

TOWN OF STANDISH

MAINE

PERSONNEL POLICY

2001

APPROVED BY STANDISH TOWN COUNCIL

ORDER # 145-01

September 18, 2001

Change 1, ORDER # 90-2 May 14, 2002	Change 7, ORDER # 80-08 July 8, 2008
Change 1b, ORDER # 100-2 June 4, 2002	Change 8, ORDER # 79-09 June 2, 2009
Change 2, ORDER # 102-03 June 3, 2003	Change 9, ORDER 22-12 March 13, 2012
Change 3, ORDER # 141-03 June 3, 2003	Change 10, ORDER # 68-13 July 9, 2013
Change 4, ORDER # 37-14 March 9, 2004	Change 11, ORDER # 63-16 June 7, 2016
Change 5, ORDER # 113-04 July 13, 2004	Change 12, ORDER # 44-17 May 9, 2017
Change 6, ORDER # 171-05 October, 11, 2005	Change 13, ORDER 6-22 February 8, 2022

*Change 8 incorporated into Change 12, 2009 Furlough Policy

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**TOWN OF STANDISH
PERSONNEL POLICY
September 18, 2001**

ARTICLE I – POLICY

1.1. **INTRODUCTION** The Town of Standish is a municipal corporation organized pursuant to the laws of the State of Maine. The Town Charter establishes a seven-member Council elected by the voters. The Council appoints a Town Manager as the Town's chief executive and chief administrative officer. Other direct Council appointees are the Assessor, Finance Director, Welfare Director and Town Attorney. The appointing authority for all other employees is the Town Manager with Council confirmation required for Department Heads.

1.2. **PURPOSE** The purpose of the Town Council in prescribing this Policy is to set forth a uniform and equitable system of personnel administration for the Town of Standish, to promote effective and efficient municipal operations on behalf of the citizenry and to pursue positive employee morale and loyalty. It is the intent of this Policy to provide each employee with a written summary of work benefits, privileges and responsibilities; however, this Policy is not intended to be and shall not be construed as a contract for employment between the Town and any employee. This Policy shall provide a means to recruit, select, develop and maintain an effective and responsive work force and shall include policies and procedures for employee hiring, advancement, training, job classification, salary administration, fringe benefits, discipline, termination and other related activities.

1.3. **SCOPE** This Policy shall apply to all Standish employees, except elected or appointed boards, committees and commissions. The Town Council upon its own motion, or upon a recommendation made to it by the Manager, may modify and amend this Policy at any time.

1.4. **RESPONSIBILITY** The Manager or designee shall have the responsibility for administration of the personnel program and make every effort to adequately consider the rights and interests of the Town of Standish. It shall be the duty of the Manager to:

Encourage and exercise leadership in the development of sound personnel practices among the departments of the Town of Standish,

Advise the Council on manpower needs and utilization,

Foster and develop programs for the improvement of employee effectiveness to include job training, safety and health counseling as needed, courtesy when dealing with the public and respect for municipal property,

Establish and maintain records of all employees in the public service which will include each employee's title, pay or status, sick leave, vacation time and other relevant data,

Insure that in each department this Policy is administered fairly and in conformity with the provisions of state and federal statutes,

Insure administrative procedures are followed and take appropriate action to implement the specific provisions of this Policy,

Advise the Council on town employees regarding staff utilization and on matters of personnel policy. The Manager shall give due consideration to the views of employees on matters within the Manager's discretion,

Apply and carry out this Policy and to perform any act that may be necessary or desirable to carry

out the purpose and provisions of this Policy,

Recognize that there may be need to establish and maintain departmental rules of conduct and procedures especially in the emergency service area. In case of conflict between this Policy and those of a specific department, this Policy shall be controlling unless specific circumstances warrant otherwise. Every reasonable effort shall be made to insure maximum compatibility between this Policy and the department rules, and

To consult or receive suggestions from individual town employees or groups of employees.

1.4.1. Except as explicitly limited by a specific provision of this Policy, the Manager shall have the exclusive right to take any action deemed appropriate in the operation of town departments, in the implementation of town policies, and in the direction of the work of employees. Such rights shall include, but not necessarily be limited to, the operation of the Town, direction of the employees covered by these policies, the right to discharge, change assignments, promote, suspend, reduce or expand the number of employees, transfer, maintain discipline, establish schedules, introduce new or improved methods or facilities and employ its personnel.

ARTICLE II -- GENERAL PROVISIONS

2.1. **MANAGEMENT GOALS** The goal of personnel management in the Town of Standish is to:

Promote effectiveness, economy, and productivity in delivering services to the citizens of Standish,

Encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills,

Provide reasonable assurances that all rights and benefits of employees are protected and respected, and

Afford fair and equal treatment to all applicants to enter and to advance in town service on the basis of merit.

2.2. **DISCRIMINATION POLICY** As an equal opportunity employer it is the policy of the Town of Standish to seek and employ qualified personnel in all its locations and to provide equal opportunities for the advancement of employees including upgrading, promotion and training and to administer these activities in a manner which will not discriminate against any person because of race, color, sex, age, religion, national origin, ancestry, familial status, sexual orientation or disability except in the case where a disability would prevent the person from carrying out the requirements of the position.

2.3. **COPY OF POLICY** As a condition of employment all employees and applicants offered employment by the Town of Standish must be provided with a copy of this Policy and agree to abide by the terms and conditions herein.

2.4. **PERSONNEL FILES** Appropriate personnel records shall be maintained for each town employee. The Town Manager shall upon written request from an employee provide the employee or the employee's duly authorized representative an opportunity to review said personnel file where the files are located.

2.4.1. For purposes of this section a personnel file shall include, but not be limited to, any formal or informal evaluations, reports and letters relating to the employee's character, credit, work habits, compensation, benefits and leave time reports which the Town has in its possession.

ARTICLE III -- DEFINITIONS OF TYPES OF EMPLOYMENT

3.1. **Appointing authority** means the Town Manager or Town Council as set forth in the Town

Charter.

3.2. **Employee** denotes an employee appointed to a regular full time, regular part time, temporary or on-call intermittent position by the authorized appointing authority.

3.3. A **regular full time employee** shall be year round in nature, and the employee shall be required to work the standard workweek of their particular department. The employee is subject to all rules, regulations, benefits and rights as provided by this Policy. A regular full time employee that works from 30 to 40 hours will have access to prorated benefits.

3.4. A **regular part time employee** shall be appointed to a position requiring regularly scheduled employment for a period of less than thirty hours per week. They are not entitled to benefits such as retirement, health insurance, holiday pay or sick pay, except as otherwise required by law.

3.5. **Temporary employees** shall be appointed to work on a non permanent basis usually within a limited time frame of ninety (90) days or less. They are not entitled to benefits such as retirement, health insurance, holiday pay or sick pay, except as otherwise required by law.

3.6. An **on call intermittent employee** shall be appointed to a position which is not scheduled regular hours but calls for intermittent work as needed and is compensated only on a per call basis. They are not entitled to benefits such as retirement, health insurance or sick pay, except as otherwise required by law.

ARTICLE IV -- RECRUITMENT, SELECTION AND APPOINTMENT

4.1. **ELIGIBILITY** It is the policy of the Town of Standish that all positions within the Town are to be filled by fully qualified people who have been evaluated based on job criteria. Eligibility for appointment, promotion or transfer shall be based on such qualifications. It is the policy of the Town to provide maximum opportunity to a currently qualified employee whenever possible.

4.2. **NOTICE OF VACANCY** Notice of vacancy shall be made by posting notice of the vacancy at the Town Hall , placing an advertisement in a local newspaper or by any other means that the appointing authority considers appropriate.

4.3. **APPLICATION PERIOD** The application period for each position shall remain open for at least two (2) weeks (10 working days) and one (1) month (20 working days) for Department Heads. Applications may be filed during the regular business hours during the application period. The application period prescribed by this section may be reduced by the Town Manager, in his or her sole discretion, due to extenuating circumstances.

4.4. **APPLICATION FOR EMPLOYMENT** Application for employment with the Town shall be made on a standard application form provided by the Town and such other forms as may be prescribed by the Town Manager. All applications for town positions shall be filed in the Town Manager's office.

4.5. **EXAMINATIONS** Applicants for employment may be required to submit to, and pass, various employment tests such as, but not limited to, physical examinations, drug and alcohol tests, competency tests, personnel interviews and to submit voluntarily to a thorough background investigation as deemed necessary by the Town Manager.

4.5.1. Need for a physical examination will be determined by the appointing authority. Should a complete physical examination by a physician be required as part of the application process, the cost will be paid by the Town.

