

**TOWN
OF
BUCKFIELD**

**PERSONNEL
POLICIES
&
PROCEDURES
HANDBOOK**

EFFECTIVE DATE: August 4, 2020

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 given to all Town employees upon adoption, hire or any revision.

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. The Town of Buckfield shall 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. Compensating employees on an adequate and equitable basis commensurate with wages and benefits for comparable work in the labor market;
- c. Taking appropriate personnel actions affecting employees; and
- d. Providing opportunities for advancement in continued Town service to all employees, based on qualifications.

B. Announcement of Vacancies

Job vacancy notices shall be prepared setting forth a basic description of the position, any minimum qualifications, requirements or education, skills and experience preferences, application steps to follow and closing dates for submitting application materials. Such notices shall affirm the Town to be an Equal Employment Opportunity Employer. Various forms of publicity media may be used to bring notice of vacancies to an adequate number of qualified applicants and to further the Town's affirmative action objectives.

The media used may include, but not be limited to, newspapers of general circulation; the internet; professional journals and minority publications. All job vacancy notices may also be posted at local locations used for posting of public notices.

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. Certain key administrative and public safety positions will, however, be subject to reasonable guidelines governing travel time to place of employment. Such guidelines will be established by the Town Manager with the approval of the Board of Selectmen.

F. Physical Examination / Drug Test / Background Check

Candidates for employment shall 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 or permitted 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 submit 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-seven (37) hours or more for the majority of weeks within a fiscal year.

B. Part-Time Employee

A part-time employee is a person who works less than thirty-seven (37) hours but greater than ten (10) hours for the majority of weeks within a fiscal year. Occasional work greater than (37) hours in any given week does not confer full-time status.

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. Temporary/seasonal employees are not eligible for benefits unless specifically provided herein.

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.

E. Student Employee

A student employee is a person who is enrolled in school. The Town Manager and/or Department Head shall determine the work week for a student employee in accordance with any and all State and Federal regulations applicable to student employees. Student employees are not eligible for benefits.

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 181st day from the date of hire.

Notes:

1. Any employee receiving 100% health insurance benefits from the Town prior to the effective date of this *Handbook* shall now be required to pay, through payroll deduction(s), an amount equal to the appropriate percentages in F. a. above of the increase in premium cumulatively from this date forward. The Town shall pay the remaining amount of the insurance premium.
2. In the event an existing employee classified as full-time and not receiving the health insurance benefit from the Town of Buckfield prior to the effective date of this *Handbook* chooses to receive health insurance benefits on or after the effective date of this *Handbook*, that employee will receive the benefit that was in place on their 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 181st 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 181st 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

- 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. Employees may take no more than two (2) consecutive weeks of vacation leave at any one time. Certain employees in fiduciary positions may be required to take two (2) consecutive weeks leave so that the Town may audit their books and accounts. Additional leave may be granted by the Department Head with the approval of the Town Manager.

- d. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) week periods. Vacation leave for a lesser period of time may be granted by the Department Head with the approval of the Town Manager.

- e. 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.

- f. In the event one or more holidays fall within a vacation leave, such holidays shall not be charged as vacation.
- g. 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.

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 181st 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*.

ii. Any existing employee who has accrued sick leave time on the enactment date of this *Handbook* shall have that time placed in a "reserve" to use in accordance with this *Handbook*. In the event time remains in this "reserve" upon voluntary separation of the employee, the Town shall buy back said time at 100% of the employee's rate of pay at separation.

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, except as provided in Section K(b)(1)(ii) of this Handbook.
- c. ***Family and Medical Leave Act (FMLA):***
- 1. *Federal FMLA:* Employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during their prior twelve (12) months with the Town may take up to twelve (12) weeks of unpaid FMLA leave for the following reasons:
 - i. Birth of a child of the employee;
 - ii. Placement of a child into the employee's family by adoption or by a foster care arrangement;
 - iii. Care of the employee's spouse, parent, or child who has a serious health condition;
 - iv. Inability of the employee to perform the functions of the employee's position due to a serious health condition; or
 - v. Military Family Leave due to any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active status in either the National Guard or Reserves.

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

2. *Maine FMLA*: Employees who have worked for the Town for 12 months but for less than 1,250 hours during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave under Maine law, and should follow the procedures set forth herein to apply for a leave. Please note that depending upon the number of employees employed by the Town, both the State and Federal FMLA may not be available to the employee.

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

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

vi. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), or child, if that person is a member of the military and dies or incurs a serious health condition while on active duty.

3. *Procedures:* The right to FMLA for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Town agree. If both spouses are employed by the Town, the combined leave shall not exceed ten (10) weeks (or twelve (12) weeks, as applicable).

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

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

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

Employees are required to use their available vacation time during any unpaid FMLA leave period, and available sick/personal time is required to be used when unpaid family leave is taken because of the employee's serious health condition. In the case of family leave due to reasons other than the employee's serious health condition, the employee may opt to use available sick/personal time. The remainder of the FMLA leave will be unpaid. An employee on a FMLA leave may be eligible for benefits under the Town's Disability Leave Policy. Employees out on paid Worker's Compensation leave or paid Disability Leave may elect to use available sick and/or vacation leave during their absence, but are not required to do so.

