

# TOWN OF ACTON 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 1 - GENERAL

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.

All employees will be given a copy of the current Personnel Policy and will sign an acknowledgement of receipt of said policy. Violations of this policy may result in disciplinary action, legal prosecution, and or job termination.

## ARTICLE 2 - 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 3 - 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 4 - 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. Non-Emergency Personnel 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) PART TIME HOURLY -- Workers are paid an hourly rate and work no more than 20 hours a week on a continuing basis. Workers are not eligible for benefits, PTO, paid bereavement, paid jury duty or insurance benefits. Workers of this class will be paid their regular hourly rate for holiday pay, per section 9 and if the Town Hall should close out of their control, per section 6D.
- D) PROBATIONARY -- An employee with less than six months and one day of service. Probationary employees accrue benefits from their date of hire. The employee may be terminated for any reason during the probationary period by the Board of Selectmen.

- E) 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.
- F) PER DIEM EMPLOYEES-- Employees that are paid a flat rate per shift that they sign up for and work. A Per Diem Employee is not considered a permanent employee and is not entitled to benefits. Employees are specifically hired as PER DIEM workers and sign up for vacant shifts in the Fire/Rescue Department only.
- G) STIPEND EMPLOYEES -- A Stipend Employee is not considered a permanent employee and is not entitled to benefits. Employees are subject to all personnel rules and regulations as provided herein.

#### **ARTICLE 5 - 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. No employee shall engage in any business other than their regular assigned duties during work hours.
- C) 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)
- D) Personal appearance and clothing should be neat, clean, and professional as appropriate for their position.

#### **ARTICLE 6 - 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) Time sheets -- Time sheets 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 time sheets should be presented to the Treasurer by 12:00 PM on the next Monday following the end of the work week. Payday is scheduled for the next Friday following the end of a work week.
- C) Overtime -- Employees that are not exempt from the Fair Labor Standards Act shall receive overtime pay after (40) forty hours of actual work per week. Fire and Rescue Personnel will be paid overtime after (212) two hundred and twelve hours of actual work in a 28 day period. 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) Closing -- Employees may be excused from work due to reasons outside of their control as determined by the Board of Selectmen and/or Town Administrator, such as snow days, extended holiday breaks, or building maintenance issues. Employees will receive their regular compensation for such closings, only if the closing occurs during their normally scheduled work hours. This shall pertain to early closures and full day closures.

#### **ARTICLE 7 - DIRECT DEPOSIT**

All Town of Acton employees are required to use the direct deposit feature to receive payroll related payments. In accordance with federal requirements regarding direct deposit of payroll, the employee may select the financial institution of his/her choice to accommodate the receipt of direct deposit payments. Employees may request, in writing, an exemption based on the following circumstances:

- A) The employee has physical or mental disability, as documented by a licensed health care professional that would impede the employee's ability to gain access to electronically deposited funds.
- B) The employee certifies that his or her religious convictions preclude the use of direct deposits.
- C) The employee has been determined "un-bankable" by financial institutions and is unable to obtain a bank account to receive direct deposits.

#### **ARTICLE 8 - ATTENDANCE**

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

#### **ARTICLE 9 - HOLIDAY**

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 Day  
Christmas Day  
Easter

- A) A person on a leave of absence is not entitled to holiday pay.
- B) 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.
- C) Holiday pay is calculated based on the hours in an employee's normal work day. 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 10- LONGEVITY INCENTIVE PROGRAM**

A full time hourly or salary employee working ten (10) or more years may receive a bonus payable on/before December 1<sup>st</sup> of each year equal to \$100 per year of continuous employment with the Town. Said benefit is capped at 20 years x \$100 benefit. Benefit contingent on an approved budget at the annual Town Meeting.

- A) After 5 years of employment with the Town, an employee may cash out up to 1 week of accrued PTO at the end of the calendar year.
- B) After 8 years of employment with the Town, an employee may cash out up to 2 weeks of accrued PTO at the end of the calendar year.
- C) After ten years of employment with the Town, an employee may cash out up to 3 weeks of accrued PTO at the end of the calendar year.
- D) An employee working (10) or more years shall receive health insurance benefits paid 100% by the Town.
- E) Longevity Benefits are contingent on an approved budget at the annual Town Meeting.