4.5.2. Drug and alcohol tests are mandatory for all employees whose position requires that they

hold a Commercial Driver's License.

4.5.3. Applicants for employment may be required to successfully complete a written, oral or a performance examination to be determined by the appointing officer. The type and scope of the examination shall be consistent with the characteristics of the job opening and shall not include any inquiry into the political or religious affiliations, sexual orientation or race of any candidate. All applicants shall be given proper notice if and when an examination is required.

4.6. **RECRUITMENT AND SELECTION PROCESS** The recruitment and selection process for all town positions will vary with the position and may include local, regional and national advertising, departmental notices, open examinations, contact with employment offices, oral interviews, background and reference checks. The policy of the Town will be to carry out as extensive a search as time permits and as the qualifications for the position may make necessary.

4.6.1. It shall be the policy of the Town to have an employee interviewed by the person who is responsible for said employee's subsequent daily supervision and evaluation, e.g. the respective Department Head. Each Department Head will screen and interview the candidate and submit a recommendation to the Town Manager who will make the final determination.

4.7. **APPOINTMENT** The employment of all personnel shall be the responsibility of the Town Manager. The Town Manager shall supervise and manage all employees of the Town of Standish whom the Council is required by statute to appoint except members of boards, commissions or committees. The Manager shall appoint, supervise and manage all other officials, subordinates and assistants except that the Manager may delegate this authority to a Department Head and report prior to employment all appointments to the Town Council.

4.8. **PROBATIONARY PERIOD** All appointments shall in the first instance be made for a probationary period of six months, uninterrupted service. The probationary period shall be regarded as an integral part of the examination and shall be used for observing the employee's work habits, skills, attitude and other pertinent characteristics for successful job performance. The probationary period is necessary to evaluate the work of the new employee and encourage the employee's adjustment to the position. A full time employee who is transferred or promoted and does not meet or otherwise comply with the work standards of the new position shall be transferred to the previous position held, if possible, or to another position to which the employee is deemed to qualify if one is available.

4.8.1. At any time during the probationary period the Town Manager shall remove an employee if in the Manager's opinion the performance indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily or that the employee's habits and dependability do not merit continuance in the position.

4.8.2. An employee who is terminated during the initial probationary period does not have the right to initiate the grievance procedure.

4.8.3. The probationary period for promoted employees shall be three (3) months unless the period is extended by written notice to the employee. Such extension shall not exceed 3 months.

ARTICLE V – COMPENSATION

5.1. **COMPENSATION** It is the intent that town employees be paid and afforded benefits in a manner that is commensurate with salaries, wages and other benefits for comparable public and private work in the area. For the purposes of comparability, wages and salaries shall be compared to like positions in like programs in similar towns using tools such as the most recent Maine Municipal Association's Annual Salary Survey and local competitive market analyses. It is also the Town's intent to attract, retain and motivate qualified employees such that a maximum level of

productivity, customer service and overall job performance is attained.

5.2. WAGE, SALARY AND BENEFIT ADJUSTMENTS Wage, salary and benefit recommendations shall be established annually by the Town Council and the Town Manager prior to submitting a budget for the coming fiscal year.

5.2.1. The Council's Personnel Committee and the Town Manager shall meet in December of each year with three or more full time employees of the employees' sole choosing for the purpose of discussing all aspects and features of employee compensation and benefits.

5.2.2. Following the annual employee meeting the Council's Personnel Committee will hold meetings with the Town Manager and each Department Head to develop wage and salary recommendations. Results of these discussions will be forwarded to the Town Council for its consideration in January or February.

5.2.3. The Town Manager shall utilize information obtained from the Town Council discussions for the purpose of calculating all budget expenditures related to employee compensation and benefits prior to submitting a budget for the coming fiscal year as required by the Standish Town Charter.

5.2.4. **Longevity step raise** Longevity step raises shall be given to each regular full time employee at five year increments of continuous employment. The amount of the raise shall be 3% of salary. The effective date of the raise shall be the anniversary date of the employee upon reaching five years of regular full time employment. For regular part time employees who are promoted to regular full time employment, additional prorated credit towards step raises shall be given based upon full time equivalency (1976 hours per year) of continuous regular part time employment. A regular full time employee that works from 30 to 38 hours will receive prorated credit towards step raises.

ARTICLE VI -- HOURS OF WORK

6.1. **STANDARD HOURS** The normal workweek for full time employees shall be thirty-eight (38) hours. The hours of work, starting and quitting times and lunch period shall be established within each department with the Town Manager's approval. Unless otherwise specified the official hours of operation shall be Monday - Thursday from 7:30 a.m. to 5:00 p.m.

6.2. **ATTENDANCE** Employees shall be in attendance in accordance with this Policy regarding hours of work, holidays and leave. It is the responsibility of employees to see that their immediate supervisor is advised of the reason of absence prior to the start of the workday and in no instance later than one-half (1/2) hour after the start of the regularly scheduled workday. Absences from work shall be reported to the Town Manager as soon as practicable in a given workday. A written physician's certificate may be required by the Town Manager as a condition of return to work.

6.2.1 Each Department Head shall be responsible for maintaining daily attendance and work records for each employee and shall furnish weekly time records to the Town Manager as evidence of a completed work week.

6.3. **OVERTIME** Certain positions are exempt from the Fair Labor Standards Act. Exempt employees are paid on the basis of position responsibility regardless of the hours required.

6.3.1 Certain employees are covered by the Fair Labor Standards Act and are entitled to overtime compensation. All non-exempt employees will be compensated for authorized overtime work. Overtime shall mean all actual hours worked in excess of forty (40) hours in a given week for employees who work a 7-day work period. For public safety employees (fire), overtime shall mean all actual hours worked in excess of 106 hours in a 14-day work period. The total amount of overtime shall be calculated by rounding to the nearest quarter hour. Overtime hours shall be

compensated at the rate of one and one half (1.5) the regular hourly rate of pay.

6.3.2. For the purpose of this section "actual hours worked" shall be hours actually worked for the Town.

6.3.3 All overtime hours shall require advance authorization by the Department Head with approval of the Town Manager.

6.4. **COMPENSATORY TIME** Occasional overtime work in excess of the established regular hours may be compensated for by compensatory time off, if mutually convenient to the non-exempt employee and supervisor, at the rate of time and one half. Exempt salary employees are paid on the basis of job responsibility, and within reason it is the responsibility of the employee to do the work regardless of the hours. Employees exempted from overtime rates of pay, when required to work in excess of the standard week, may be compensated by compensatory time off to be granted by the Town Manager.

6.4.1. Compensatory time must be taken within fourteen (14) days from when it is earned; provided, however, that the Town shall comply with all requirements of state or federal law regarding payment of accrued but unused compensatory time upon separation from employment with the Town.

6.5. **MEAL PERIODS** Employees shall have a thirty (30) minute lunch period during each work period of six hours or more. Meal periods shall be paid when taken during a work period of at least 9.5 hours. Meal periods will be scheduled in such a way as to insure building coverage.

6.6. **WORK BREAKS** Each employee may be allowed a fifteen (15) minute work break during the duration of each work period of 9.5 hours duration except where the Department Head finds it impossible or impractical to allow.

ARTICLE VII – LEAVES

7.1. **LEAVES** It shall be the responsibility of the respective Department Head to recommend to the Town Manager whether or not to grant an employee's request for leave. It shall be the responsibility of the employee to request non-emergency leaves of five or more days' duration at least thirty (30) days prior to the time such leave is sought. All requests for vacation leave and leaves of absence must be in writing and shall require final approval by the Town Manager. Vacation, sick leave, holidays, and other benefits do not accrue during unpaid leave period. Employees using sixteen (16) hours or less of sick or personal time annually shall be entitled to eight (8) additional vacation hours annually. New employees must serve a full calendar year prior to receiving this benefit.

7.2. **VACATION LEAVE** The Town Manager shall be responsible for accrued vacation leave privileges in accordance with the following schedule:

0 through 5 years earn at a rate of eighty (80) hours each year,

6 through 10 years earn at a rate of one hundred-twenty (120) hours each year,

11 years through 19 years earn at a rate of one hundred-sixty (160) hours each year, and

20 years and over earn at a rate of two hundred (200) hours each year.

Newly hired experienced Department Heads shall be entitled to three weeks accrued vacation time effective upon the date of employment.

7.2.1. Vacation leave will be scheduled at such time or times as shall be mutually agreeable to the employees and their respective supervisors. Due consideration will be given to all employees seniority with regard to scheduling vacations. Each Department Head shall schedule vacation leave

with particular regard to operating requirements and, insofar as possible, the request of the employee.

