

# TOWN OF ACTON PERSONNEL POLICY

## PURPOSE

The following policy adopted by the Select Board 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

- A. By a majority vote, the Select Board 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 Select Board.
- 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.

## ARTICLE 2- EMPLOYMENT

- A. The employment of all personnel shall be the responsibility of the Select Board.
- 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** -- These employees are paid based on annual amount, divided by the number pay periods. Qualified workers under the Fair Labor Standards Act, including those working in a bona fide executive, administrative or professional capacity are exempt from overtime pay. Employees are subject to 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, or insurance. Workers *will* accumulate Earned Paid Leave as defined by State Law (see separate EPL Policy) Workers of this class will however be paid their regularly rate should the Town Hall or Transfer Station close out of their control, see 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 Select Board.
- E. TEMPORARY EMPLOYEES -- Temporary employees work on a non-permanent basis, usually within a limited time frame. The employee may be terminated for any reason and at any time by the Select Board. The employee *may* earn Earned Paid Leave time.
- 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. Employees *will* earn Earned Paid Leave time.
- 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. Employees must submit a detail of all hours worked on a monthly basis to the Treasurer's office and *may* earn Earned Paid Leave time.

**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 that conducts business or expects to conduct business with the Town of Acton. Non-monetary gifts such as food and refreshments, monetary gift cards with a value of less than \$25, 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.

Examples of unacceptable attire include, but are not limited to:

1. Clothing which promotes violence, alcohol, tobacco, drugs or other chemicals
2. Clothing that is obscene, vulgar, or indecent.
3. Clothing that is demeaning to any person or group of persons on the basis of race, sex, sexual orientation, disability, age, or national origin.
4. Clothing that provides a safety hazard for performing ones job.

#### **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 Select Board.
- B. 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 Select Board may sign the time sheet. Signed time sheets should be presented to the Treasurer by 10:00 AM 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. Submission deadlines are subject to change occasionally throughout the year, with notice, due to holidays, closures and planned absences.
- 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-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 Select Board and/or Town Administrator. Closures such as snow days or building maintenance issues will result in employees being paid their regular scheduled hours for that day. Any closures of extended holidays, not listed within this policy will be unpaid, or staff can choose to use PTO time, if available.

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

All Town of Acton employees are required to use the direct deposit feature to receive payroll related payments. Check stubs will be emailed to employees during the payroll disbursement process, if you are unable to receive emails, please let the Treasurer know and a copy will be mailed to you. 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:

- 1) 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.
- 2) The employee certifies that his or her religious convictions preclude the use of direct deposits.
- 3) The employee has been determined "un-bankable" by financial institutions and is unable to obtain 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 one (1) hours of the beginning of the work day starting time. Failure to show up or call in for a scheduled shift without prior approval may result in disciplinary action.

## **ARTICLE 9 - HOLIDAY**

A. As of March 3, 2022 the holidays listed below are paid holidays for employees providing the holiday falls on a day that is normally worked by the employee.

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Easter
- Patriots Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People Day (Formerly known as Columbus Day)
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas

B. A person on a leave of absence is not entitled to holiday pay. 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. 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. Hourly and non-exempt employees working a holiday shall receive 1.5 times their normal rate of pay.

## **ARTICLE 10 – 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. Employees who are eligible to earn PTO are not eligible to earn Earned Paid Leave (EPL) in addition to, *see separate Earned Paid Leave (EPL) policy for more information.*

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

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

1.	Town Administrator / Town Clerk	40 Hours
2.	Treasurer	40 Hours
3.	Director of Planning / CEO	40 Hours
4	Transfer Station Superintendent / Handyman	35 Hours

- D. 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.
- E. 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.
- F. 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.
- G. Employees wishing to take PTO time must complete the required "Request for Time Off" form a minimum of 7 days before their request. This request shall be submitted to their immediate supervisor, who will deliver it to the Town Administrator within 24 hours. 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.
- H. An employee whose employment with the Town of Acton is terminated, either by the employee or by the employer, shall be paid out for any unused PTO hours earned in the first pay cycle following the last day worked.

**ARTICLE 11 - BEREAVEMENT LEAVE**

Each 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- LONGEVITY INCENTIVE PROGRAM**

- A. A full time 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 20years x \$100 benefit. Benefit contingent on an approved budget at the annual Town Meeting.
- B. 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.

- C. 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.
- D. 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.
- E. An employee working (10) or more years shall receive health insurance benefits paid 100% by the Town,
- F. Longevity Benefits are contingent on an approved budget at the annual Town Meeting.