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

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

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

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

During FMLA leaves of absence, the Town 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.

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
Columbus Day	Veterans' Day
Thanksgiving Day	Christmas
Employee Day	

2. *Eligibility:* Full-time employees shall be eligible for all holidays listed above on the 181st day from the date of hire. Part-time and On-call employees shall be eligible for all holidays listed above on the 181st 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 24th) and New Year's Eve (December 31st) 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 daughter, son, parent or spouse is a victim of violence, assault, sexual assaults 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 who have no such leave banked and accrued shall receive unpaid leave.

L. Sunshine Bank

- a ***Monetary Donation:*** The Town Treasurer shall establish a general ledger account entitled Sunshine Bank. The purpose of the account is to set aside funds contributed by Town employees and to financially assist fellow employees in their time of need. The account shall allow any employee to contribute, through payroll deduction, any sum of money to the Bank.
The contribution amount shall be determined by the employee.

A Sunshine Bank Committee shall be established by the Town Manager. The Committee shall determine when and to whom funds from the Bank shall be expended. A member of the Committee who has an interest in a vote shall disclose that interest and, when appropriate, recuse themselves from voting.

- b ***Time Donation:*** Upon approval of the Board of Selectmen, an employee may donate any amount of his/her accrued vacation and/or sick leave time to a fellow employee in their time of need.

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.

Employees that do not exceed forty (40) work hours in a work week shall be compensated at a rate of one and one-half (1½) times their base hourly rate for all hours worked in excess of their work day as defined.

C. Authorization

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

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 such as but not limited to:

- a. Shirts must be worn.
- b. Clothing that communicates suggestive, off-color, racy or indecent pictures or words are not allowed.

- c. Shorts, skirts, dresses and skorts must be neat, clean, not frayed and no higher than 3 inches above the knee.
- d. Jewelry must not detract from a professional appearance and interfere with job performance.
- e. Nose, tongue and other visible body piercing must not detract from a professional appearance or interfere with job performance.
- f. Body stenciling, paintings and tattoos should not be visible to the public. Those that may be considered offensive in nature will be required to be hidden to the public and coworkers.
- g. Extreme use of cosmetics and personal fragrance is not permitted.
- h. Employees will maintain a clean and neat appearance. Hair, sideburns, mustaches, beards and fingernails must be kept clean, trim and shall not be excessive or present a ragged, unkempt or extreme appearance.
- i. Clothing such as miniskirts, halter-tops, ragged, dirty or torn shall not be worn.
- j. Employees with bona fide religious requirements that are contrary to this policy should discuss them with the Town Manager.

C. Visiting Standards/Use of Workplace Telephone

It shall be the responsibility of the Town Manager and/or Department Head to curtail excessive visiting of the Town employees by family or friends and excessive use of the workplace telephone and/or personal telephone for non-business related conversation and texting.

D. 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. Employees are encouraged to read and comply with the guidelines set forth in Section XIII of this handbook.

E. 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.

J. Computer Back-Ups

The Town's computer system shall be set to maintain an automatic back-up procedure conducted on a daily basis.

The employee who logs into the computer system each morning shall verify that the back-up procedure was conducted. That employee shall then replace the previous day's hot flash drive and place that hot flash drive in the safe.

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 anytime 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

Town employees shall be given maximum opportunity for advancement. 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 immediate family member of any current employee, excluding on-call employees, may be gainfully employed to work for the Town of Buckfield within the same Department.

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

Health and safety protection is a quality of work life issue which has a high priority in all Town business activities. The Town's goal is to minimize injury or illness and property loss or business interruption caused by accidents, fire or other hazards. The Town believes this will be achieved to the degree that all Town employees accept and fulfill the safety and health responsibilities in each job. Individually, employees must recognize hazards, anticipate possible exposures and risks, and then act to eliminate or control them. The Town expects that all employees will give their best efforts to the prevention of industrial accidents and diseases. The Town shall provide the necessary direction and aid to accomplish this goal through its *Employee Safety Training Program and other resources*. The Town shall also reward or discipline employees according to their actions on behalf of safety or health concerns.

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 can only occur in designated outdoor locations. 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.
- e. Operating shortcuts that jeopardize employee safety shall not be tolerated and shall result in disciplinary action.
- f. 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.
- g. 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.
- h. 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 for work as they are instructed to safely produce a quality product or service. Employees are also 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.

B. Return to Work

The Town believes it is in the best interest of its employees to facilitate the expedient return of staff to full duty after they have suffered an absence due to a work-related injury or illness.

Whenever possible, modified work assignments will 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 affects 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: ADMINISTRATIVE POLICIES

A. Petty Cash

The Treasurer for the Town of Buckfield has established a petty cash fund of \$100.00 for the use of all Town departments.

This fund is to be used for out of pocket expenses incurred by employees of the Town of Buckfield acting for the Town of Buckfield. The out of pocket expenses are limited to \$50.00 per incident. Those items may include, but are not limited to, extra postage required for daily mailing of official Town letters and packages, hardware items, food for approved events, tolls, or other minor expenses authorized by a department head. This fund will be replenished when the cash balance is under \$5.00. Replenishment of petty cash will be done in the following manner: valid receipts for expenses totaled and approved by the Treasurer or his/her Deputy; check issued for the total of those receipts and cashed in the Town's cash drawer fund.