7.2.2. Vacation leave shall be accounted for on a fiscal year basis. Vacation leave shall be accrued monthly but not taken until after completing six month probationary employment. Vacation leave shall be earned if the employee is compensated for sixteen (16) or more full workdays in that month. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) weeks, but vacations for a lesser period may be permitted by the Town Manager. Each employee is required to take at least two (2) weeks of the employee's vacation annually unless otherwise provided for by the Town Manager. At least one (1) week of the two (2) weeks must be taken as a block, e.g., four (4) consecutive working days. No employee shall earn vacation leave for overtime hours worked. No employee shall be permitted to waive leave for the purpose of receiving double pay.

7.2.3. An employee may carry up to one hundred-twenty (120) hours of vacation time to September 30 of the fiscal year without Town Manager approval. Only under extenuating circumstances shall the Town Manager approve carrying over vacation time into the next fiscal year in excess of one hundred-twenty (120) hours.

7.3. **SICK LEAVE** Sick leave will be granted regular full time employees for personal illness or physical incapacity, including pregnancy, of such a degree as to render the employee unable to perform the duties of the assigned position. Sick leave is earned at the rate of eight (8) hours for each full calendar month. Sick leave shall be earned if the employee is compensated for sixteen (16) or more full workdays in that month. Full time employees shall be eligible to use sick leave after thirty (30) days of consecutive service with the Town. Sick leave may be accumulated up to nine hundred sixty (960) hours.

7.3.1. 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 of the month. An employee must notify the employee's Department Head or the Town Manager at least twenty-four (24) hours in advance of a planned sick leave for medical purposes or as ordered by a physician. Sick leave shall not be used as vacation time, but vacation time may be used as sick leave if desired by the employee.

7.3.2. An employee may use up to forty (40) hours of sick leave per year to care for a member of the employee's immediate family (son, daughter, husband, wife, parent, domestic partner, niece, nephew, or grandchild). An employee may use up to twenty-four (24) hours of sick leave per year for personal reasons. The Town Manager may require a certificate from a qualified physician certifying the condition of the employee and to justify the continued absence from employment. The Town Manager may also require a certificate from a physician certifying that the employee is fit to return to work and/or certifying reasons for illness.

7.3.3. Misuse of sick leave shall be cause for disciplinary action. Failure to report absences within the required period of time shall be justification for disallowing sick leave for that day.

7.3.4. An employee may not exceed their normal gross weekly wage by using a combination of sick time and the income protection benefit.

7.3.5 Employees with ten or more years' service shall be entitled to a payout of 50% of accrued sick time upon separation from employment in good standing.

7.4 **EARNED PAID LEAVE** Any employee who works more than 120 hours in a calendar year, other than seasonal workers during the seasonal period and certain exempt election workers or call firefighters, will accrue one hour of paid leave for every 40 hours they work. An employee can earn up to 40 hours of paid leave annually. Employees will begin accruing earned paid leave at

the start of employment and are eligible to use the accrued paid leave after 7 days of employment. Employees are required to provide reasonable notice of the intent to take leave, absent an emergency or other sudden necessity. The use of leave must be scheduled with the department head to prevent undue hardship on the town, and may be denied if it would inhibit the ability of the Town to safely maintain adequate levels of staffing to provide services necessary to the Town. Leave under this section may be used for any reason, provided that adequate notice is given, and must be used in minimum increments of one hour. During the paid leave, an employee must be paid the same base rate of pay earned prior to taking leave and receive the same benefits as provided to other types of paid leave pursuant to the town's established policies. The taking of paid leave may not result in the loss of any accrued employee benefits. Unused paid leave under this section will roll over and be available to the employee in their next year of employment. However, the maximum amount of paid leave available to the employee under this section cannot exceed 40 hours in one calendar year. Accrued but unused earned paid leave under this section will not be paid out upon separation from employment.

7.5. BEREAVEMENT LEAVE Special leave with pay shall be granted to regular full time employees for up to twenty-eight and one-half (28.5) hours for absence caused by the death of a member of the immediate family. Immediate family includes parents, spouse, domestic partner, brothers, sisters, children, niece, nephew, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law or any other family member living in the household of the employee. The employee shall be paid the employee's regular rate of pay for the scheduled hours of work missed.

7.6. RESERVE SERVICE Regular full time employees who are members of the organized military reserves and who are required to perform field duty will be granted reserve service leave in addition to vacation leave but not to exceed ten (10) working days in any calendar year. For any such period of reserve services leave, excluding weekend duty, the Town will pay the employee the balance between service pay and allowances and the employee's regular daily compensation. The total amount paid must equal the regular pay of the employee had the employee been in the service of the Town during the period of service. The employee on reserve service leave shall furnish the employee's Department Head an official statement by military authorities giving the employee's rank, pay and allowances. In any instance of such military training when the total pay received is equal to, or exceeds, that which would be earned by the employee in service to the Town, such leave shall be without pay. In all cases the employee must submit documentation of remuneration received by the military as a condition of town compensation.

7.7. JURY DUTY An employee shall notify the Town Manager as soon as possible when an employee is to serve as a juror. The employee will continue to be paid the employee's regular weekly wages during the term of service on the jury. Upon receipt of juror's pay the juror will present an official statement of pay received. The employee shall remit to the Town that portion of juror's pay that would represent the wages paid to the employee for the period served as juror. An employee excused by the court for any reason shall be required to return to work promptly thereafter except when arrangements have been made for replacements for a given work period. Time paid for jury duty shall not be counted for purposes of overtime compensation. This provision shall apply only to regular full time employees who have successfully completed the probation period.

7.8. FAMILY MEDICAL LEAVE Employees are entitled to Federal Family Medical Leave Act (FMLA) leave of up to twelve (12) work weeks in any year. To be eligible for FMLA leave, the employee must have worked for the Town for at least 12 months, and for at least 1,250 hours during the year (12 months) immediately preceding the FMLA leave. A serious illness that is eligible for family leave is one that means an illness, injury, impairment, or physical condition that

involves any period of incapacity or treatment in connection or consequent to inpatient stay in a hospital, hospice, or residential care facility; any period of incapacity requiring absence from work, school or other regular daily activities of more than three calendar days that involves continuing treatment by or under the supervision of a healthcare provider; or long-term health condition that is incurable or so serious, if not treated, would likely result in a period of incapacity of more than three calendar days.

7.8.1. To be eligible for a family medical leave the employee must give at least thirty (30) days' notice of the intended date upon which family medical leave will commence and terminate unless the employee is prevented from giving notice because of medical emergency in which case the Town Manager may require certification from a physician.

7.8.2. The Town may require certification from a physician to verify the amount of leave requested by the employee.

7.8.3. Family medical leave is without pay, except as outlined in Section 7.7.4 below. If the employee is eligible for group medical, dental, life insurance and disability benefits before beginning the unpaid leave, the employee may maintain these insurances at the employee's own expense if eligible under the then existing insurance policies. The Town will maintain the employee's health coverage under any group health plan on the same terms as if the employee had continued to work, however the Town is not required to pay the cost of the employee's health insurance premium.

7.8.4. The employee shall use all forms of accrued paid leave such as vacation, sick, or earned paid leave and compensatory time leave to cover absence related to family medical leave prior to taking any unpaid qualifying family medical leave. However, the total amount of family medical leave may not exceed twelve (12) weeks. All unpaid family medical leave is reduced by any other Town paid or unpaid benefits which apply to the above situations or circumstances.

7.8.5. Upon returning from family medical leave an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave. The employee benefits and pay will be the same as existed immediately prior to the commencement of the leave unless conditions unrelated to the employee's family medical leave prevents the restoration to the same or equivalent position.

7.8.6. An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. An employee failing to return to town service upon the expiration of the granted medical leave shall be deemed to have resigned from town employment service. The employee's termination date will be the last day the employee was entitled to group coverage. An employee who does not return to work following family medical leave is not eligible for any pay-out of accrued time otherwise permitted under this policy, unless the employee is medically unable to return to work

7.8.7 Employees who do not qualify for leave under the federal Family and Medical Leave Act may be eligible for leave under Maine's family medical leave law, which provides up to 10 weeks of unpaid leave in a 2-year period to eligible employees for the same qualifying reasons outlined in the federal FMLA, as well as the following additional reasons: to care for the employee's domestic partner, domestic partner's child, or sibling with joint living or financial arrangements who has a serious health condition or for incapacity due to the employee's donation of an organ for transplant.

