

PERSONNEL POLICY

PURPOSE

The following policy adopted by the Board of Selectmen details the rights, responsibilities, and benefits of Acton employees. The provisions of the policy are applicable to all full-time, part-time, temporary, and non-union employees of the Town.

ARTICLE I - GENERAL

- A. By a majority vote, the Board of Selectmen may delete, amend, or modify any or all of the provisions contained in this policy without prior notice. This policy and subsequent modifications shall supersede any policy and rules made previously by the Board of Selectmen.
- B. All employees will be given a copy of the current Personnel Policy and will sign an acknowledgement of receipt of said policy.
- C. Violations of this policy may result in disciplinary action, legal prosecution, and or job termination.
- D. Employee benefits (except vacations) are based on the fiscal year of the Town which runs July 1 through June 30.

ARTICLE II - EMPLOYMENT

- A. The employment of all personnel shall be the responsibility of the Board of Selectmen.
- B. All applicants must submit a written application for employment.
- C. All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance.

ARTICLE III - EQUAL OPPORTUNITY EMPLOYER

The Town provides equal opportunity employment to all applicants and employees without regard to religion, age, sex, marital status, ancestry, sexual orientation, and race. The basis for employment is solely competence and qualification for the position.

ARTICLE IV – EMPLOYMENT CATAGORIES

The following is a description of various employee categories:

- A. FULL TIME SALARIED -- Workers are paid an annual salary; work a minimum of 21 hours per week; and are not eligible for overtime pay. Employees are subject to all personnel rules and regulations, and receive benefits and rights as provided herein.
- B. FULL TIME HOURLY -- Workers are paid at an hourly rate; required to work a minimum of 21 hours per week on a continuing (permanent) basis. Hourly employees are eligible for overtime pay after working a minimum of 40 hours in a week or working on a scheduled holiday. Employees are subject to all personnel rules and regulations, and receive benefits and rights as provided herein.

C. PROBATIONARY -- An employee with less than six months and one day of service. Probationary employees accrue benefits from their Date of Hire.

D. TEMPORARY EMPLOYEES -- Temporary employees work on a non-permanent basis, usually within a limited time frame. They are not entitled to benefits. The employee may be terminated for any reason and at any time by the Board of Selectmen.

ARTICLE V - PUBLIC AND EMPLOYEE RELATIONS

A. Employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the Town. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or displaying a lack of impartiality in conducting Town business.

B. Employees are prohibited from soliciting or accepting gifts, gratuity, favors, entertainment, loans, or any other item of monetary value from any person/business in Acton or from outside Acton. Non-monetary gifts such as food and refreshments, in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

C. No employee shall engage in any business other than their regular assigned duties during work hours.

D. Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use privileged information for their advantage or provide family, friends, or acquaintances with any advantages. Each employee is charged with the responsibility of releasing only information which is required under the "Right to Know" law, I MRSA Sections 401-410, and Freedom of Information Act. All employees of the Town are required to sign a Confidentiality Agreement. (see Exhibit A)

E. Personal appearance and clothing should be neat, clean, and professional as appropriate for their position.

ARTICLE VI - WORK WEEK/OVERTIME

A. Work Week. The regular work week for payroll purposes begins on Monday at 12:01 AM and ends Sunday 12:00 midnight. The scheduled hours for Town employees shall be set by the Board of Selectmen.

B. Timesheets. Timesheets should be completed weekly and must be signed and dated by both the employee and the employee's department head. In the absence of a department head, a member of the Board of Selectmen may sign the time sheet. Signed timesheets should be presented to the Treasurer by 10:00 AM on the next Tuesday following the end of the work week. Payday is scheduled for the next Friday following the end of a work week.

C. Overtime. Employees not exempt from the Fair Labor Standards Act shall receive overtime pay after forty hours of actual work per week. All overtime shall be paid at the rate of one and one-half times the employee's normal rate of pay. Prior to being worked, overtime must be approved by the immediate supervisor or department head.

D. Emergency Closing. Employees may be excused from work due to severe weather or other public related emergencies at the discretion of the Office Manager. Compensation for that absence will be considered as follows:

1. Early Closing - If the building housing the department closes its doors to the public early, all affected employees will be compensated for the hours they normally would have worked at their normal (straight) rate of pay.
2. Full Day Closing – If the building/facility housing the department fails to open on a business day, the employee will not be paid. The employee may however, use accrued flexible or vacation time to offset the loss of pay.

