employee's right to grieve to the next step.

## **SECTION XIX: PERSONNEL FILES MANAGEMENT**

### **A. Confidential Personnel File**

The Town Manager shall maintain a personnel file for each employee. The file shall include the employee's:

- a. annual evaluation;
- b. any disciplinary actions;
- c. any results of drug testing;
- d. any motor vehicle record checks;
- e. medical records; and
- f. any other records necessary or permitted under Maine law.
- h. application for employment;
- i. W-4;
- j. W-4ME;
- k. I-9;
- l. vacation leave record (if applicable);
- m. sick leave record (if applicable);
- n. comp time record (if applicable); and

### **B. Personnel Files Archived**

Upon termination of an employee, all personnel files pertaining to that employee shall be archived in accordance with federal and state statutes.



**C. Personnel/Payroll File Review**

Any employee may review his/her confidential personnel file upon request in the presence of the Town Manager. So as not to create unnecessary inconvenience, the employee shall set-up an appointment for such review in advance.

**SECTION XX: EMPLOYEE INPUT-SUGGESTIONS**

It is the intent of this *Handbook* to cover most aspects of employment, but employee input in the form of constructive suggestions regarding working conditions or these personnel policies is both encouraged and welcomed. Comments and/or suggestions should be forwarded in writing to the Town Manager.

**SECTION XXI: HANDBOOK PERIODIC REVIEW/AMENDMENT**

It shall be the responsibility of the Town Manager to conduct a periodic review of the provisions of this *Handbook*, at least on an annual basis, and to offer suggested amendments to the Board of Selectmen for their consideration.

**SECTION XXII: SEVERABILITY/CONFLICTING ACTIONS**

**A. Severability**

If any provision contained in this *Handbook* is held to be invalid by the appropriate judicial or other authority, the invalidity does not affect other provisions or applications contained in this *Handbook*, which can be given effect without the invalid provision of application, and for this purpose the provisions contained in this *Handbook* are severable. If any provision contained in this *Handbook* is held invalid by reason of any conflict with Federal or State law, the provisions of the applicable Federal or State law shall automatically become incorporated within this *Handbook* in place of the invalid provisions.

**B. Conflicting Actions**

All actions and statements by the Board of Selectmen or other authority in conflict with the provisions of this *Handbook* are hereby repealed.

**C. Solicitation Policy**

In an effort to assure a productive and harmonious work environment, persons not employed by the Town or a for-profit company, corporation or organization may not solicit or distribute literature in the workplace at any time for any purpose unless authorized by the Board of Selectmen or the Town Manager.

The Town recognizes that employees may have interests in events and organizations outside the workplace; however, employees may not solicit or distribute literature concerning these activities during business hours without the express permission of the Town Manager.

## **SECTION XXIII: DEFINITIONS**

All words contained in the *Handbook* shall be defined by a common dictionary unless defined below. In the event the use of a word or phrase contained in this *Handbook* conflicts with a common dictionary definition or is not defined below or cannot be defined without conflict by the Town Manager, the Board of Selectmen shall define their intent of the work or phrase in question.

*Accrued Vacation:* The pro-rated vacation time earned during the final portion of their anniversary year of service to the Town upon separation or retirement.

*Anniversary Date:* The yearly recurrence of the date of employment.

*Appointment:* The offer to and acceptance by a person of a position either on a full-time, part-time, temporary/seasonal, on-call, basis.

*Appointed Position:* A position that is appointed for a set period of time pursuant to Maine law.

*Assets:* Refers to any and all property of the Town, or subject to the payment of debts. Assets include, but are not limited to, Town owned vehicles, buildings, and land, computers and software, cash receivables, wages and benefits.

*Base Hourly Rate:* Shall have the same meaning as "regular rate of pay" as defined by the Fair Labor Standards Act.

*Calendar Year:* Midnight January 1<sup>st</sup> to Midnight December 31<sup>st</sup>.

*Compensation:* The pay, subject to budget approval at the Annual Town Meeting, recommended by the Town Manager and approved by the Board of Selectmen.

*Dismissal:* Separation from employment by the Town of Buckfield for cause, or in the case of probationary and appointed employees, temporary, seasonal, or on-call or per diem employees, without cause.

*Earned Vacation:* The vacation time an employee earns at the end of each anniversary year (lump sum).

*Embezzlement:* Is any loss resulting from the misappropriation of Town of Buckfield assets.

*Emergency:* A sudden, urgent, unexpected occurrence requiring immediate attention.

*Employee:* An individual who is legally employed by the Town and is compensated through the Town payroll for his/her services. Individuals or groups compensated on a fee basis are not considered to be an employee. Volunteers are not employees.

Equipment: Is defined as a fixed asset that is not consumable or expandable; it is movable, even though sometimes attached to other objects or buildings; and its removal does not create a readily observable physical impairment or deterioration. Examples include, but not limited to: Office equipment including computers, desk cabinets, printers and scanners, any electronic Data Processing equipment, Training/education equipment including scientific, medical, and laboratory equipment and furnishings, audio-visual, cameras and recording devices. Equipment also includes, but not limited to, all construction and maintenance equipment, air conditioners, athletic equipment, fire-fighting equipment, forklifts, lawn mowers, and tools.

Examination: The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

Expedited Bid Process: Request cost quotes verbally, email, or facsimile.

Fiscal Year: Midnight July 1<sup>st</sup> to Midnight June 30<sup>th</sup>.

Fraud: Is the intentional misrepresentation or omission of facts for personal gain.

Grievance: A dispute between any employee and the Town concerning the interpretation or application of the terms of these Personnel Policies.

Immediate: Occurring without delay.

Immediate Family Member: Includes spouse or significant other, domestic partner, parents, children, brothers, sisters, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandchild, stepfather, stepmother, stepchild or other relative or children of a domestic partner if living in the same household as the employee.

Laid off: The non-disciplinary separation of an employee from his/her position.

Leave: An approved type of absence from work.

Loss: Is defined as the Town of Buckfield losing possession or control of any type of asset through fraudulent activities.

Misappropriate: Is to take or make use of any item without authority or right.

Position: Any office of employment, whether occupied or vacant, consisting of duties and responsibilities assigned to one individual by appointing authority.

Premium: A sum of money due for the cost of insurance coverage.

Probationary Period: The working test or trial period of employment beginning with the date of hire for all employees.

Regular Scheduled Work Day: A day of the week that the employee has worked 80% of the time within the past year.

Salary: Fixed compensation paid periodically for work or services subject to budget approval at the Annual Town Meeting, recommended by the Town Manager and approved by the Board of Selectmen.

Suspension: An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Stipend: A defined sum of money paid to a person for a specific project that is temporary in nature.

Wage(s): A specific dollar amount expressed as an annual, a monthly, a semimonthly, a biweekly, or an hourly rate of pay.


Work Day: Scheduled number of hours an employee is required to work between the hours of 12:01 am to Midnight.

Work Week: Scheduled number of days an employee is required to work between 12:01 am on Sunday to midnight the following Saturday.

#### **SECTION XXIV: ENACTMENT/EFFECTIVE DATE**

The Buckfield Board of Selectmen during a duly called meeting on May 2, 2023, enacted this *Personnel Policy Handbook* with an effective date of May 2, 2023. By doing so, all previous *Personnel Policies and Procedures Handbooks* are hereby repealed.

  
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Robert Hand, Chairman

  
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Azalea Cormier, Vice Chairman

  
\_\_\_\_\_  
Sandra Fickett, Selectman

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Mike Iveson, Selectman