7.8.8 The Town qualifies as an employer under both the Maine family medical leave law and the federal FMLA. Where there are conflicting provisions between the state and federal laws, the more generous provision may be applied, provided that the employee is otherwise covered under that

law. However, the provisions of state and federal laws may not be combined. Family medical leave taken under one law will run concurrently with and be counted against eligible leave under the other law.

7.9. LEAVE OF ABSENCE WITHOUT PAY A regular full time or a regular part time employee may be granted a leave of absence without pay or employee benefits by the Town Manager upon recommendation of the respective Department Head. Such request shall be made in writing to the Town Manager.

7.9.1. Leave without pay shall not exceed four hundred-eighty (480) hours in length and shall be granted only when it appears that the best interests of the Town shall be served. Vacation and sick leave credits shall not be earned during a leave of absence nor shall any other employee benefits be accrued. Continued absences without having arranged for an extension of leave shall be deemed a resignation from town employment. In no event shall an employee be allowed to use all sick time, vacation leave, family medical leave and a leave of absence consecutively. An unpaid leave of absence will not be granted to an employee who has been granted any leave without pay during any two year period.

7.9.2. Employees may choose to continue insurance benefits for the duration of the leave by assuming the employer contribution.

7.9.3. In special instances a leave of absence without pay and full benefits may be granted to a regular full time employee for not more than eighty (80) hours in the event vacation leave is unavailable. Such leave shall be at the sole discretion of the Town Manager.

7.10. LEAVE OF ABSENCE WITH PAY The Town Manager may permit a leave of absence with pay to any employee for the following purposes:

To attend in-service training schools, and

To attend sessions, meetings, conferences, and convention(s) that apply to the employee's job category.

7.11. WORK-RELATED INJURY LEAVE The Town of Standish provides workers' compensation insurance for all employees. This benefit is governed by State law in accordance with the Maine Workers' Compensation Act, as may be amended, and administered by the Maine Workers' Compensation Board.

7.11.1. All injuries sustained in the course of regular town work shall be immediately reported to the employee's supervisor or Department Head, and the employee must complete and submit a First Report of Occupational Injury stating the name and address of the injured employee and the time, place, cause and nature of the injury. In no event shall the report of injury or illness be later than 60 days after the date of injury or illness occurring after January 1, 2020.

7.11.2 In the event of a serious injury that requires immediate medical attention, the employee should go to the nearest hospital or emergency room for treatment. In all other circumstances, the Town shall select an occupational health care provider to treat the employee upon receiving notice of a work-related injury and the Town Manager or the employee's supervisor may schedule an appointment for the evaluation and treatment of the employee with the Town's designated occupational health care provider(s). The employee may elect to be seen by their own physician after ten (10) days from the initial treatment by the Town's designated occupational health care provider(s), however the Town is not responsible for payment of such services unless the employee has first notified the Town in writing of their intention to be treated by another health care provider and the Town has not objected to the same. The employee shall provide the Town with a complete copy of any medical reports or statements relating to the treatment or

examination under this section within seven (7) days of such treatment.

ARTICLE VIII – HOLIDAYS

8.1. **HOLIDAYS OBSERVED** The following days shall be recognized and observed as paid holidays for regular full time employees when holidays fall on normal working days except when they fall on Friday, Saturday or Sunday. In such cases they will be observed on the last day of the work week or on the first day of the following week. Holidays listed below shall be observed for a 9.50 -hour period except Christmas Eve which is a 4.50-hour period. Holidays shall be observed on the same day as observed by the State of Maine.

New Year's Day**	Indigenous Peoples' Day
Martin Luther King Day	Veterans' Day
Presidents' Day	Thanksgiving Day**
Patriots' Day	Day After Thanksgiving
Memorial Day**	1/2 day Christmas Eve
Independence Day**	Christmas Day**
Labor Day**	Juneteenth

**Indicates Premium Holidays

8.1.1. Whenever required by the Town that a regular full time public works department, transfer station or public safety employee works on a non-premium holiday, the employee shall be paid 9.50 hours of holiday pay plus double time for the first 9.50 hours worked; and on premium holidays, the employee shall be paid holiday pay of 9.50 hours plus double time for all hours worked. No other employees are eligible for double time pay on holidays.

8.1.2 A person on a leave of absence without pay or family medical leave shall not be entitled to holiday pay.

8.1.3 Holidays which fall on non-work days will be observed on the last day of the work week or the first day of the following work week with the exception of the Transfer Station. Holiday closing days for the Transfer Station remain Thanksgiving, Christmas, New Year's, Labor Day and the Fourth of July

ARTICLE IX -- INSURANCE AND OTHER EMPLOYEE BENEFITS

9.1. **SOCIAL SECURITY** The Town participates jointly with employees in Social Security payments.

9.2. **HEALTH AND DENTAL INSURANCE** Regular full time employees working thirty-eight (38) hours per week, or as otherwise specified, are eligible to participate in the health and dental insurance package as provided for by the Town of Standish. The Town will pay 100% of premiums for health insurance and 75% of premiums for dental insurance for coverage of each regular full time employee or other employees as contractually obligated. Town financed coverage shall be limited to these insurance plans. Participants may purchase supplemental or dependent

coverage through these plans at their own expense with 50% paid by the employee and 50% paid by the Town. Insurance will begin at the first of the next month after completing thirty (30) days of employment. Regular employees who work thirty (30) to thirty-eight (38) hours per week will have access to prorated benefits.

9.3. WORKERS COMPENSATION The Town provides Workers' Compensation Insurance that provides income and other benefits covering occupationally incurred disabilities for all town employees.

9.4. INCOME PROTECTION PLAN The Town provides income protection benefits to regular full time employees who are unable to work due to a non-job related injury or illness. An employee may not exceed their normal gross weekly wage by using a combination of sick time and the income protection benefit.

9.5. RETIREMENT BENEFITS The Town shall contribute on behalf of each full time employee an amount equal to 6% of each full time employee's gross wage for a given pay period toward a selected 401(A) plan, provided that the employee contributes at least 2% each pay period. This payment shall be made through a mandatory payroll deduction after one year of service. Employees may elect to contribute additional amounts of wages to the plan without town participation. Vesting is 100% after the first five (5) years of employment. Full time employees may contribute voluntarily to the 457 Deferred Compensation Plan subject to IRS regulations.

MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (MEPERS) An employee who is or would be covered by the United States Social Security Act as a result of employment by the Town may elect to be a member in the Maine Public Employees Retirement System (MEPERS). Employees must elect to be a member of the program at the time of initial hire or on the date first eligible to participate. Once an election is made, it is irrevocable with respect to all subsequent employment with the Town. An employee is only entitled to the ICMA 401(a) employer match of 6% or the Employer match calculated by MEPERS each year. The payment to MEPERS shall be made through a mandatory payroll deduction.

9.6 TERM LIFE INSURANCE Term life insurance will be available to employees at their expense through a vendor selected by the Town of Standish.

ARTICLE X -- TRAVEL AND MEETING REIMBURSEMENT

10.1. MILEAGE Regular employees who utilize their private vehicles in the performance of their duties shall be reimbursed at the IRS reimbursement rate upon submission of a mileage reimbursement form. Authorization for personal car use shall be at the discretion of the Town Manager.

10.2. EMPLOYMENT RELATED EXPENSES Any regular employee who has been authorized by the Town Manager, upon recommendation of the respective Department Head, to participate in an in-state or out-of-state conference, official meeting, training program, examination and institute directly related to the employee's work shall be reimbursed for reasonable expenses incurred in connection with such participation including fees, mileage, tolls, meals and room upon submission of proper documentation to the Town Manager. The request for approval must be submitted in writing in advance of the use for which reimbursement is sought.

10.2.1. In instances where the employee shall submit to the Town Manager a written estimate of all costs related to attendance at an approved function the employee may receive a travel advance

or otherwise will be reimbursed afterwards.

10.2.2. When two or more persons travel together on official authorized trips, mileage costs shall be paid to one employee based upon total mileage involved.

10.3. **TRAVEL AND MEETING REIMBURSEMENT PROCEDURE** Request for reimbursement for expenses shall be submitted on a standard expense form submitted to the Manager. Department Heads shall sign the form for subordinate personnel. All request forms shall be reviewed and signed by the Town Manager prior to payment. Receipts for lodging, meals, registrations, toll cards and gasoline, if appropriate, shall accompany the expense request form. There shall be no reimbursement for liquor or entertainment.