ARTICLE VII - ATTENDANCE

Employees shall be at their respective places of work at the appointed starting time. Unscheduled absences must be reported to the immediate supervisor within two (2) hours of the beginning of the work day starting time.

ARTICLE VIII - HOLIDAY

A. As of January 1, 2012, the holidays listed below are paid holidays for full time and probationary employees providing the holiday falls on a day that is normally worked by the employee. The Board of Selectman reserves the right to approve additional paid holidays.

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving
- Christmas Day

B. A person on a leave of absence is not entitled to holiday pay.

C. The employee's scheduled work day before the holiday must be worked in order to be eligible for holiday pay, unless the holiday falls within a pre-approved scheduled vacation week.

D. Holiday pay is calculated based on the hours in an employee's normal work day.

E. When occasion warrants, employees may be required to work whole or part of a holiday. Full time hourly and probationary employees working a holiday shall receive time and a half pay.

ARTICLE IX - VACATION

A. Vacation benefits are available to full-time employees working in excess of 20 hours per week on a continuing basis. Employees earn paid vacation upon completion of the following:

- After one year of continuous service, the employee is entitled to receive one week of vacation.

- After two years of continuous service, the employee is entitled to receive two weeks of vacation.
- After five years of continuous service, the employee is entitled to receive three weeks of vacation.
- After ten years of continuous service, the employee is entitled to receive four weeks of vacation.

B. Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employee's seniority in regard to scheduling vacations. Vacations are usually taken in blocks of 1 or 2 week increments. However, days may also be taken with the approval of the department head.

C. Employees must take the vacation due them within the calendar year after the vacation time is earned. Employees will not be permitted to carry over vacation time from one year to the next. Vacation time not taken in that year shall be lost. Exception to this may be permitted for special reasons with prior written approval of the Board of Selectmen.

D. Vacation leave shall accrue from the date of hire for full-time employees working in excess of twenty hours per week on a regular basis; however, employees shall not receive vacation leave until they have completed their first year of employment.

E. Employees may receive their vacation pay prior to the start of their vacation, but must submit a request to the Town Treasurer in writing, at least ten (10) days in advance.

F. Vacation pay for hourly employees shall be calculated as one vacation week of pay is equal to the average number of hours worked the previous year multiplied by the hourly rate. For salaried employees it shall be equal to 1/52 of the yearly salary.

ARTICLE X - FLEXIBLE TIME OFF

A. Paid flexible time off may be used for illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other work in his/her division and assigned to such other work; or for personal medical or dental appointments; or to care for members of the employee's immediate family affected by serious illness, or for bereavement. It may also be used as personal time for matters the employee does not wish to disclose.

B. Absences for part of a day that are chargeable to flexible time off shall be charged proportionately in an amount not less than two (2) hours.

C. Paid flexible time off accrual for full-time employees shall be three (3) days granted at the beginning of each **fiscal** quarter, not to exceed twelve (12) days in a **fiscal** year. Flexible time off accrual for employees working less than 20 hours per week shall be one and one half (1.5) days granted at the beginning of each **fiscal** quarter, not to exceed six (6) days in a **fiscal** year. After two years of employment and in the event of catastrophic illness that is documented by a physician, flexible time off not used in the **fiscal** year it was earned may be carried over to the following year. The accrued time off is not be used for vacation purposes. The employee may carry over a maximum of one year of eligible flexible time. **At no time may an employee have more than two year's (24 days for full time, 12 days for part time) flexible time accrued.**

D. All employees shall be eligible to use flexible time off after thirty (30) days of service with the Town.

E. Full-time employees (unless on vacation or flex. time off) must work a minimum of 39 full work days in the previous quarter to earn 3 flexible time off days for the next quarter. Employees working less than 20 hours per week must work a minimum of 20 full days in the previous quarter to earn 1.5 flexible time off days for the next quarter.

F. Flexible time off usage shall be recorded regularly by the Town Treasurer. The Town Treasurer shall review all flexible time off records periodically and shall investigate any cases which indicate abuse of the privilege. Flexible time off shall under no circumstances be bought back. Flexible time off requests of more than three (3) consecutive scheduled work days requires approval by the Department Head.