As an internal control measure, this fund will be audited by a spot check method at any random time by either the Town Manager or Treasurer.

B. Excise Tax Collection Analysis

Within fifteen (15) days from the last day of each quarter, the Tax Collector shall reconcile excise tax collections. This shall be accomplished by balancing the total collected to date in the established Excise Tax Revenue Account against the total of the processed individual pre-numbered excise tax forms (MV2).

The Tax Collector shall maintain an excise tax collection analysis which shall include collection totals for any given month over a 3-year period. The analysis shall be made part of the Financial Reports presented to the Board of Selectmen within fifteen (15) days from the last day of each quarter.

The Tax Collector shall be required to justify to the Town Manager and/or the Board of Selectmen any significant changes in the amount of excise tax collected for any particular period of time.

C. Purchasing

The Town Manager shall serve as the Town's Purchasing Agent. All single purchases under \$2,000.00 will be allowed with a vendors invoice or statement or other pertinent material showing the cost of the item.

All single purchases over \$2,000.00 and less than \$5,000.00 shall be accomplished by soliciting costs from a minimum of three vendors. This solicitation must be documented. Said documentation, shall be kept as a record and must at least include the vendor's business name, contact person, date contacted, and the cost to purchase.

All single purchases over \$5,000.00 shall be accomplished through a bid process. Requests for bids shall be solicited by invitation and/or through a newspaper of general circulation. Following a bid opening conducted by the Town Manager, the Board of Selectmen shall accept or reject any and all bids at a duly called Meeting.

Emergency Purchasing Policy: The Town Manager shall be authorized to make emergency purchases through an expedited bid process. In an emergency situation that requires immediate purchase of goods and/or services, the Town Manager shall notify each Selectman of said situation and course of action.

Credit card use shall only be for official Town business. All credit cards in the name of the Town of Buckfield shall be secured with no annual fee and a low interest rate. All credit cards shall be kept in the Town safe. All purchases with the credit card shall be accompanied with a receipt of purchase. The employee shall have five (5) business days to submit to the Town Manager the receipt or purchase or they shall be fully responsible for the purchase. To prevent interest fees, any charges to a credit card shall be paid once the statement is received.

D. Property Tax Payment

Pursuant to Title 36, M.R.S.A., Section 906, as amended, the Tax Collector or his/her Deputy(ies) shall apply any property tax payment received to the most delinquent Real Property tax account. The Tax Collector or his / her Deputy(ies) are allowed to waive interest charges up to \$5.00, when in their opinion, the administrative costs for said collection of interest exceeds the amount due.

E. Undesignated Fund Balance Policy

- a. **Objectives & Definitions:** The objective of this Policy is to provide for sound financial management of the Town's undesignated funds, as reported annually in the year-end Financial Audit, and to establish procedures for management of those funds.
- b. **Purpose & Use:** The undesignated fund balance serves a number of purposes. It represents a source of funding which is available for unforeseen emergencies, provides cash flow to offset the need for borrowing in anticipation of tax receipts, and provides evidence to the Town's bond holders and bond rating agencies of financial stability and credit worthiness. Undesignated funds may also be used, with approval of a special or annual Town Meeting.
- c. **Target Balances:** Based on guidelines provided by the Town auditor, the target balance for undesignated fund balance consists of three tiers:
 1. *Minimum Level:* Funds equal to 30-days of funds based on the current year's approved expense budget.
 2. *Target Level:* Funds equal to 60-days of funds based on the current year's approved expense budget.
 3. *Maximum Level:* Funds equal to 90-days of funds based on the current year's approved expense budget.
- d. **Target Level Calculation:** The calculation of each tier's financial target shall take place annually, and be reported to the Board of Selectmen, on or before April 1st. The target is determined by dividing the total of the approved Municipal Budget, Buckfield's share of the RSU 10 budget and Buckfield's share of the County Tax assessment by the number of days in that calendar year, and multiplying that by the number of days in each tier target.

- e. **Required Actions:** The following actions shall be taken based upon the amount of the undesignated fund balance relative to the established tier targets:
 - 1. *Balance Is Below The Minimum Level:* When the undesignated fund balance is below the minimum level, steps shall be taken to recommend to the voters to increase the fund balance level, bringing it closer, or to the minimum level. Funds should not be used to offset budgetary impact on the mil rate of for other non-emergency uses.
 - 2. *Balance Is Above The Minimum Level But Under The Target Level:* Efforts shall be made to bring the fund balance to the target level. With voter authorization, funds may be used for mitigating the budgetary impact on the mil rate, or for other valid purposes which benefit the taxpayer. After subtraction of these amounts the remaining fund balance level should show a net gain.
 - 3. *Balance Is Between The Target Level And The Maximum Level:* Upon proper authorization by Town Meeting, the use of undesignated funds may be used to offset the budgetary impact on the mil rate, or for other valid purposes which benefit the taxpayer. However, said actions should not result in a depletion of the undesignated fund balance below the target level.
 - 4. *Balance Is In Excess Of The Maximum Level:* Amounts in excess of the maximum level shall be recommended to be used to offset the budgetary impact on the mil rate, or for other valid purposes which benefit the taxpayer. However, said actions should not result in a depletion of the undesignated fund balance below the target level.
- f. **Emergency Actions Permitted:** Notwithstanding any provision of this Policy, the Board of Selectmen may vote at any time to use undesignated fund balance funds to respond to emergency funding needs with Town Meeting approval.
- g. **Enactment:** This Policy was enacted at a duly called meeting of the Board of Selectmen on January 03, 2012.