ARTICLE XI -- EVALUATION OF PERFORMANCE

11.1. **EVALUATION PROCEDURES** Employee performance will be evaluated on an annual basis by the appropriate supervisor in a format and procedure prescribed by the Town Manager. The evaluation must be completed and submitted to the Town Manager by December 31st of each year. Employees shall have an opportunity to review and comment on their performance evaluation with the Department Head and/or appropriate supervisor. The performance of direct Council appointees will be evaluated by the Town Manager and endorsed by the Town Council. The Town Manager's performance will be evaluated by the Council during December of each year.

11.1.1. Any employee receiving an unsatisfactory evaluation may be required to serve a performance improvement period of up to three (3) consecutive months. If a subsequent evaluation at the conclusion of the probationary period should also indicate unsatisfactory performance, the employee may be granted an extension of the performance improvement period, demoted or suspended subject to dismissal as deemed appropriate by the Town Manager. In the event of a statutory officer appointed by the Town Council such action will be by the Town Council.

11.1.2. Any employee appointed to a regular position shall be considered on probationary status for the first six months of employment. During the probationary period the supervisor shall conduct interim performance reviews with the employee each ninety (90) day period after the appointment date with copies of the review given to the employee and the Town Manager.

ARTICLE XII -- DISCIPLINARY ACTIONS

12.1. **DISCIPLINARY ACTION** The function of disciplinary action shall serve to correct an employee so that the employee may become a satisfactory employee. The employee's respective Department Head shall be responsible for initiating and recommending appropriate disciplinary action to the Town Manager. Town Manager approval shall invoke such action. Disciplinary action for inadequate service or conduct shall be taken. Specific service or conduct includes, but is not limited to,

An employee's work habits, production or ability to handle the duties of the position fall below an adequate level of competence,

An employee acts in a manner which tends to lower the morale or impair the discipline of other town employees including the inability to get along with fellow employees so that required levels of work are hindered or not met,

An employee exhibits gross insubordination including deliberate disobedience of a proper and reasonable instruction from the employee's supervisor or the use of offensive conduct or language,

An employee misuses, steals, destroys, abuses, or converts for personal use the property of the

Town or other employees of the Town,

An employee is absent without authorization,

An employee gives false statements to employee's supervisor, the public or when an employee knowingly falsifies public records,

An employee seeks or accepts gifts and/or gratuities for the performance of the employee's regular duties and responsibilities,

An employee exerts political influence or unethical pressure in securing promotion, reclassification, leave of absence, increased pay and/or other favors including the use or attempt to use one's authority or official influence to control or modify the political action of any person in the service or engaging in any form of political activity during working hours,

An employee willfully violates any policy and/or procedures prescribed in this Policy,

An employee is convicted of a felonious crime or loss of a driver's license if the employee is required to have one, and

An employee abuses work break and/or sick leave privileges.

12.2. PROGRESSIVE DISCIPLINE One or more disciplinary actions shall be taken depending upon the nature, severity and frequency of the problems. These actions do not necessarily need to be followed in order. It is normally appropriate for Department Heads to take disciplinary action to the level of a verbal or written warning. The Town Manager will not be involved in disciplinary action, unless and until such discipline is the subject of a grievance pursuant to Article XIII, except that the Town Manager shall be responsible for disciplinary decisions related to Department Heads. Disciplinary actions are:

Verbal warning. The employee shall be counseled as to the unsatisfactory areas of the employee's work and shall be told how the employee can improve,

Written warning. The written reprimand shall be filed in the employee's personnel file a copy of which shall be given to the employee and signed by both the supervisor and employee. Further problems will result in suspension or demotion,

Suspension or demotion. Such notice shall specify the action taken and the reason therefore. The employee and the employee's supervisor shall sign the notice. A copy of the notice will be filed in the employee's personnel file, and

Dismissal. An employee may be dismissed when in the judgment of the Town Manager the employee's work or misconduct so warrants. Notice of such action shall be given to the affected employee specifying the action taken and the reason therefore. Such notice will be filed in the employee's personnel file and shall be signed by the employee, supervisor and Town Manager.

ARTICLE XIII – GRIEVANCE

13.1. GRIEVANCE Any regular employee of the Town of Standish who has completed the probationary period shall have the right to file a grievance regarding all personnel actions which the employee may deem unjustifiable or unnecessarily adverse in effect which are included in this Personnel Policy, including disciplinary decisions. However, employees are required to go through the proper channels as set forth in this Article.

13.2. DEFINITIONS

13.2.1. Grievance - A grievance for purposes of this Policy shall be defined as any controversy, complaint, misunderstanding or dispute arising between an employee and management as to the

meaning and application of the specific terms of this written Personnel Policy.

13.2.2. **Days** - Days shall mean calendar days exclusive of Saturdays, Sundays and legal holidays.

13.3. PROCEDURE

13.3.1. An attempt should be made for an oral agreement between the employee and the employee's supervisor or Department Head.

13.3.2. An employee has ten (10) days to reach an oral agreement. If an agreement is not reached during the ten (10) day period, the aggrieved employee must within ten (10) working days file a written complaint to the supervisor or Department Head. It shall be the responsibility of the Department Head or supervisor to hear the employee's complaint, to take appropriate action and to file a written response with a copy to the Town Manager within ten (10) working days of the receipt of the grievance.

13.3.3. When an aggrieved employee is dissatisfied with the written response of the appropriate supervisor or Department Head, the employee may present the grievance in writing to the Town Manager within five (5) days after the employee received the response from the supervisor or Department Head. The Town Manager shall then determine the appropriate action. The decision of the Town Manager shall be transmitted in writing to the employee within ten (10) working days. Copies of the decision will be forwarded to the employee's supervisor or Department Head and filed in the employee's personnel file. Such decision by the Town Manager shall be final and binding on all parties.

13.3.4. If a grievance is not filed or appealed to the next higher level within the time limits so specified, such grievance shall be considered settled and any further appeal will be denied. All grievances shall be filed and appealed within the time limit set forth, or they shall be deemed waived. It is understood that the presentation and discussion of grievances shall take place during non-working time.

13.3.5. Excluded for consideration of grievance are those matters pertaining to hiring and promotion of personnel and compensation adjustments except that regular employees may appeal performance evaluations.

13.3.6. This grievance procedure does not apply to the Town Manager whose recourse is directly to Town Council. Similarly, direct Council appointees and Department Heads have the right to a grievance appeal to the Town Council.

ARTICLE XIV – PROMOTIONS

14.1. **PROMOTIONS** Promotions as used in this Article mean the advancement of an employee to a higher paying classification.

14.1.1. The responsibility of management is to assure the efficient operation of town government. In all cases of promotion the following factors shall be considered:

Ability to perform functions and duties of the position,

Past performance, and

Length of service.

NOTE: When ability to perform and past performance are relatively equal, the length of service shall be the determining factor.

14.2. **METHODS OF PROMOTION** Promotions to fill vacancies in positions of greater responsibility shall be made on the basis of merit, past work performance, seniority, achievements

in any in-service training programs, initiative and any other relevant considerations. If an examination is required to select a candidate for promotion, the examination material shall be determined by the Town Manager, and the candidates shall be given proper notice of the examination. Whenever practical or consistent with the best interests of the Town, preference for promotion within any department shall be given to an employee of the department and/or other qualified town employee. The Town Manager may, however, open any promotion to any qualified applicants.

ARTICLE XV -- MISCELLANEOUS PROVISIONS

15.1. ANTI- NEPOTISM No more than one member of an immediate family shall be employed as a regular full time or regular part time employee in a department where one may have decision authority over the other in matters of compensation, work schedule or other conditions of employment.

15.1.1. Such relatives to be enjoined from such employment or transfer shall be regarded as parents, spouse, brother, sister, child, stepchild, grandparent, mother-in-law, father-in-law and domestic partner.

15.2. OUTSIDE EMPLOYMENT Town employees may engage in outside employment. Regular full time town employees may not engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their supervisor of outside employment. If the Town Manager, Department Head or supervisor determines that such outside employment is disadvantageous to the Town or hinders the employee in the impartial or efficient performance with the employee's duties, the Town Manager, Department Head or supervisor shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be subject to performing their regular duties first.

15.2.1. The Town shall in no way be liable for, nor grant, sick leave or disability in cases where an employee is injured, contracts an occupational illness or develops occupational disability while engaged in outside employment. No employee shall fail to appear for a mandatory work assignment or shift due to conflicting outside employment or business commitment.