ARTICLE XI - HEALTH INSURANCE

Beginning July 1, 2011, for all salaried and hourly employees averaging at least twenty-one (21) hours per week for fifty (50) weeks of the year, the Town will pay eighty-five percent (85%) of the single subscriber health insurance coverage and eighty-five percent (85%) of family subscriber coverage for the fiscal year. The Board of Selectmen will select the health insurance plan to be provided to employees.

From the time of acceptance of this policy through to July 1, 2011 the Town of Acton will pay one-hundred percent (100%) of single subscriber health insurance coverage and eighty-five percent (85%) of family subscriber coverage for all salaried and hourly employees averaging at least twenty-one (21) hours per week for fifty (50) weeks of the year.

ARTICLE XII – LEAVE OF ABSENCE

A. Personal. A full-time employee may be granted a leave of absence without pay by the Board of Selectmen for a period deemed necessary by the employee for the purpose of the leave, but not in excess of sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the Board of Selectmen. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for the duration of the leave by assuming the employer contribution. Paid time off will not continue to accrue during a leave of absence.

B. Military Leave and Family and Medical Leave will be granted in accordance with federal law.

ARTICLE XIII - JURY DUTY

The Town shall pay to an employee called for jury duty the difference between the employee's regular pay and juror's pay provided the employee presents an official statement of jury pay received.

ARTICLE XIV - POLITICAL ACTIVITY

While performing their normal work duties, employees shall refrain from seeking or accepting nomination or election to any office in the Town government, and from using their influence publicly in any way for or against any candidate for elective office in the Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing views on political matters, from voting with complete freedom in any election, or from seeking elected office within the Town of Acton.

ARTICLE XV - POLICY ON HARASSMENT

It is the policy of the Town that all our employees are able to work in an environment free from all forms of harassment. Harassment of any kind - sexual, verbal, mental, and/or physical - is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

ARTICLE XVI- PERFORMANCE APPRAISALS

Performance appraisals for new hires will be conducted by the employee's immediate supervisor after the six month probationary period. Appraisals will be performed annually thereafter. All employees will receive a written performance evaluation annually. Appraisals are based on the employee's job description. The written evaluation will become part of the employee's permanent file, and be used to set performance goals, and to determine if raises are merited.

ARTICLE XVII - DISCIPLINARY ACTION AND TERMINATION

Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct at any time falls below a satisfactory level, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating remedial action. In some instances a specific incident may justify severe disciplinary action including discharge; however, the action to be taken depends on the seriousness of the incident and on the employee's past performance and conduct. Employees shall be disciplined for cause to be determined by the Board of Selectman.

Corrective action may be initiated for any infraction based on just cause.

Among actions which may be subject to disciplinary actions are the following:

- A. Conviction of a felony or a misdemeanor involving immorality.
- B. Violation of a departmental policy and/or procedure, or failure to obey any proper direction given by a supervisor.
- C. Offensive conduct or language in public or towards fellow employees
- D. Inability to perform duties and responsibilities required and described in the Job Description.

E. Carelessness or negligence with monies or other properties of the town.

F. Recurring absenteeism and/or tardiness.

Remedial action will normally be initiated in the following manner: verbal warning, written warning, suspension, and termination. Discipline may be initiated at any of these levels listed above.

ARTICLE XVIII - GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personnel rules, regulations and policies or the terms of employment, within five (5) working days from the incident, the employee shall submit the details of such grievance in writing to the department head.

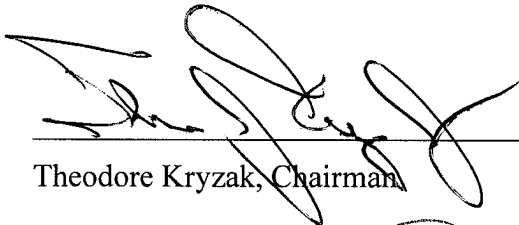
Within thirty (30) calendar days thereafter, the department head shall meet with the employee for the purpose of discussing the grievance and the department head shall render their final written decision within thirty (30) working days after said meeting.

The BOS shall serve as a final level of appeal or as a direct line of grievance should the employee feel aggrieved as a result of the actions of their department head. The process for grievance shall be the same as outlined in the above paragraphs.

ARTICLE XIX - RESIGNATION

All employees resigning from service of the Town shall give a written two week notice.

Adopted on 11/24/1990; Amended 8/12/2010; Amended 2/24/2011, Amended 12/08/2011



Theodore Kryzak, Chairman



Larissa Crockett



William Shields