F. Investment Policy

- a. **Purpose:** The purpose of this Policy is to provide guidelines for the prudent investment of the Town of Buckfield's (hereinafter referred to as the Town) funds, and to outline the procedures needed to maximize the efficiency of the Town's cash management system.

- b. **Scope:** All monies entrusted to the Town Treasurer shall be invested in accordance to Maine State Statutes Title 30A, Sections 5706, 5711 – 5719.
- c. **Investment Objective:** The primary objectives, in priority order, of investment activities shall be safety, maintenance of liquidity, and income.
 - 1. **Safety** – Safety of principal and preservation of capital is the foremost objective of the investment program. The Town Treasurer shall seek to avoid capital losses (realized or unrealized) for all investment transactions made. The portfolio shall be diversified to insure that potential losses on the individual securities do not exceed the income generated from the remainder of the portfolio.
 - i. **Interest Rate Risk** – The risk that the market value of the portfolio securities will fall due to a change in general interest rates. Interest rate risk will be mitigated by:
 - a. Structuring the Town’s portfolio so that securities mature to meet the Town’s cash demands for ongoing operations, thereby precluding the need to sell securities on the open market prior to their maturity. (At all times shall the original principal investment not fall below the Town’s original cost basis for all invested funds. This includes realized and unrealized gains and losses.)
 - b. Investing primarily in shorter-term securities.
 - ii. **Credit Risk** – The risk of loss due to the failure of the security of backer. Credit risk will be mitigated by:
 - a. Limiting investments to the types of securities authorized by this Policy.
 - b. Using reputable and FDIC insured financial institutions.
 - c. Diversifying the investment portfolio to meet the Town’s current and future cash flow needs.
 - 2. **Maintenance of Liquidity** – An adequate percentage of the portfolio shall be maintained in liquid short-term securities, which can be converted to cash to meet operating requirements. The portfolio should be structured so that securities mature in a ladder form.

3. *Income* – The objective of the portfolio should be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. The Town’s portfolio management approach is one, which prohibits speculation based on anticipated interest rate movements. The Town’s approach is to buy investments with the intentions of holding them until maturity. All maturities in excess of two (2) years shall be first approved by the majority vote of the Board of Selectman. This shall be done upon a recommendation from the Town Treasurer with a detailed review of those investments longer than two (2) years supplied to the Board prior to vote. The Town shall not sell the securities prior to maturity unless:
 - a. It will minimize the real or unrealized loss of principal;
 - b. A security swap would improve the yield in the portfolio; and/or
 - c. Liquidity needs.
4. *Portfolio Objective* - The Town’s investment portfolio shall be designed with the objective of meeting all legal requirements set forth by Federal, State, and Local laws.

- d. ***Ethics and Conflicts of Interest:*** The Town Treasurer shall avoid any transaction that might impair public confidence in the Town’s ability to govern effectively. Any official, officer or employee of the Town involved in the investment process shall refrain from business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. Any official, officer or employee of the Town shall disclose to the Board of Selectman any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the Town’s portfolio.

Any official, officer or employee of the Town shall subordinate their personal investment transactions to those of the Town of Buckfield, particularly with regard to the time of purchase and sales. Any violation of this procedure will warrant review by the Board of Selectmen. After review the Board, by majority vote, may take appropriate disciplinary action which may include dismissal if deemed appropriate.

- e. **Delegation of Authority:** The ultimate responsibility for the investment program rests with the Board of Selectman with their delegation and oversight to the Town Treasurer via the Town Manager. The Board of Selectmen will be responsible for all transactions undertaken and has established a system of internal controls and standard operating procedures to regulate the activities of subordinated officers.
- f. **Collateralization:** Collateralization is required on accounts, deposits and repurchase agreements. The collateral must be in an amount no less than 105% of any amount in excess of the FDIC insured levels and it may consist only of securities in which municipalities may invest. The Town or an independent third party with whom the Town has a current custodial agreement will always hold collateral.
- g. **Performance Standards:** The Town's investment portfolio will be designed with an objective to maximize the Town's cash invested at all times, subject first to safety and liquidity.
- h. **Suitable and Authorized Investments:**
 - 1. *Certificates of Deposits (aka Time Deposits)* – An FDIC insured, interest-bearing instrument generally issued by commercial banks where the investor agrees to keep a certain sum of money in an account for a specified amount of time ranging from one month to five years.
 - 2. *Passbook Savings/Money Market* – This type of investment pays a lower rate of interest compounded daily on their balances and allows the exchange of money between checking and savings.
 - 3. *Repurchase Agreements* – These investments are an agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.
- i. Reporting: The Town Treasurer shall submit to the Board of Selectmen a quarterly investment report for all funds invested. The report shall at least include the following:
 - 1. Purpose of the report
 - 2. Type of investments
 - 3. Investments by institution
 - 4. Current market value
 - 5. Purchases or cost of securities
 - 6. Date of maturity
 - 7. Rate of interest

- j. **Legislative Changes:** The Town Treasurer shall incorporate any State of Maine Legislative Actions that impact allowable investment type, maturities, or percentage of allocations.
- k. **Policy Adoption:** Any investment currently held by the Town that does not meet the guidelines of this Policy is exempt.