15.3. POLITICAL ACTIVITY All employees shall refrain from seeking or accepting nomination or election to any office in the town government or using their influence publicly in any way for or against any issue, referendum or candidate for elective office in the town government. All employees while on duty shall not circulate petitions or literature for any elective state, local federal office and shall not be in any way (e.g., orally or by letter) involved with soliciting or receiving any assessments, subscriptions, contributions, or political service from any person for any political purpose. This rule is not to be construed to prevent town employees from joining or continuing to be members of any political organizations, attending political meetings, expressing their views of political matters or from voting with complete freedom in any local, state or national election.

15.4. CONFLICT OF INTEREST Employees are prohibited from soliciting or accepting any gift, gratuity, favor, installment loan or other form of remuneration from any person or organization within or outside Standish town government employment whose interests may be affected by the employee's performance or nonperformance of official duties. No employee of the Town shall have any financial interest in, or profit from, any contract, purchase, sale or work performed by

the Town.

15.5. OUTSIDE COMPENSATION Employees receiving payment for services from non town sources rendered during the employee's normal work day, and for which work day town compensation was given, shall turn the entire amount of that compensation over to the Treasurer, Town of Standish. This provision does not apply to activities outside the working day or during periods of vacation.

15.6. SMOKING POLICY In accordance with the provisions of the Workplace Smoking Act of 1985 the Town of Standish has adopted a smoking policy. Pursuant to this Act smoking shall be prohibited within any municipal building. The entire campus of the Municipal Center at 175 Northeast Road is a smoke free area except for a designated smoking area immediately outside of the personnel access door to the east side of the vehicle bays.

15.7. HARASSMENT All employees shall be able to work in an environment free from all forms of harassment. Derogatory or vulgar comments regarding a person's age, sex, race, national origin, religion, physical appearance or mental capacity, or the distribution of written or graphic materials that have such an effect are prohibited. This Policy applies not only to supervisor-subordinate actions but also to actions between co-workers. Any employee who believes he or she has been subject to such harassment should report the conduct to their supervisor, Department Head or the Town Manager. Any complaints of harassment will be investigated promptly. Any employee who is found, after appropriate investigation, to have engaged in any such harassment will be subject to discipline appropriate under the circumstances up to and including termination. The Town of Standish does not tolerate any discrimination or retaliation against any employee who makes a report of harassment.

15.8. SEXUAL HARASSMENT Sexual harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct that creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform the person's job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

Specific conduct which is prohibited includes, but is not limited to:

Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment,

Unwelcome sexual flirtations, advances or propositions,

Verbal or written abuse of a sexual nature,

Graphic verbal comments about an individual's body,

Sexual degrading words used to describe an individual, and

Display in the workplace of sexually suggestive objects or pictures.

15.8.1. Any employee who believes the employee has been the subject of sexual harassment should report the alleged conduct to the employee's Department Head or the Town Manager. All allegations will be promptly investigated in as confidential manner as possible and appropriate corrective action taken if warranted.

15.8.2. Any employee found to be sexually harassing other employees will be subject to discipline under the circumstances up to and including discharge.

15.8.3. The Town of Standish will provide training to all new employees on sexual harassment

before their first anniversary of employment. In addition new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints. Each employee will certify their understanding of this section through endorsement of the statement contained in Attachment 3 hereto.

15.9. **TOWN PROPERTY** Employees must not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

15.10. **CONFIDENTIALITY** During the course of their duties employees of the Town of Standish often are privy to information about individuals which is sensitive and should be kept confidential. Examples include, but are not limited to, labor relations or personnel actions. Employees are expected to respect the confidential nature of such information.

15.11. **TRAINING AND EDUCATION** Both the Town and its employee's profit from the provisions of educational training opportunities reasonably related to the employees position for which provision has been made in the budget. It shall be the responsibility of the Town Manager to provide town employees reasonable opportunities for such in-service training and attendance at schools or conferences which will improve quality of performance and bring about more efficient and effective operations within Standish.

15.12. **RESIGNATION** An employee may resign from town service in "good standing." "Good standing" shall mean submission of a written notice fourteen (14) calendar days in advance of the last day of work. In the case of the Town Manager at least thirty (30) calendar days shall be required. The effective date of the employee's termination with the Town is considered the last day actually worked. Upon separation the Town shall pay all wages owed as well as earned vacation time due the employee, if any, on the next regular pay day.

15.13. **WAGES IN LIEU OF NOTICE** Full time employees subject to appointment by the Council and the Manager shall be notified by the applicable appointing authority at least six (6) weeks prior to the reappointment date if the appointing authority does not intend to appoint the employee. Absent such notice the employee shall receive up to six (6) weeks "wages in lieu of notice" prorated from the date of written notice by the appointing authority.

15.14. **SAFETY** All accidents to personnel no matter how minor during the work schedule must be reported immediately to the supervisor, Department Head or the Town Manager, and the employee must complete and submit a First Report of Occupational Injury. All employees suffering a work related accident will report such accident as soon as possible to their immediate supervisor who shall make a determination whether a doctor's examination shall be required. If so, such examination shall be at the Town's expense. Time lost because of accidents incurred while on duty will not be deducted for any reasons when computing the length of service.

15.15. **PERSONAL USE OF TOWN VEHICLES BY TOWN EMPLOYEES** The Town recognizes that certain employees are required to be "on-call" during off-duty hours. This policy is intended to assure that these employees are able to have the vehicles at their disposal necessary to fulfill the duties of their positions while at the same time ensuring only those uses authorized by the Town are permitted. Except as stated in this policy, the use of Town vehicles while off duty is strictly prohibited.

15.15.1 **FIRE/EMS AND LAW ENFORCEMENT** Employees whose positions require that they be available during off-duty hours to respond to emergency calls, may with the prior approval of the Town Manager or the Director of Public Safety, use the Town's marked emergency response vehicles while "on call" during off-duty hours. Marked emergency response vehicles used during off-duty hours shall be used exclusively within the Town's municipal boundaries, except those employees who live outside the Town's municipal boundaries may also use such vehicles to travel

to and from the employee's home and de minimis personal use but for no other use outside the Town's municipal boundaries.

15.15.2. **PUBLIC WORKS** The Public Works Director is authorized to take home a Town vehicle to allow him/her during off-duty hours to respond to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles and de minimis personal use will be treated as personal use and taxed as a taxable fringe benefit. Under IRS commuting guidelines, a \$3.00 per day non-cash taxable fringe benefit amount will be included in the employee's gross income, quarterly, based on the number of workdays for the quarter. Any other personal use of the Town's vehicles during off-duty hours is strictly prohibited.

15.15.3. **OTHER POOL VEHICLES** Except as stated in this policy, Town employees shall not be permitted to use the Town's marked or unmarked vehicles for any other purpose while off-duty.

15.15.4. Smoking is not permitted in any Town owned vehicle.

ARTICLE XVI – SUBSTANCE ABUSE

16.1. The possession, sale, or use of alcohol or drugs on the town's premises is strictly prohibited and is grounds for immediate dismissal. If an employee is in the workplace under the influence of drugs or alcohol, disciplinary action may be taken. Whenever appropriate the Town shall refer employees to appropriate agencies and organizations to seek treatment.

ARTICLE XVII – CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING

17.1. The Town of Standish is committed to a drug and alcohol free workplace. In order to ensure the safety of its employees and the general public, as well as to comply with the Federal Motor Carrier Safety Administration Regulation, Part 382, and other pertinent federal laws, the Town has adopted a controlled substance and alcohol use and testing policy for all employees who require a Commercial Driver's License (CDL), and has elected to expand that policy to its public safety employees, as detailed in Attachment 1 hereto. All employees who are required to possess and maintain a CDL as a condition of employment and all public safety employees must read and adhere to the Controlled Substance and Alcohol Use and Testing Policy in Attachment 1.

ARTICLE XVIII - WHISTLEBLOWER PROTECTION

18.1. **WHISTLEBLOWER PROTECTION** In accordance with the Whistleblower's Protection Act, the Town will not discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of the employment because:

The employee, acting in good faith, reports to the Town what the employee has reasonable cause to believe is a violation of a law or rule of the State of Maine, a political subdivision of the State or the United States,

The employee, acting in good faith, reports to the Town what the employee has reasonable cause to believe is a condition or practice that would put at risk the health or safety of that employee or any other individual,

The employee is requested to participate in an investigation, hearing or inquiry held by a public body or court action, and

The employee, acting in good faith, refuses to carry out a directive that would expose the employee to a condition that would result in serious injury or death after having sought and been unable to obtain a correction of the dangerous condition.

18.2 The employee must first bring the alleged violation to the attention of the employee's supervisor, Department Head or the Town Manager. The employee must allow the Town a

reasonable opportunity to correct that violation unless the employee has specific reason to believe that reports to the Town will not result in a prompt correction of the violation, condition or practice.