**ARTICLE 13 - HEALTH INSURANCE:**

Effective 7/1/19 all Full Time Employees who work thirty-five (35) or more hours per week, for fifty (50) weeks of the year, are eligible to enroll for health insurance benefits. Those enrolled in health benefits prior to 7/1/19 must maintain at least twenty-one (21) hours per week for fifty (50) weeks of the year to be remain eligible.

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 Select Board 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 60 days of employment.

Any employee who is eligible for health insurance, per this policy, and declines coverage, the Town of Acton will pay 100% of the plan's offered life insurance, for the value of employee's current yearly salary.

**ARTICLE 14- LEAVE OF ABSENCE**

Personal. A full-time employee may be granted a leave of absence without pay by the Select Board 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 Select Board. 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 15- 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 16 - 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 17 - POLICY ON SMOKING AT THE WORKPLACE**

Smoking tobacco is prohibited in ALL indoor spaces on Town of Acton properties. Employees may smoke outside in designated smoking areas during a legally allowed break. Smoking areas may be designated by the Select Board and/or Department Heads provided that the area does not allow tobacco smoke to circulate to indoor spaces and that the smoking will not be within 20ft of a building entrance, the customers, and/or other employees. Smoking is not allowed whatsoever at the Town of Acton Recreation Field on Route 109, nor is it allowed at any game/activity where children are present.

#### **ARTICLE 18 - 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: When submission to such conduct is made (explicitly or implicitly) a condition of employment; 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; When such conduct has the effect of unreasonably interfering with the individual's work or personal life; 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 written complaint with a member of the Select Board and/or the Maine Human Rights Commission. Each written complaint shall be fully and promptly investigated. The results of the investigation will be documented in writing, and a copy provided to the claimant and the accused. 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. A person found to have filed false reports against another employee may also be subject to disciplinary action. Copies of this policy and subsequent revisions will be provided to each employee and appointee. The Select Board shall provide education and training for all new employees/volunteers within six (6) months of commencement of employment appointment.

#### **ARTICLE 19- 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 20- DISCIPLINARY ACTION AND TERMINATION**

Whenever, in the Select Board or 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 Select Board.

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

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

- Conviction of a felony or a misdemeanor involving immorality.
- Violation of a departmental policy and/or procedure, or failure to obey any proper direction given by a supervisor.
- Violent or offensive conduct or language in public or towards fellow employees
- Inability to perform duties and responsibilities required and described in the Job Description.
- Carelessness or negligence with monies or other properties of the town.
- Failure to call to report and absence, and/or recurring absenteeism and/or tardiness.

Remedial action will normally be initiated in the following manner:

- 1) Verbal warning- to be given by Department Head with a Selectperson present
- 2) Written warning- to be given by Department Head after reviewed by a Selectperson
- 3) Suspension- to be determined by the Select Board
- 4) Termination- to be determined by the Select Board

Discipline may be initiated at any of these levels listed above as deemed appropriate by the Select Board.

## **ARTICLE 21 - 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.



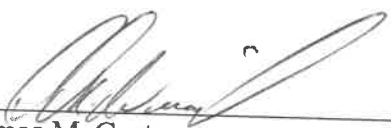
**ARTICLE 22 - AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMODATIONS**

The Town also provides reasonable accommodations that do not impose undue hardship on the Town to qualified applicants and employees with disabilities. Employees and applicants who require a reasonable accommodation should contact their Department Head and/or the Town Administrator.

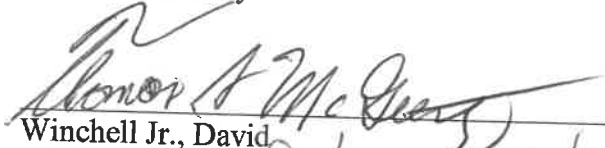
**ARTICLE 23 - RESIGNATION**

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

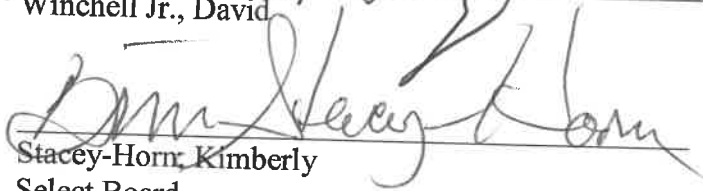
Adopted on 11/24/1990; Amended 8/12/2010; Amended 2/24/2011, Amended 12/08/2011, Amended 06/28/2012; Amended 06/27/2013; Amended 6/25/2015; Amended 10/29/2015; Amended 06/07/2016, Amended 08/01/2017, Amended 12/05/2017; Amended 01/08/2018; Amended 09/18/2018; Amended 07/02/2019, Amended 08/12/2020, Amended 09/23/2020, Amended 03/02/2022; Amended 06/22/2022, Amended 11/30/2022



Thomas McGurty



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Select Board