This Policy was adopted by the Board of Selectman at a meeting duly called on the 4th day of December, 2012.

G. Cash Account Reconciliation and Review

Within fifteen (15) days from the last day of each month the Town Treasurer shall reconcile any and all of the Town's cash accounts to the bank statement(s) provided by the financial institution(s).

The bank statement(s) and any supporting document(s), such as but not limited to the Direct Entries Journal, shall be reviewed on a monthly basis by the Town Manager. The Town Manager shall acknowledge his/her review by placing his/her initials or signature on the first page of each statement.

H. Financial Reporting

Within twenty (20) days from the last day of each quarter a financial report of all the Town's accounts shall be presented to the Board of Selectmen at a duly called meeting for its review and acceptance.

The report must at least include the financial status of the:

- a. General Ledger
- b. Appropriations
- c. Local and State Revenues
- d. Reserved Funds
- e. Trust Funds
- f. Property Tax Collection and Reconciliation
- g. Excise Tax Collection and 3-Year Analysis

All financial reports shall be in accordance with statutes of the State of Maine.

The same financial report, excluding f. above, shall be presented to the Budget Committee within the same time frame.

I. Cash Receipts / Deposits

Any and all money transaction shall be acknowledged by receipt entry into the computer system or in the case of a direct deposit to the Town's checking account, a direct entry.

On a daily basis the Town Treasurer or his/her deputy shall prepare all applicable computer-generated Receipt Journals. The total of these Receipt Journals must reconcile with the cash in the cash drawer. Once the cash is reconciled, the Town Treasurer or his/her deputy shall prepare a computer generated post.

Cash shall be kept in the Town Office safe when the contents of the cash drawer exceeds \$500.00.

The Town Treasurer or his/her deputy shall make a bank deposit when the post(s) total \$5,000.00 or within five (5) working days, whichever is sooner.

J. Accounts Payable Processing

Invoices/statements shall be received, reviewed and initialed by the Town Manager. By doing so, the Town Manager has acknowledged approval of the expense.

The Treasurer shall, on a weekly basis, follow and process all of the necessary steps dictated by the Town accounts payable software program. These steps include:

- a. Invoice Entry
- b. Invoice Post
- c. Check Preparation
- d. Check Writing
- e. Check Signing
- f. Treasurer's Warrant
- g. Accounts Payable Post

The Deputy Treasurer shall annotate on each invoice/statement the date paid, the affiliated Treasurer's Warrant number, and the expense and/or general ledger account(s) affected by the expense as provided by the Treasurer.

The Treasurer's Warrant, signed by the Treasurer, and supporting documents shall be presented, reviewed and approved by a majority vote of the Board of Selectmen at a meeting duly called. The Treasurer's Warrant shall then be signed by a majority of the Board of Selectmen.

Accounts payable checks shall be disbursed every Wednesday.

The Treasurer shall maintain an organized portfolio of the Treasurer's Warrants and supporting documents excepting the invoices/statements of which shall be filed alphabetically by the Deputy Treasurer in a designated file cabinet.

K. Payroll Process

Time Sheets shall be delivered to the Town Manager no later than 10:00 am on each Monday. The Town Manager and the Payroll Clerk shall review and initial each time sheet for accuracy. By doing so, the Town Manager has acknowledged approval for the Payroll Clerk to process payroll.

The Payroll Clerk shall, on a weekly basis follow and process all of the necessary steps dictated by the Town's payroll software prior to 3:00 pm on each Tuesday. These steps include:

- a. Payroll Data Entry
- b. Check Writing
- c. Check Signing
- d. Treasurer's Payroll Warrant
- e. Payroll Post

The Payroll Clerk shall annotate on each time sheet the date paid, the affiliated Treasurer's Payroll Warrant number, and the check number.

The Treasurer's Payroll Warrant and supporting documents shall be presented, reviewed and approved by a majority vote of the Board of Selectmen at a meeting duly called. Said Warrant shall be signed by a majority of the Board of Selectmen.

The Treasurer shall maintain an organized portfolio of the Treasurer's Payroll Warrants. Time sheets shall be filed in the appropriate employee file maintained by the Payroll Clerk.

L. Policy/By-Laws Review

The Board of Selectmen, at a meeting duly called, shall at least biennially review all Town Policies and By-laws and either reaffirm the document(s) as written, amend the document(s) or repeal the document(s).