ARTICLE XIX -- PUBLIC CONDUCT OF EMPLOYEES

19.1. Employees are prohibited from engaging in any conduct which would reflect unfavorably upon the Town or disrupt the efficient operation of the administration of town affairs.

19.2. 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(s) or losing complete impartiality in conducting town business.

19.3. All employees are expected and required to treat the public with promptness, patience, courtesy and respect. Employees are expected to conduct themselves in a manner that will not discredit a department or the Town. This includes, but is not limited to, the use of obscene language, public denouncement of staff, Councilors or other town officials or boisterous language while on duty or in any contact with the public inciting an altercation.

19.4. All employees will protect and safeguard confidential or sensitive information received during their employment. Examples of confidential or sensitive information include employee personnel records, an individual's financial status, background information regarding requests for proposals that has not been released to all bidders, etc. This policy does not prevent the release of information that is required by state or federal law.

ARTICLE XX -- EMPLOYEE RECOGNITION AND APPRECIATION PROGRAM

20.1. This program is intended to provide a productive work environment conducive to optimal performance by all town employees. Through the use of one or more incentive programs it is hoped that employees will communicate ideas and improve performance in a manner that increases the efficiency of town government with an emphasis on top quality customer service.

20.2. As a form of appreciation there shall be an annual party held each year for town employees and their guests.

20.3. Funding for these activities shall be provided through a line in the General Administration budget known as "Employee/Volunteer Recognition".

ARTICLE XXI -- COMMUNICATION SYSTEMS

21.1. **POLICY** The Town of Standish has adopted a Computer System, Internet Use and Social Media Policy, which shall be incorporated by reference into this policy manual.

21.2. **ACCEPTANCE** The Town of Standish requires each employee upon employment to certify their understanding of the Town's Computer System, Internet Use and Social Media Policy through an endorsement of the statement contained in Attachment 2 hereto before electronic systems are made available to them.

ARTICLE XXII -- SEVERABILITY

22.1. In the event that a Court finds that any provision of this Policy is void or unenforceable the

remaining provisions shall continue in full force and effect.

ATTACHMENT 1 CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING

A.1. **PURPOSE** The Town of Standish is committed to a drug and alcohol free workplace to ensure the safety of its employees and the general public as well as to comply with the Federal Motor Carrier Safety Administration Regulation, Part 382, and other pertinent federal laws. The Town takes pride in its employees who perform critical duties in a truly effective manner with safety foremost in their minds.

A.2. **PROGRAM ADMINISTRATOR** The Town Manager is designated by the Town as the Alcohol / Drug Testing Program Administrator. The Program Administrator is responsible for answering questions from drivers, employees or the public in general. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may provide such information as necessary to enable the appropriate supervisor to take the appropriate action to ensure compliance with this program. In addition to the Administrator's duties under this program the Program Administrator is also responsible for compliance with the Program Administrator Guidelines.

A.3. **SCOPE OF PROGRAM** This program applies to all regular full time, regular part time, seasonal, on-call and temporary employees who are required to hold a Commercial Driver's License (CDL) for their position and to all regular full time and regular part time public safety personnel. All applicants for employment positions requiring a CDL or for employment positions within a public safety department are required to pass a drug test as a prerequisite of employment prior to final hiring. Any applicant who fails a drug test shall not be hired but may reapply for employment in the future.

A.3.1. All covered employees shall receive a copy of this program as well as educational materials on alcohol and substance abuse.

A.4. **COMPLIANCE WITH REGULATIONS** All covered employees subject to alcohol and drug testing must be in compliance with this program at all times while working for the Town. This includes all time spent operating commercial vehicles as well as time spent maintaining or repairing those vehicles.

A.5. **NOTE REGARDING INDEPENDENT CONTRACTORS** Independent contractors and/or their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR, Part 382, and are responsible for compliance with that and related laws. The Town will not provide, or pay, for tests, evaluation or rehabilitation for independent contractors or their employees. The Town shall make compliance with the law a condition of every contract which requires a CDL driver.

A.6. **SUBSTANCE ABUSE SCREENING** When drug and alcohol screening is required by this program, a breath and/or urine test will be given to detect the following:

- a. Alcohol,
- b. Marijuana,

- c. Cocaine,
- d. Amphetamines,
- e. Phencyclidine (PCP), and
- f. Opiates.

A.7. **PRESCRIPTION DRUG USE** Employees covered by this program may use prescription drugs and "over the counter" medications provided that:

- a. An authorized medical practitioner has prescribed the drugs or their generic equivalents to the employee within the past twelve (12) months, and
- b. The employee does not consume prescribed drugs more often than as prescribed by the employee's physician.

A.7.1. Any employee who has been informed that the medication could cause adverse side effects while working shall inform the employees' supervisor prior to using these substances.

A.7.2. The Town at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Town may notify the employee's doctor (with employee's permission) to determine if other medications are available which would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town may limit or suspend the employee's work activities to non-safety sensitive duties.

A.8. **TESTS REQUIRED** All employees subject to this program shall be tested for alcohol and/or controlled substances in the following circumstances:

- a. **Pre-employment drug tests** will be conducted when an offer is made to hire an employee for a CDL position or a public safety position. The offer for employment is contingent on the applicant passing these tests. This includes existing employees who are applying for CDL or public safety positions,

- b. **Random:** Drug and alcohol tests will be conducted on a random, unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required and public safety positions while the number of annual alcohol tests shall equal 25% of the CDL required and public safety positions. The Town has entered into an agreement with a third party administrator (TPA) to randomly select the CDL and public safety employees for testing who then notifies the Program Administrator of the person or persons chosen,

- c. **Post-accident:** As soon as is practicable after an accident the employee shall be tested for alcohol and drugs if,

- 1) The accident involved the **loss of human life**, or
- 2) The employee received a **citation for a moving traffic violation** arising from the accident,

- d. **Reasonable suspicion:** All employees who exhibit to a trained supervisor signs and symptoms of alcohol and/or drug abuse while on the job, prior to reporting to work or just after work will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form. The supervisor or another employee shall provide transportation to the testing facility,

- e. **Return to duty:** An employee who engaged in conduct prohibited by Section A10 must submit to an alcohol test and drug test to return to duty. The results of a drug test must be

negative to return to duty, and the results of an alcohol test must be less than 0.02 to return to duty, and

f. **Follow-up:** An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.

A.9. **TESTING PROCEDURES** Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of custody document is completed in the presence of the employee, and the specimen is shipped to a laboratory that is certified in accordance with established guidelines.

A.9.1. All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

A.9.2. During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that "over the counter" medications are not reported as positive results.

A.9.3. If the analysis of the primary specimen results in a confirmed positive test, the employee may within seventy two (72) hours request that the split specimen also be tested at a certified laboratory of the employee's choice. The second test is at the employee's expense unless the test result is negative in which case the Town will reimburse the employee.

A.9.4. All test results are reviewed by a Medical Review Officer (MRO) prior to results being reported to the Town. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results such as "over the counter" or prescription medication. If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative. If the MRO is unable to contact the employee, the Town will be contacted and requested to advise the employee to contact the MRO. Urine samples shall be provided in a private test room, stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

A.9.5. An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness of the same gender and not be required to disrobe and wear a hospital gown.

A.9.6. Alcohol testing will be conducted using an evidential breath testing (EBT) device. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of EBT and alcohol testing procedures. Under certain circumstances post-accident tests conducted by law enforcement personnel or medical personnel will be acceptable.

A.9.7. Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentrations is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmation test of 0.02 or greater is considered a positive result.

A.10. **PROHIBITED CONDUCT** covered employees shall not:

- a. Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater,
- b. Possess any alcohol while on duty,
- c. Use any alcohol while on duty,
- d. Use any alcohol within four (4) hours before going on duty,
- e. Use any alcohol within eight (8) hours after an accident for which the employee must be tested for alcohol concentration,
- f. Refuse to submit to the following alcohol and/or controlled substance tests: random test, reasonable suspicion test, post-accident test or follow-up test,
- g. Report to or remain on duty when using any controlled substance except when used under a physician's orders and when the physician has informed the employee in writing that the use will not affect the safe operations of a commercial vehicle. In the case of a written warning by the physician, the employee shall report this to the employee's supervisor immediately, or
- h. Report to or remain on duty if the employee tests positive for controlled substances.

A.11. **COMPLIANCE** Failure to comply with the rules in A.10. is a violation of this program and may result in disciplinary action and shall result in referral to a substance abuse professional.