## **ARTICLE 11 – PAID TIME OFF (PTO)**

Paid time off (PTO) benefits are available to full-time employees working in excess of 20 hours per week on a continuing basis. Paid time off can be used for vacation, sick, or personal reasons. Hourly employees accrue paid time off (PTO) at the following rates:

Date of hire to 1 year= .039 times hours worked

After 1 year = .058 times hours worked

After 5 years = .077 times hours worked

After 10 years = .096 times hours worked

Salary employees will accrue paid time off (PTO) based on the amount of hours expected and agreed upon for their positions, as listed below:

- |                                    |          |
|------------------------------------|----------|
| A) Town Administrator / Town Clerk | 40 Hours |
| B) Treasurer                       | 30 Hours |
| C) Director of Planning / CEO      | 35 Hours |
| D) Fire Chief                      | 40 Hours |
| E) Transfer Station Superintendent | 25 Hours |

Vacations and planned absences 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. If an employee is sick or has a personal emergency that he or she must attend to, the employee is expected to notify their immediate supervisor no less than 1 hour before the scheduled time of work.

Employees must use the PTO within the calendar year that it is earned. Employees will be permitted to carry over up to 1 week's equivalent of PTO into the next calendar year but must use that week within the first 6 months of the year. PTO may not be used until 90 days of employment has been completed.

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

Employees wishing to take PTO time must complete the required "Request for Time Off" form a minimum of 7 days before their request. The Board of Selectmen reserves the right, with input from the Department Head and Town Administrator to waive this 7 day period for an unexpected illness.

**ARTICLE 11 - BEREAVEMENT LEAVE:** Effective August 1, 2017 each full time employee shall be allowed up to two days of leave with full pay, for absences resulting from the death of a spouse or significant other, or the death of a child, stepchild, grandchild, parent or stepparent of either the employee or the employee's spouse or significant other, or other members of the employee's immediate family, as defined below. "Other members of the immediate family" shall mean the guardian, brothers, stepbrothers, sisters, stepsisters, wards, and grandparents of the employee. PTO time will not be accrued during this bereavement leave.

**ARTICLE 12 - 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. Employees are eligible for coverage after the beginning of the month following the first 90 days of employment. Beginning July 1, 2015 the Town may contribute to enrolled employees established Health Savings Account to help cover a high deductible plan, so long as the Town's group plan is an eligible H.S.A plan. Contribution rates are as follows:

- A) Employees working more than 3 months but less than 12 months: 50% Town contribution to single subscriber deductible. Deposits will be made by the Treasurer on a monthly installment basis.
- B) Employees working more than 12 months but less than 24 months: 100% Town contribution to single subscriber deductible or 50% of family deductible. Deposits will be made by the Treasurer annually.
- C) Employees working more than 24 months: 100% Town contribution to single or family deductible. Deposits will be made by the Treasurer annually

**ARTICLE 13 – LEAVE OF ABSENCE**

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.

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

**ARTICLE 14- 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 15 - 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 16 - POLICY ON HARASSMENT**

It is the policy of the Town that all employees and volunteers are able to work in an environment free from all forms of harassment. This policy covers supervisor-subordinate actions, as well as actions between co-workers. Harassment is defined as unwelcome advances, pressure for favors, and all other forms of sexual, verbal, written mental or physical conduct which takes place under any of the following circumstances:

- A) When submission to such conduct is made (explicitly or implicitly) a condition of employment;
- B) When submission to or rejection of such conduct by an individual is used by the offender as the basis for personal or businesses decisions affecting the individual subjected to advances;
- C) When such conduct has the effect of unreasonably interfering with the individual's work or personal life;
- D) When such conduct has the effect of creating an intimidating, hostile or offensive work or learning environment.

An individual who believes they have been subjected to harassment has the right to file a complaint with a member of the Board of Selectmen and/or the Maine Human Rights Commission. Each incident shall be fully and promptly investigated. The results of the investigation will be documented in writing, and a copy provided to the claimant. Strict confidentiality will be maintained throughout the investigation to protect the privacy of all parties. The Town will not tolerate intimidation, discrimination or retaliation against any individual who makes a report of harassment. A person found to have harassed another employee or volunteer will be subjected to disciplinary action, including legal action. Copies of this policy and subsequent revisions will be provided to each employee and appointee. The Town Office shall provide education and training for all new employees/volunteers within six (6) months of commencement of employment appointment.

## **ARTICLE 17- 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 18- 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 19 - 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.

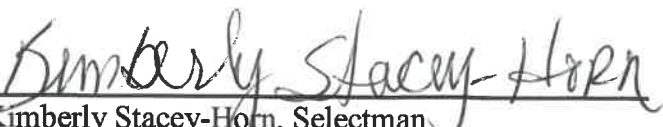
#### **ARTICLE 20 - RESIGNATION**

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, Amended 06/28/2012; Amended 06/27/2013; Amended 6/25/2015; Amended 10/29/2015; Amended 06/07/2016, Amended 08/01/2017, Amended 12/05/2017; Amended 01/09/2018*

  
\_\_\_\_\_  
Elise Miller, Chairman

  
\_\_\_\_\_  
Edward Walsh, Selectman

  
\_\_\_\_\_  
Kimberly Stacey-Horn, Selectman