M. 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.

N. Tool & Equipment Use

- a. **Location:** Tools and equipment shall be maintained at the appropriate Town Department location. The Department Head is the person responsible for the oversight of all Town owned equipment and tools as well as any rented equipment and tools. He/she is charged with inventory as well as safe keeping.
- b. **Use:** Employee's of the Town are to use any and all tools, equipment and materials that are needed in the performance of their work for the Town. It is expressly forbidden that tools, equipment, contracted equipment and/or materials belonging to the Town be used for any personal reason.

All tools and equipment are expected to be used in accordance with the manufacturers' directions as well as all safety rules and regulations. Damage that occurs to any Town owned property shall be immediately reported to the respective Department Head and in turn to the Town Manager. Failure to report damage to Town owned property or damage to other property caused with Town owned property is grounds for disciplinary action.

- c. **Controls:** All Town Department buildings and gated areas shall be kept locked when not in use by Town employees. All equipment shall have the keys removed when not in use. Department Heads shall conduct an annual inventory of all tools and equipment and submit it to the Town Manager for review.
- d. **Tracking:** Any tools, equipment or materials being maintained and/or stored away from any Town Department location shall be signed out and approved by the respective Department Head. Any Town owned property signed out without the approval of the Department Head shall be grounds for disciplinary action.

O. Gasoline & Diesel Fuel Use

- a. **Location:** The Town's gasoline & diesel fuel depot is located at the Public Works Department complex and are the only acceptable source for gasoline and/or diesel for Town owned or rented equipment, except that municipal vehicles may be refueled off-site occasionally on an as-needed basis while out of town on municipal business. Employees using any Town owned or rented equipment are to ensure the equipment is properly fueled and serviced.
- b. **Use:** The gasoline and diesel fuel purchased by the Town is strictly for use in Town owned and/or rented equipment. Under no circumstances will gasoline or diesel fuel be dispensed into equipment not owned and/or rented by the Town without the express permission from the Town Manager or the Board of Selectmen.

- c. **Tracking:** Each time an employee dispenses gasoline and/or diesel fuel, that employee shall log the quantity and fuel type dispensed on the provided Gasoline and Diesel Fuel Usage Log. Failure to complete the Log shall be grounds for disciplinary action.

P. Post Issuance Compliance

The Town issues tax-exempt bonds from time to time to finance various capital improvements. As an issuer of such tax-exempt bonds, the Town is required by the Internal Revenue code of 1986, as amended, (the "Code) and regulation promulgated by the United State Treasury Department to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt states of the bonds.

The Town recognizes that compliance with applicable provision of the Code and Treasury Regulations is on on-going process, necessary during the entire term of a bond issue, and is an integral component of the Town's overall debt-management responsibilities. These requirements apply equally to capital leases. Accordingly, the implementation of these requirements will require on-going monitoring and consultation with Bond Counsel.

- a. **Issuance:** The Board of Selectmen shall approve the terms and structure of bonds issued by the Town. Such bonds shall be issued in accordance with United State Treasury Department Regulations, the Internal Revenue Code of 1986, as amended, and State statutes. Specific post-issuance compliance procedures are address below.

- b. **General Procedures:** The following guidelines will be used to monitor compliance with post-issuance requirements.

- 1. The Town Treasurer, or the Treasurer's designee, shall serve as the Compliance Officer and shall be the person primarily responsible for ensuring that the Town successfully carries out its post-issuance responsibilities. The Compliance Officer shall be assisted by the following persons or entities:
 - i. Bond Counsel
 - ii. Financial Advisor
 - iii. Paying Agent
 - iv. Rebate Specialist

The Compliance Officer shall be responsible for assigning post-issuance responsibilities to other staff, Bond Counsel, the Financial Advisor, the Paying Agent and the Rebate Specialist, and shall utilize such other professional services as are necessary to ensure compliance with all post-issuance requirements.

2. The Compliance Officer shall verify that the following post-issuance actions have been taken on behalf of the Town with respect to each issue of tax-exempt bonds:
 - i. Ensure that a full and complete record for the principal documents of each issue has been completed by Bond Counsel and the Financial Advisor;
 - ii. Ensure that the Internal Revenue Service (IRS) forms 8038 are properly filed with the IRS by Bond Counsel within the time limits imposed by Section 149(e) of the Code;
 - iii. Account for the allocation of the proceeds of the tax-exempt bonds to expenditures as required by the Code;
 - iv. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditures of the issue proceeds;
 - v. Identify proceeds of tax-exempt obligation, in consultation with Bond Counsel and the Financial Advisor, that are yield-restricted and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the bond yield to which such investments are restricted;
 - vi. Determine, in consultation with Bond Counsel and the Financial Advisor, whether the Town is subject to the rebate requirements of Section 148(f) of the Code and related Treasury Regulations with respect to each issue of the Town. The Compliance Officer shall contact a Rebate Specialist, as required, prior to the fifth anniversary of the date of issuance of each issue and each fifth anniversary thereafter until the obligation as matured to arrange for calculation of the rebate requirements, as needed, to be paid by the Town. If any rebate is required to be paid to the IRS, the Town Compliance Officer will file Form 8038T, along with the required payment.
 - vii. Shall monitor the use of all financed facilities in order to determine whether private business uses of financed facilities have exceeded the de minimus limits set forth in Section 141(b) of the Code (generally a value or benefit equal to 10% of issue proceeds) that provide special legal entitlements to non-governmental persons.