A.12. **REFUSE TO TEST** An employee's failure to submit to testing may result in disciplinary action up to and including dismissal and is also grounds for referral to a substance abuse professional. Failure to submit to a test by an applicant will result in denial of employment. Specifically, the following circumstances may be considered a refusal to test:

- a. Failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test,
- b. Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined to be unable to do so, or
- c. Engages in conduct that clearly obstructs or delays the testing process.

A.13. **ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04** Provided that the employee has not violated the Prohibited Conduct Section of this program (A.10.), any employee whose alcohol test results in a concentration of 0.02 or greater, but less than 0.04, shall not be permitted to perform any safety sensitive function for at least twenty four (24) hours following the test. The employee will not be paid for work time lost as a result of this section unless the employee works in another capacity for the Town during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04. Nor will a return to duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.

NOTE: This Section applies only in limited situations. For example, if an employee last consumed alcohol more than four (4) hours before work but still has a blood / alcohol level of .03 when he shows up for work, the employee is not in violation of the Prohibited Conduct Section of this Article but is subject to this Section.

A.14. **NOTICE / CONSENT / CONFIDENTIALITY** Before a drug or alcohol test is administered employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to the Town Manager. The chemical screen consent form shall provide space to indicate current or recent use of prescription and "over the counter" medication.

A.14.1. All recruitment announcements for any covered position, including in-house recruitment and promotion, will disclose that drug screening test will be required of the applicant.

A.14.2. Unless the employee or applicant consents, all information acquired by the Town in the testing process is confidential and shall not be released to any person other than the employee or applicant who is tested, the Town Manager, respective Department Head or designees of employee or applicant.

A.15. **CONSEQUENCES OF VIOLATION OF THIS PROGRAM** Any employee who violates the Prohibited Conduct or Refusal to Test Sections of this program shall be immediately removed from the safety sensitive function and will be advised by the Town of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee will be required to take an evaluation by a substance abuse professional. Evaluation and rehabilitation costs shall be paid by employee's health insurance unless said insurance coverage is not available in which case the employee shall bear the cost. An employee shall not be allowed to return to the safety sensitive function until the employee has a return-to-duty alcohol test result of less than 0.02 or a return to duty drug test with a verified negative result.

A.15.1. Any employee who violates the Prohibited Conduct or Refusal to Test Sections of this Article may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment or dismissal is imposed following a confirmed positive drug test, the employee shall have the opportunity to participate for up to six (6) months in a rehabilitation program. The employee's health insurance coverage shall be utilized for costs associated with the rehabilitation program unless said insurance coverage is not available in which case the employee shall bear the cost. Factors to be considered in determining the appropriate disciplinary response shall include, but are not limited to, the following: employee's work history, length of employment, current job performance and existence of past disciplinary actions. Disciplinary action is imposed by town Policy. It is not required by federal law.

A.15.2. Further grounds for discipline or dismissal under this program include, but are not limited to:

- 1) Refusal to submit to a rehabilitation program after testing positive,
- 2) Failure within six (6) months to successfully complete rehabilitation program after testing positive,
- 3) Evidence that the employee has substituted, adulterated, diluted or otherwise tampered with the employee's urine sample, or
- 4) Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.

A.15.3. During the period the Town is awaiting an employee's test result for a post-accident test, reasonable suspicion test, or return to duty test the Town may transfer the employee to another position with or without a reduction in pay or benefits. The Town also reserves the right to place an employee on unpaid suspension to reduce any possible safety hazard. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be

based on, but is not limited to, who is responsible for and/or the severity of the accident, if applicable the observed condition of the employee, if applicable the employee's work history, length of employment, current job performance and the existence of past disciplinary actions.

A.15.4. Action taken by the Town under this subsection is a matter of town policy, and is not imposed by federal law.

A.16. **EMPLOYEE/APPLICANT RIGHTS AND RESPONSIBILITIES** In the event of a confirmed positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done within seventy two (72) hours after notification of the confirmed result. No further action will be taken if there is a justified explanation or there is reasonable doubt as to accuracy of the result or chain of custody of the sample.

A.16.1. Any employee with a positive test result may upon written request to the Program Administrator have the right to any information relating to the test result and procedures. A job applicant may request information concerning the test result within sixty (60) days after the decision on the applicant's employment application.

A.16.2. Upon successfully completing a rehabilitation program within six (6) months after it commences and upon passing a return to duty drug test, the employee is entitled to return to the employee's previous job with full pay (but not back pay) and accrued benefits unless conditions unrelated to the employee's previous test make the employee's return impossible or inappropriate. The rehabilitation or treatment provider in consultation with the Program Administrator shall determine whether the employee has successfully completed the rehabilitation program. The Town is not required to hold the employee's job open for more than six (6) months after the employee commences a rehabilitation program. The employee may apply accrued vacation and sick leave, if any, against any time period where the employee is unavailable for work due to drug abuse rehabilitation.

A.17. **CONFIDENTIALITY OF INFORMATION** Unless the employee or applicant consents, all information acquired by the Town in connection with the testing processes is confidential. It may not be released to any person other than to the employee or applicant who is tested, the Program Administrator and the rehabilitation provider. The foregoing shall not prevent the release of information that is required by state or federal law or the use of information in any grievance procedure, administrative hearing or lawsuit relating to the imposition of the test or the use of the test results.

A.18. **DOCUMENTS PROVIDED** The Town will provide each person subject to this program a copy of the program. The Town will also provide printed material which describes the effects of alcohol and/or controlled substances on the individual's health, work and personal life as well as information on the signs and symptoms of alcohol or controlled substances and methods of treatment or intervention for drug or alcohol abuse.

ATTACHMENT 2 ACKNOWLEDGEMENT OF COMPUTER SYSTEM, INTERNET USE & SOCIAL MEDIA POLICY

As an employee of the Town of Standish I understand that the confidentiality and protection of the Town’s information is of the utmost importance. I have received, read and understand the Town of Standish’s Computer System, Internet Use & Social Media Policy.

If I receive a password for access to e-mail, the Internet or any other system of electronically stored computer information, I will use it only for authorized purposes. I agree not to use a code, access a file or retrieve any stored communication other than where explicitly authorized unless there has been prior clearance by an authorized representative of the Town of Standish. I will notify my supervisor immediately if I believe that another person may have unauthorized access to my password.

I understand that all information stored in, transmitted or received through the town's computer systems or computer information is the property of the Town of Standish and is to be used only for job-related purposes. I further understand that authorized representatives of the Town may monitor the use of the town's systems of printed or computer information from time to time to ensure that such use is consistent with the town's policies and interests. Further, I am aware that use of a town-provided password or code does not in any way restrict the town’s right or ability to access electronic communications.

I am aware that any violation of the Town of Standish’s Computer System, Internet Use and Social Media Policy may subject me to disciplinary action up to and including discharge from employment.

(Witness) _____

(Name) _____

(Signature) _____

(Date) _____

ATTACHMENT 3 ACKNOWLEDGEMENT OF SEXUAL HARASSMENT POLICY

As an employee of the Town of Standish I understand that all employees should be able to work in an environment free from harassment, and that harassment will not be tolerated in any form. 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.

Sexual harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct that creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform the person's job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

Specific conduct which is prohibited includes, but is not limited to:

Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment,

Unwelcome sexual flirtations, advances or propositions,

Verbal or written abuse of a sexual nature,

Graphic verbal comments about an individual's body,

Sexual degrading words used to describe an individual, and

Display in the workplace of sexually suggestive objects or pictures.

Any employee who believes the employee has been the subject of sexual harassment should report the alleged conduct to the employee's supervisor, Department Head or the Town Manager. All allegations will be promptly investigated in as confidential manner as possible and appropriate corrective action taken if warranted.

Any employee found to be sexually harassing other employees would be subject to discipline including discharge.

I am aware that any violation of the Town of Standish' Sexual Harassment Policy may subject me to disciplinary action up to and including discharge from employment.

(Witness) _____

(Name) _____

(Signature) _____

(Date) _____

ATTACHMENT 4 ACKNOWLEDGEMENT OF PERSONAL USE OF TOWN OWNED VEHICLES

As an employee of the Town of Standish, I understand that personal use of Town owned vehicles is strictly prohibited. All Town vehicles will be used only for Town purposes. An employee authorized under paragraph 15.15. who lives outside the boundaries of the Town of Standish may use the vehicle to travel to and from the employee’s home and de minimis personal use only.

I am aware that any violation of the Town of Standish’s Personal Use of Town Vehicles may subject me to disciplinary action up to and including discharge from employment.

(Witness) _____

(Employee) _____

(Signature) _____

(Date) _____