3. The Compliance Officer shall collect and retain the following records with respect to each issue of tax-exempt obligations and with respect to the facilities financed with the proceeds of such Obligations:
 - i. Audited financial statements of the Town;
 - ii. Appraisals, surveys, feasibility studies, if any, with respect to the facilities to be financed with issue proceeds;
 - iii. Trustee or Paying Agent statements;
 - iv. Records of all investments and the gains (or losses) for such investments;
 - v. Expenditures reimbursed with the issue proceeds;
 - vi. Allocation of issue proceeds to expenditures (including cost of issuance) and the dates and amounts of each expenditure (including requisitions, draw down schedules, invoice, bills, and cancelled checks as related to each expenditure);
 - vii. Construction or renovation contracts for financed facilities or projects;
 - viii. Maintain an asset list of all tax-exempt financed depreciable property and sale of tax-exempt financed assets;
 - ix. Arbitrage rebate reports and records of rebate and yield reduction payments, if any;
 - x. Orders, Resolutions and other actions, if any, adopted by the Town subsequent to the date of issue of the obligations, and
 - xi. Relevant correspondence relating to such bonds.

The records collected by the Town shall be stored in any format deemed appropriate by the Compliance Officer and shall be retained for a period equal to the life of the tax-exempt obligations, including the life any obligations issued to refund obligations, plus three (3) years.

4. In addition to its post-issuance compliance requirements under the Code of Treasury Regulations, the Town has agreed to provide Continuing Disclosure, such as annual financial information and material event notices. The Continuing Disclosure obligations are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended and officially interpreted from time to time.

Q. Public Participation at Board of Selectmen Meetings

It is the intent to allow attendees at Selectmen’s Meetings to provide the maximum practical input on any agenda item as the item comes up for discussion. There shall be no special time during the meeting when a person may or may not speak.

The Selectmen have determined that meetings will adjourn no later than 8:30 PM. Only with a majority vote of the Selectmen will a meeting extend beyond 8:30 PM.

Three criteria will guide the Chairman of the Board of Selectmen with the frequency and/or amount of time each person may speak.

- a. If there is an exceptionally long agenda, a speaker may be limited to the amount of time they may speak.
- b. If there is an exceptionally large group of people wishing to speak, a speaker may be limited to the amount of time they may speak.
- c. If meeting time is running out and there are still business items that need to be addressed, the Chair reserves the right to limit public participation.

All comments must be directed to the Board of Selectmen, and shall not be permitted among and between meeting attendees. If at any time, comments become abusive or of a personnel / legal matter, the Chair may stop the speaker.

R. Town Meeting Warrant Article Policy

a. Purpose

To provide the Board of Selectmen with a standard procedure on the inclusion of Articles for a Town Meeting Warrant.

b. Petition Required

- i. When a Buckfield voter or voters, hereinafter referred to as Petitioner(s) want an Article included in a Town Meeting Warrant, there must be submitted a written voter petition signed by a number of voters equal to at least 10% of votes cast in the Town in the last gubernatorial election, but in no case less than ten (10) signatures. The Board of Selectmen shall include the petitioned-for Article in the next Town Meeting Warrant or within sixty (60) days call a Special Town Meeting for that Article’s consideration. In either case, the Board of Selectmen will have the final say on setting the date, time and location for Town Meeting.
- ii. Unless a Special Town Meeting must be called for the petitioned-for Article’s consideration, any and all petitioned-for Article(s) must be submitted to the Board of Selectmen or the Town Clerk at least forty-five (45) days prior to the date of voting.

- iii. If the Board of Selectmen unreasonably refuse to call a Town Meeting requested by a valid written voter petition, a notary public may call the Town Meeting in accordance with 30-A MRSA §2521. However, the final determination of what is reasonable or unreasonable refusal and the legality of any action taken at such Meeting can only be made by a Court.
 - iv. If said petition calls for an illegal act, is a reconsideration of recent Town Meeting action, is incomplete or unintelligible, the Board of Selectmen have authority to refuse including it in the Warrant since it will not be effective even if adopted.
 - v. If said petition is ambiguous or poorly worded, the circulators of the petition will be notified that there is a problem with the proposed Article. The circulators can redraft the Article and commence the petition process again or take the risk that the ambiguous Article may not be valid if adopted. The Board of Selectmen also reserves the right to include, on its own initiative, an alternative Article.
 - vi. A Board, Committee, or Commission appointed by the Board of Selectmen to act in the Town's best interest may, by majority vote, submit Article(s) for inclusion in a Town Meeting Warrant without a written voter petition(s). However, should the Board of Selectmen determine said Article would not be in the best interest of the Town, a valid written voter petition must be submitted. The Board of Selectmen's determination must be by majority vote at a duly called Board of Selectmen Meeting.
 - vii. The Board of Selectmen, elected to act in the Town's best interest may, by majority vote, submit Article(s) for inclusion in a Town Meeting Warrant without written voter petition(s).
- c. **Petition Contents**
- i. The Town Clerk shall make available petition forms upon request
 - ii. The circulator(s) will be responsible for the wording of the Article(s) being petitioned.
- d. **Conflicting Provision**
- Whenever the Policy made under the authority hereof differs from those described by any federal or state statute or is not specifically included in this Policy, the statute will govern.

S. Grants

To avoid missed opportunities for grant funding and to streamline administrative procedures in accordance with Town Meeting approval, the Town Manager is authorized to apply for grant opportunities as they arise, but shall report all applications to the Select Board in a timely manner. The Select Board shall retain sole authority to accept such grants as authorized by Town Meeting.

T. Media Relations

The Town Manager is the point of contact for the media. All press releases shall be authorized by the Town Manager prior to issuance to the media. The Town Manager may designate department heads to provide statements to the media on a case-by-case basis at his or her discretion.

U. Town Manager Absence or Disability

The Town Manager may designate, subject to confirmation by the Select Board, a qualified administrative official of the Town to perform the Town Manager's duties (except disciplinary action) during a temporary absence or disability. Any contemplated disciplinary action shall immediately be referred to the Town's Attorney by the designee for guidance during times when the Town Manager is temporarily absent or disabled.

V. Legal Services

The Town Manager shall be the sole point of contact for legal services. All legal communications shall be forwarded to Maine Municipal Association's Legal Services or the Town's Attorney by the Town Manager or his designee.

W. Flags

The United States Flag will be flown in accordance with the latest version of the Flag Code of the United States of America. Proclamations ordered by the President of the United States and/or the Governor of the State of Maine will dictate when and for how long the United States Flag will fly at half-staff. No other flag shall be flown at any municipal facility without prior authorization of the Town Manager.

SECTION XVII: SPECIAL RULES FOR FIRE & RESCUE DEPARTMENTS

Because of the degree of organization necessary to enable the Rescue and Fire Departments to efficiently discharge responsibilities for protecting public life and safety, and because they are established and maintained under a more rigid organizational structure, it is recognized as necessary and desirable that departmental rules of conduct, guidelines, and standard operating procedures be established, maintained and observed in both the Rescue and Fire Departments.

SECTION XVIII: 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 Manager'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 January.

C. Rescue Chief

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

D. Office Assistant

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

E. Town Clerk

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

F. Public Works Foreman

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

G. Public Works Laborers

The Public Works Foreman shall conduct an annual evaluation and goal setting for each of these positions on or before February 28th 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 January and report his/her findings to the Town Manager.

I. Librarian

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

J. Assistant Librarian

The Librarian shall conduct an annual evaluation and goal-setting of this position on or before April 30th 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 February 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 February 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 January.

SECTION XIX: GRIEVANCE/APPEAL

Any employee who perceives a grievance as defined, shall within five (5) working days bring such grievance to the attention of his/her Department Head. The Department Head shall attempt to settle or resolve the matter within five (5) working days thereafter. If the matter is still not resolved to the satisfaction of the employee, the employee may, within five (5) working 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 five (5) working 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 five (5) working 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 five (5) working 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 ten (10) working 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 XX: PERSONNEL FILES MANAGEMENT

A. Confidential 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;
- d. medical records; and
- f. any other records necessary or permitted under Maine law.

B. Payroll File

The Payroll Clerk shall maintain a file for each employee. The file shall include the employee's:

- a. application for employment;
- b. W-4;
- c. W-4ME;
- d. I-9;
- e. vacation leave record (if applicable);
- f. sick leave record (if applicable);
- g. comp time record (if applicable); and
- h. time sheets (current fiscal year only)

C. 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.

D. Personnel/Payroll File Review

Any employee may review his/her Payroll file at any time in the presence of the Payroll Clerk. Any employee may review his/her confidential file in the presence of the Town Manager during regular working hours. So as not to create unnecessary inconvenience, the employee shall set-up an appointment for such review in advance.

SECTION XXI: 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 XXII: 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 XXIII: 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.

Examples of impermissible solicitation include:

- a. Collection of money, goods, or gifts for religious groups.
- b. Collection of money, goods, or gifts for political groups.
- c. Sale of goods, services, or subscriptions outside the scope of official Town business.
- d. Distribution of literature not approved by the Town Manager.
- e. Solicitation of memberships, fees, and dues.

In addition, the posting of written solicitations and notices on Town property are strictly prohibited, unless permitted by contractual agreement. Otherwise, if employees have a message of interest to the workplace, they must submit it to the Town Manager for approval. All approved messages will be posted by the Town Manager or designee.

SECTION XXIV: 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 1st to Midnight December 31st.

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 1st to Midnight June 30th.

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 enacted this *Personnel Policies and Procedures Handbook* with an effective date of August 4, 2020. The Board of Selectmen, during a duly-called meeting on August 6, 2019 and also through its Biennial review process which began on December 10, 2019 and ended April 21, 2020, voted to amend certain segments of this *Handbook* at meetings duly called on January 28, 2020, February 4, 2020, February 25, 2020, March 31, 2020, April 7, 2020, and April 21, 2020. By doing so, all previous *Personnel Policies and Procedures Handbooks* are hereby repealed.

Tina Brooks, Selectperson

Martha Catevenis, Selectperson

Cheryl Coffman, Selectperson

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